United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, FRIDAY, MAY 19, 2006 *No. 63*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

May we pray.

O Sovereign Lord, make even our thoughts pleasing to You. Banish bitter thoughts that erect walls between people. Banish proud thoughts that prompt us to become preoccupied with power and prestige. Banish selfish thoughts that keep us from hearing the cries of the marginalized. Banish impure thoughts that would tempt us to dishonor You.

Control the minds of our Senators. Infuse them with the peace that comes from reflecting on Your purposes. Give them pure and loving thoughts that will empower them to serve You by serving others.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we return to the comprehensive immigration bill. We had a very constructive day and evening yesterday. I appreciate everyone's patience and participation in moving the debate along. We worked late last night, up to about 11 o'clock, and we had votes over the course of the day and the night. Because of that, and our agreement for multiple votes on Monday afternoon, we were able to announce no rollcall votes for today.

I do encourage Members to take advantage of the session today if they desire to speak on the immigration legislation, to look over amendments that are likely to be proposed, and to spend time getting ready for those amendments once they reach the floor. Today would be a great opportunity to come to speak on some of those amendments in advance as well.

It is my intention to complete action on the bill next week, and it would expedite the process if Members would use the time productively today and Monday.

BROADCAST DECENCY ENFORCEMENT ACT

Mr. FRIST. I want to comment on a couple of issues and take advantage of the time that we have this morning.

Late last night, in closing, we passed the Broadcast Decency Enforcement Act to address abuses and potential abuses in the broadcast arena and to raise indecency fines by a factor of 10.

We told broadcasters in a loud and direct and unanimous voice—it was a unanimous vote last night: Clean up your act or face the consequences.

When families are watching Sunday night football games, they should not have to brace themselves for a televised striptease. I am, of course, referring to Janet Jackson's infamous ''wardrobe malfunction'' during that 2004 Super Bowl.

While this particular incident represented a new low in broadcasting, unfortunately, as all of us know who do watch television regularly, it was not an isolated incident. Numerous studies have shown that prime-time network programming is growing, has grown, and continues to grow over time increasingly coarse, even during the evening family hour when children are most likely to be watching TV either by themselves or with their other family members or parents.

That Super Bowl stunt was just the latest in the ever-worsening attempts to grab out commercial attention. It is obvious why this tried to appeal to a low, broad, very coarse common denominator—to make people look, and to make people look to increase those commercial ratings and thus end up accumulating more money.

Between the hours of 6 a.m. and 10 p.m, when there is a reasonable chance that children are watching, broadcasters are required to keep television clean. The requirement is there. Families should be able to turn on that television during that period of time and trust the broadcasters to abide by the law. Broadcasters should know that if they cross the line the penalties will be serious. That is why this legislation is so important.

Broadcasting has become such big business that, steadily, the current FCC fines have become a little drop in this sloshing bucket of profits. This bill, the bill we passed late last night, the Broadcast Decency Enforcement Act, will help change all of that. The fact is, airwaves are a limited natural resource that we, in essence, all own.

In return for free access to this limited space, this limited supply, broadcasters are obligated to serve the public's interest. If adults want to watch adult material in the middle of the day, there are plenty of pay stations they can go out and purchase so they can see that material. And late at night, between 10 o'clock and 6 a.m, the FCC rules allow a safe harbor for material adults can handle but kids really should not be seeing. When they know kids are watching on free TV, broadcasters should not be able to shrug their shoulders, to look the other way, to disobey the rules.

I hope to see the decency bill we passed last night become actual law

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and toughen those penalties. I hope TV becomes smarter, becomes more engaging. That is a task not for us but for the people who make TV. Our job as legislators is to protect those basic standards of decency.

LITTLE BOY BLUE

Mr. FRIST. Mr. President, briefly on another issue, just because each day we are bombarded with so much bad news, disappointing news, news that makes you want to put the newspaper down or turn off the television, I want to share with my colleagues a piece of good news, heartwarming news, news that is reflective of the compassion that we as an American people have, that we have the opportunity to express at times, and this particular incident, I believe, represents it quite concretely. It is about a very special 7-year-old boy from Afghanistan.

His name is Mohammad Omar. He suffers from a congenital anomaly, a birth defect that is not all that rare but we didn't know how to treat until the beginning of the 1940s, 1950s, when the research was initially done. Before that, it had a 100-percent mortality rate. As you will tell from the outcome of the story, surgery has changed that.

His defect is called tetralogy of Fallot. Tetralogy means there are four things—It doesn't matter what they are—but it is a hole between two chambers of the heart; a ventricular septal defect it is called. The second is an outflow tract obstruction from the right ventricle to the lungs, and therefore the obstruction there means the blood does not get up through the lungs. There is an overriding VSD and then there is some right ventricular hypertrophy—the right side of the heart is big and very muscular.

Mr. REID. Mr. President, will the Senator yield? Would you like me to help explain some of that for you?

Mr. FRIST. That is three of the four tetralogies. I know my colleague knows the fourth is that right ventricular hypertrophy. I would be happy to yield to the Democratic leader.

Mr. REID. I have forgotten quite a bit about that, so maybe you should go ahead and explain it.

Mr. FRIST. I will be brief. But what is fascinating is that with science and with the great progress that is made, today it can be cured, where before it couldn't. What is interesting about the overall story is that Mohammed's father, Fateh, about a year ago—this is over in Afghanistan—brought his son to an American military hospital, reaching out, not knowing where to go. The province is the Khowst Province. He happened to run across my colleagues, or colleagues in the military, who are cardiologists, who are heart specialists. And looking at the blue appearance—because you don't get this oxygen flow through the heart, blood through the right side of the heart—they said it was probably tetralogy of Fallot.

With a few tests they made the diagnosis and they petitioned Mohammed to come to the States for treatment, but the visa applications by Mohammed and his dad, Fateh, were initially denied. But somewhere out there was a little angel looking out, and sure enough they ran into a fellow who happened to be a student of mine back at Vanderbilt, Dr. Sloane Guy, whom I hadn't seen for a while, and I was with him at a time when he was looking to the future, didn't know where he was going, whether it was heart medicine, cardiology, heart surgery. He was on active duty in Afghanistan.

He called me and said: Isn't there anything that we can do? So, working together, I—and this is really compassion, reaching out, going beyond what a lot of people usually do—but working with the State Department, again reaching out, the Department of Defense, we were able to get approval for young Mohammed to come here and, indeed, on Tuesday, just 3 days ago, they arrived at Andrews Air Force Base.

Yesterday morning, Mohammed underwent surgery at the Children's National Medical Center. Straightforward surgery, it would be described by Dr. Jonas, Richard Jonas, who is a renowned cardiac surgeon, fellow cardiac surgeon, but does the surgery over at Children's National Medical Center—fairly routine surgery, although it was pretty complex surgery in truth, repairing the hole between the ventricles—the right outflow obstruction—and hooking things back up so they flow normally. Right now the young boy is still in the intensive care unit. That is the normal course, but he is recuperating nicely. You never want to predict the long-term outcome because in the first 5 or 6 days anything can happen.

But my point is, that is the kind of story you don't hear. It took a lot of people reaching out, coming together, the best of the public sector, the best of the private sector, the best of the generosity of doctors, the compassion of individuals in Afghanistan who made the initial diagnosis coming together with the result that just a few miles from here is unfolding.

Larry King, whom you know, although sometimes we are here after he is on at night, many of us turn him on at night, just about every night—the Larry King Cardiac Foundation provided much of the financial support to bring him here. The Afghan Embassy, right now, is providing support for the family and support with interpreters and food and the like. Dr. Jonas and his cardiac surgical team, including the people who run the part of the pulmonary bypass machine, and all the technicians there who contributed their time, the great resource of the Children's National Medical Center, which is right here—everybody came together to make this story possible.

To me, this reflects the stories that never get told. But it also shows how humanitarian outreach can be used as a currency for peace. It is built around trust. It is built around outreach. It is built around selflessness and going beyond faces that you see every day; everybody working towards a common goal.

So I just wanted to take the opportunity to tell that very brief story. I do wish Mohammed a speedy recovery and wish his dad the very best. While waiting in Afghanistan, not knowing whether or not this lifesaving surgery—without surgery he would die—without knowing whether this lifesaving surgery would be provided by people in a country they had no idea even existed, in terms of the people, he became known as the little blue boy; Little Boy Blue, I guess, is what they called him because of that blue appearance.

So it will be a great story because that blue appearance, Little Boy Blue no longer will be Little Boy Blue. He will be a healthy young child with a normal lifespan thereafter.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H–2A and blue card agricultural workers.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while the majority leader and the Democratic leader are still in the Chamber, I wish to express my gratitude to each of them, as well as the managers of the comprehensive immigration reform bill that is in the Chamber and that we have been debating this week, for the progress we have made. I think it has been in the greatest traditions of the Senate that we have taken a controversial subject where debate that has been long overdue and we have had an open and honest and vigorous debate on many important amendments that have helped improve the bill, from my perspective. But this is the Senate at its best. While we know we will not always agree with one another, there is one place on the face of the planet

where we have the freedom, we have the opportunity to have debates and try to build consensus.

I know there are some—and I was just on a talk show moments before I came to the floor, and the person hosting that had expressed some frustration about what has been going on here, and I encouraged him to think of this according to the old adage that watching legislation being made is somehow like watching sausage being made.

Parenthetically, I note sometimes that we maybe give sausage-making a bad name, but in all sincerity the important thing is that we are having the debate, we are having votes, and majorities are ruling. I do not necessarily always like the outcome of those votes. Sometimes I do. But the fact is that we are having votes and we are letting the process move forward. Hopefully we will have a comprehensive reform bill passed by the Senate, a bill we can be proud of and will then be sent to the President's desk for consideration and possible signature. My hope is we will continue to have this process move forward and have an opportunity to call up additional amendments.

I wanted to speak briefly about an amendment I intend to offer not today but at a later time. I have previously spoken about this issue.

The compromise bill that is currently in the Chamber contains language that prohibits information sharing and restricts how the Department of Homeland Security may use information submitted in applications. The text in the underlying bill is exactly the same as that contained in the 1986 amnesty legislation. Twenty years ago now, we know from hindsight and experience, those provisions led to hundreds of thousands of ineligible aliens receiving green cards. The amendment I intend to offer does not eliminate the confidentiality provisions. It does, however, state that once an individual's application is denied, there is no longer a need for confidentiality, and that information may be shared with law enforcement personnel, that may be necessary to investigate fraud and bring others to justice.

The underlying bill says that information furnished by an applicant can only be used to make a determination on that specific application. The information may also be used in connection with a criminal investigation or prosecution. But if the Department of Homeland Security identifies a pattern of fraud, it would be prohibited from using that information in one fraudulent application to deny another application that was submitted as part of a criminal conspiracy. The same restrictions were included in the 1986 legislation program, and that caused widespread fraud and abuse. There is no reason to treat legalization applications any differently from any other immigration application submitted to the Department of Homeland Security.

The New York Times described the 1986 agricultural worker amnesty as ''One of the most extensive immigration frauds ever perpetrated against the United States Government.'' Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only about 300,000 to 400,000 out of a total agricultural workforce of 2.5 million, 1.3 million aliens were amnestied under the program.

Let me make sure that is clear. Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only 300,000 to 400,000, 1.3 million aliens were amnestied under that program.

The confidentiality provisions of the 1986 act were credited with causing the widespread fraud and abuse. In 1999, the General Counsel during the Clinton administration testified before the House that ''the confidentiality restrictions of the law in the 1986 amnesty also prevented the Immigration and Naturalization Service from pursuing cases of possible fraud detected during the application process.''

In 1995, a man by the name of Jose Velez, the ex-president of LULAC, was found guilty of immigration fraud after he filed fraudulent applications under the 1986 amnesty. The task force that brought down that particular conspiracy resulted in guilty pleas or convictions of 20 individuals who together were responsible for filing false legalization applications for in excess of an estimated 11,000 unqualified aliens. In other words, 20 people pled guilty to falsified legalization applications for in excess of 11,000 unqualified aliens.

Between March of 1988 and January 1991, Velez and his coconspirators submitted approximately 3,000 fraudulent applications. In connection with the 1986 legalization program, there were 920 arrests, 822 indictments, 513 convictions for fraud and related criminal activity.

(Mr. ISAKSON assumed the Chair.)

Mr. CORNYN. This is not about history. This is about what is also happening even today. I am reminded of the report of the 9/11 Commission and the studies and investigations we conducted after 9/11 which indicated a consensus that we had to bring down some of the stovepipes that prohibited information sharing in our intelligence community. Essentially this amendment is designed to bring down the stovepipes that have prohibited the Department of Homeland Security from sharing information that would lead to discovery of evidence of massive fraud in our immigration system. I hope that when the amendment is called up, when we have a chance to vote on it, my colleagues will support it.

But again, this is not just about history. This is about what is happening today. I have in front of me a news release dated May 19, 2006, from the U.S. Immigration and Customs Enforcement Agency entitled ''Six People Indicted in Multi-State Amnesty Fraud Conspiracy.''

This is out of Atlanta, GA, which may be of particular interest to the Presiding Officer. Several individuals—it looks like six individuals were indicted by a Federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security. They were charged in separate counts for making false statements in applications presented to the Department of Homeland Security, and also there were two counts of money laundering.

The U.S. attorney in charge described this conspiracy in these words:

> The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a money making scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office—

The Office of the U.S. Attorney—

> is committed to vigorous investigation and prosecution of schemes such as this one as part of the President's initiative to strengthen enforcement of our Nation's immigration laws.

The U.S. attorney goes on to say:

> Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community.

That statement was attributed to Ken Smith, special agent in charge of the Office of Immigration and Custom Enforcement. That office is located in Atlanta. He goes on to say:

> This case highlights the importance of ICE's close partnership with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks.

Mr. President, I will not read the rest of this news release, but I will ask unanimous consent that at the end of my remarks this document be made part of the RECORD.

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

(See exhibit 1.)

Mr. CORNYN. I thank the Chair.

So, Mr. President, we have had a productive week in the Senate dealing with the issue of comprehensive immigration reform. Each of us has perhaps won some and lost some in terms of the amendments we favored or disfavored, but I think it has been a good week for the Senate, a good week for the cause of securing our borders and restoring public respect for our laws. At the same time, as we continue to be a nation that does welcome legal immigration, one of the things that I will say that I hope we continue to focus on is what in our immigration system really is in America's best interest—recognizing that we can't simply open our borders to anyone and everyone who wants to come to the United States or we would be swamped by a veritable tsunami of humanity.

We should continue to be a welcoming country but one that respects not only our heritage as a nation of immigrants but also respects our heritage as a nation of laws. Indeed, at this time, we are trying to export that heritage as not only the Democratic country that respects democracy but one that respects the rule of law in places such as Afghanistan and Iraq, and so we need to tend to business here at home.

But as we continue to debate and discuss and hopefully pass laws that are in America's best interest and improve our system, we will look at exactly what type of legal immigration we should encourage. I would ask my colleagues to not only focus on the massive low-skilled immigration that is part of this underlying bill but also focus on those people who have special talents and special educational credentials and experience, highly skilled individuals whom we ought to encourage to come to this country and, if they want to become American citizens, provide them an opportunity to do so. When we look at the costs associated with the underlying bill, what we have learned is low-skilled, poorly educated individuals are more likely to be a financial burden on the American taxpayer than those who are highly skilled and highly educated. Indeed, those highly skilled and highly educated legal immigrants whom we ought to be encouraging to come to the United States and become part of this great country are people who are going to help America to continue to be competitive in the global marketplace. That includes, of course, foreign students who study at our universities.

I personally believe that when someone graduates with one of these important advance degrees in math, science, engineering, the very sorts of skills and talents which will make America competitive, we ought to give them preferential treatment when it comes to their application for legal permanent residency and putting them in line for American citizenship, if that is their wish.

I hope what is not lost in all of this debate about immigration reform is America's great heritage as a nation of immigrants, our heritage as a nation that believes in the rule of law. What that means to me is we ought to be encouraging legal immigration that is in the best interests of this Nation while discouraging and preventing illegal immigration by comprehensive border security, interior enforcement, worksite verification, and sanctions against employers who cheat, while we also create a legal immigration system to deal with the workforce needs and our prosperity in America going forward.

I yield the floor.

EXHIBIT 1

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
May 19, 2006.

NEWS RELEASE

SIX PEOPLE INDICTED IN MULTI-STATE AMNESTY FRAUD CONSPIRACY

ATLANTA, GA.—Emma Gerald, 54, of Kennesaw, Ruy Brasil Silva, 49, of Roswell, Marcos Amador, 19, of Atlanta, Denise Silva, 45, of Roswell, Douglas Ross, 29, of Marietta, and Hudson Araujo, 27, of Brockton, Massachusetts, were indicted by a federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security (DHS). Emma Gerald, Ruy Brasil Silva, and Marcos Amador are charged in separate counts for making false statements in applications presented to DHS. Emma Gerald is also charged with two counts of money laundering.

Ross was arraigned today in Atlanta. Araujo was taken into custody by federal agents in Brockton, Massachusetts, and had his initial appearance in federal court in Boston today. Denise Silva is a fugitive being sought by federal law enforcement authorities. Gerald, Ruy Brasil Silva, and Amador were indicted on related charges on February 14, 2006. Gerald was released on a secured bond and Ruy Brasil Silva and Amador are in custody. Their arraignments on this indictment have not yet been scheduled.

United States Attorney David E. Nahmias said, ''The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a moneymaking scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office is committed to vigorous investigation and prosecution of schemes such as this one, as part of the President's initiative to strengthen enforcement of the Nation's immigration laws,''

''Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community,'' said Ken Smith, Special Agent-in-Charge of ICE's office of Investigations in Atlanta. ''The case highlights the importance of ICE's close partnerships with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks.''

According to United States Attorney Nahmias, the charges and other information presented in court: Emma Gerald, the pastor of a local church, held herself out as a consultant to aliens seeking amnesty in the United States. Gerald did business under the name ''EJ Consulting Services.'' Under a program known as the ''Catholic Social Services/Lulac/Newman Amnesty Program'' (the ''CSS Amnesty Program''), certain aliens who were illegally in the United States were eligible to apply for temporary residence in this country. In order to be eligible, an alien had to meet certain requirements, including having been present in the United States unlawfully from prior to January 1982; and having previously applied for temporary residence but having been turned down because the alien left and re-entered the United States without the permission of the now-defunct Immigration and Naturalization Service (INS).

Gerald conducted meetings at Marietta churches to solicit aliens, largely Brazilian nationals who were illegally present in the United States, to apply for the CSS Amnesty Program. Ruy Brasil Silva was a pastor of one of the churches and made it available to Gerald for the meetings. Marcos Amador acted as a translator and assistant to Gerald. Gerald advised the Brazilian aliens that the Department of Homeland Security did not have records to establish whether an alien met the CSS Amnesty Program requirements as to length of residence in the United States or previous unsuccessful application for amnesty, so that they could apply even if they did not qualify. Over the course of the scheme, Gerald charged the aliens between $300 per person/$500 per married couple to approximately $600 per person/$1100 per married couple. For an extra fee, Gerald and Amador would provide the aliens with letters falsely stating that they met the program requirements as to length of residence and previous application for amnesty. Douglas Ross, Gerald's son, attended the meetings, assisting Gerald with preparing and collecting applications and collecting money from the aliens.

Gerald, Ruy Brasil Silva, Amador, Ross, and Denise Silva conducted similar meetings in Florida, collecting money from Brazilian aliens to assist them in filing fraudulent applications. Gerald, Ross, and Hudson Araujo conducted meetings in Brockton, Massachusetts.

The United States is seeking forfeiture of Gerald's Kennesaw, Georgia home and several vehicles, including Gerald's Mercedes-Benz automobile, on the grounds that they were purchased with proceeds of the criminal scheme or were used to facilitate the criminal activity. The United States is also seeking forfeiture of several bank and investment accounts, on the grounds that criminal proceeds were deposited into the accounts.

The indictment charges one count of conspiracy against all the defendants, one count of false statement against Gerald and Amador, one count of false statement against Gerald and Ruy Brasil Silva, and two counts of money laundering against Gerald. The conspiracy charge and false statement charges each carry a maximum sentence of 5 years in prison and a fine of up to $250,000. The money laundering charges each carry a maximum sentence of 10 years in prison and a fine of up to $250,000.

This case is being investigated by special agents of the Department of Homeland Security, U.S. Immigration and Customs Enforcement, and postal inspectors of the United States Postal Inspection Service.

Assistant United States Attorneys Teresa D. Hoyt and Jon-Peter Kelly are prosecuting the case.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. REED are printed in today's RECORD under ''Morning Business.'')

Mr. REED. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 4038, AS MODIFIED

Mr. CORNYN. Mr. President, I ask unanimous consent that amendment No. 4038, previously agreed to, be modified to reflect a technical change in the instruction line of the amendment. The modification is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 4038), as modified, is as follows:

On page 264, strike lines 10 through 20.

On page 370, line 21, strike ''this subsection'' and insert ''paragraphs (2) and (3)''.

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, we have had some good debate this week on the immigration bill that is before the Senate. We made some progress toward improving the legislation. I think to some degree the good and decent and deeply felt views of the American people are beginning to be heard—but not clearly enough in this body. We still need to listen to them more.

I submit that on every single issue the American people have it right. We discussed last night and debated last night some key issues. I know one of the supporters of the bill described this as a difficult issue, complicated, emotional, but we are trying to do something. He suggested that was courageous and we should be not afraid to move forward. Well, we do need to move forward but we did not have to move forward on this bill. We could have moved forward, as the House did, taking the first step to ensure that we have a legitimate legal system of enforcement that works, and then we could move on to the comprehensive solution of what to do with the illegal alien population and the future immigration policies of the United states. We can do that separately, or we can try to do them together at the same time.

I was inclined to believe that we weren't ready to deal with this issue comprehensively. That is why I thought the House's idea wasn't so bad. But it was complained about on this side, with great moral superiority, that their approach to security first was somehow bad and not worthy of respect.

I think it is very worthy of respect. In fact, I think this bill would show that we probably would have been better off to have followed their lead. This is the great Senate of the United States of America, and we are not here just to do something, anything. We are here to do the right thing. We are here to confront one of the big issues of our time, and to do it in a way that is consistent with our laws and our values and the values of the American people. That is what we should do. That is our responsibility to our constituents, to our posterity, to the heritage we have been given. That is absolutely our responsibility.

I will tell you, and I will say it plainly, and others may not, but this legislation fails miserably in that regard. It is unworthy of the Senate. It should never pass, it should never become the law of the United States of America. It does not meet our highest ideals. It does not create a system that is consistent with the national interest of the United States.

Let me say with regard to the work that we did this week, I will sort of run down and point out some of the things that occurred, some good things occurred, and some things that were not so good that occurred. Also, in my time today, I want to move from that to a more thoughtful discussion of what any good immigration reform bill should have in it, what issues it should deal with, and point out how this bill is defective in the most fundamental way it lacks the basic principles of any good immigration reform bill.

We started out on the floor of the Senate with a 614-page bill , My staff, Cindy Hayden and her team, discovered that the bill on the floor that they were urging passage of would have brought 78.7 to 217 million legal immigrants into the United States in 20 years, equal to 26 to 66 percent of the entire total population of the United States of America of 298 million. That is what we were being asked to vote on.

I believe we were correct. We were the only group, apparently, to have ever researched this, and I think that includes the authors themselves.

Those who were opposed to this bill were being accused of wanting to lock up people and close our borders and not let anybody in and do all these horrible things, which was never the case. We simply said let's talk about a good policy for America.

We attempted to deal with the important issue of making sure enforcement will happen. I raised it in the Judiciary Committee and got a modest amendment on this issue passed. The Presiding Officer, Senator ISAKSON from Georgia, went right to the heart of the issue and drafted a very good amendment that I thought had a very good chance to pass, and should have passed, and it deals with this fundamental problem, most clearly demonstrated by what happened in 1986.

In 1986, they passed comprehensive amnesty and immigration reform. Those who were in the Senate then—I was not yet here—and remember the debate know it was an amnesty to end all amnesties. It was supposed to create a legal immigration system, and we were told we would not have to do this again. Those concerned about it warned, however, one amnesty begets another amnesty. The more you go down that path, the easier it is. This sends a signal to the world that we are not serious about our laws. In that one bill in 1986, we passed the amnesty, and we authorized a number of things to occur that were supposed to result in an effective legal system. Well, the amnesty became law just like that. But the other things that the enforcement side took—the required funding and congressional assistance, and mostly Presidential leadership—never occurred. It didn't occur.

So Senator ISAKSON came up with an amendment this week that I thought was pretty good. It basically would have ensured that the borders were secure before any of the amnesty provisions could be implemented. They are telling us constantly that the borders are going to be made secure if we pass this bill, so let's hold their feet to the fire and say this time the American people want to have a little hold on you before you grant amnesty again. Let's be sure the borders are secure first, that Congress won't forget that goal after the bill passes. Without the Isakson language, the amnesty provisions in the bill take effect the day the bill is signed. But we didn't accept that amendment. Instead, we will remain in the position where we hope that we will have immigration enforcement in the future. We accepted the Salazar trigger amendment that simply requires the President to determine that the bill's amnesty and guest worker provisions will ''strengthen the national security of the United States.''

That is not sufficient. That doesn't go to the meat of the issue like Senator ISAKSON proposed. And why was it rejected? Why was it rejected? I have had a suspicion and a growing suspicion over the years that this Congress is always willing to pass some bits of legislation dealing with immigration. But if any piece of legislation hits the floor of the Senate that will actually work, that is when the system pushes back and, for one reason or another, one excuse after another, it never happens. So I think this would have worked, and that is the reason it got rejected.

What else occurred, good and bad, through the week? My amendment was accepted 83 to 16 to put 870 miles of physical barriers on the border, 370 miles of fencing, and 500 miles of vehicle barriers—a good amendment, consistent with what the Secretary of Homeland Security and the President said they desired. We probably need more, but we need at least that. It was accepted.

Amusingly, I saw in the paper—I wasn't there when the final vote was counted, but I saw in the paper that 17 Senators changed their votes, mostly on the other side, the Democratic side, after it became clear the amendment was going to pass. Many Senators, for months, have been rolling their eyes

and said we don't need fences. That is not very good. That is not a good thing to do. Fences will work, trust me. They will work. But that, of course, begets the objection, I suspect. But when we voted, it was interesting that we ended up with a vote of 83 to 16, suggesting that the American people are beginning to have their voices heard a little bit in Congress.

Then perhaps the most significant amendment that was adopted was a Bingaman amendment. It would reduce the incredible escalating number under the new H–2C visa foreign worker program. Under the original bill, the numbers were unbelievable. The amendment reduced the total number of immigrants that would have come into the United States if that bill became law from 78 to 217 million to a lower 73 million to 93 million. That was a strong vote for that provision and we make progress in reducing the numbers.

However, this bill, S. 2611, still enacts a four- to fivefold increase over the current levels of legal immigration into America over 20 years. Current law would bring in 18.9 million over 20 years. Did you get that? This bill, if passed today, even after the Bingaman amendment passed by a substantial majority, would still bring into our country three, four, five times—at least four times, I suggest—the number of people who can come into our country legally today.

That is a huge number and will lead us at the end of 20 years to have the highest percentage of foreign-born Americans this Nation has ever had in its history, including the great migration period between 1880 and 1925. It is a colossal bill still in terms of those numbers.

The Senate also accepted, after rejecting it 3 weeks ago when the bill first came up—the bill was pulled from the floor because we couldn't get a vote on Senator KYL's amendment to make certain that criminals are not given amnesty under the bill. It was a simple amendment to say criminals, felons, couldn't be given amnesty, and we couldn't get a vote on that amendment. It was so bad apparently, the Democratic leader was so determined to block this vote, that Senator FRIST pulled the bill down.

As time went on, we were ready to vote on that amendment, and they accepted it, not graciously, but they took it. It certainly makes sense that we do that.

The Senate rejected the Vitter amendment by a substantial amount—66 people voted against it—which would strike the bill's provisions that adjust the illegal alien population to lawful permanent residents, the so-called amnesty provision.

The Senate narrowly accepted the Cornyn amendment, 50 to 48, which protects U.S. jobs for workers by making sure the H–2C visa holder can only apply for green cards if they have actually worked—they are supposed to work—if they actually worked for 4 years and their employer attests they will still have a job after they are given a green card, and the Secretary of Labor determines there are not enough U.S. workers available to fill the job position.

Then the very next vote, a companion amendment by Senator KENNEDY which was adopted with 56 votes, gutted that protection, in effect, and it no longer requires that the employer promise to continue to employ an H–2C alien.

Federal benefits was a key vote yesterday. The Senate shockingly rejected the Ensign amendment 50 to 49—close, close vote—that would have prevented aliens from collecting Social Security benefits as a result of their illegal entry into the country, their illegal work, and their illegal presentation of a Social Security number. Fraudulent presentation of a Social Security number and criminal entry into the United States, and this bill provides they can draw Social Security. We had an amendment to clarify that issue, and the Senate voted to keep the provision in the bill.

Social Security is in trouble now. Thankfully, the Senate accepted the Cornyn amendment that assessed a $750 fine to illegal aliens that will go into the State impact assistance account, and the money will be used to help the States pay for costs that are connected with immigration.

The Senate accepted an amendment by Senator INHOFE on a 63-to-34 vote, 34 Senators voting no, stating that English is a national language and strengthening the citizenship test where one is supposed to know something about the Constitution, the Declaration of Independence, George Washington, John Adams, Thomas Jefferson and crew, and the history of the United States. It would strengthen that a bit. But 34 Senators voted against that amendment. It was adopted. We are moving forward.

My good friend, Senator CORNYN, who is as positive and effective a Senator as we have had join us in quite a long time, said that we made a lot of progress this week. I say we made some progress. I want to share with my colleagues why I think there are serious problems in the legislation.

Last week, I detailed 15 loopholes in the bill that is before us today. Of those 15, maybe 4, 5, 6 have been fixed in significant part, leaving 8 or 9 that have not been fixed. I will not go over those at this time, but I do want to say that those concerns I raised last week are very real. They really need to be fixed. Those loopholes need to be closed. Those concerns need to be dealt with. I am prepared to debate or negotiate with anyone about the importance of those points I made last week. I think most American people would agree with me on every single one of those issues.

Today I wish to talk about a more broad concern with the bill and its potential impact. I again emphasize that we are sensitive to the good and decent people who come here. Those of us who are unhappy with the way this bill is written are not against immigration and not against immigrants; we are not for closing our borders and not for not having anymore immigration. That is all foolish. We are not for arresting people by the tens of thousands and hauling them out of the country. That is not going to happen. But, I don't think the view of the House of Representatives, that we ought to deal with enforcement first and demonstrate that we can create a lawful and workable system first, is immoral, impractical, or radical. It makes a lot of sense to me.

Secondly, I am not aware of any Member of Congress who favors hostile or extreme measures in dealing with the issues today. We want immigration to occur. We will expect to see some increases in immigration, but we want it to be legal, under policies and terms that are appropriate for the United States of America.

The American people are with us on this issue. They expect us to create an immigration system that works and is legal. They don't want to reward those who break into our country with every single benefit we provide to those who come legally. To me, that is, indeed, amnesty.

The American people do not think big business and advocacy groups should be able to meet in secret and create some great design of a plan, foist it on the Senate, and that we can't consider it, review it, and reject it if we need to.

That is basically part of the debate we had last night. It was argued: Well, there has been a great compromise. Sessions, you and the American people, your views weren't part of it, but we know better for our country than you do. And if you amend this section, the compromise will collapse, and the bill may not get passed. You can't change this bill.

The section we were trying to change was the section that is as bogus as any part of the bill. It is the section that is captioned in big print: temporary guest worker. That is what the President has been saying he favors. He told me that personally a couple of days ago. He told me, when he flew to Alabama, that he believed in temporary workers. But it is not so that this bill creates a temporary worker program. I challenge any one last night to tell me that what I am saying is not true.

Under this bill, under that rubric of big print language, ''Nonimmigrant Visa Reform, Subsection A, Temporary Guest Workers''—what it really says is if you come into this country under this work visa you get to convert your status to a green card holder—a legal permanent resident that can then become a citizen. Somebody said last night: Why are people afraid to discuss this issue? I say to the supporters of the bill: Why are you afraid to tell the

truth about your bill? Why do you title the section one thing and then write it to actually do another?

Why are you putting in here ''temporary guest workers'' when there is nothing ''temporary'' or ''guest'' about them. Why? Are they afraid the American people will find out what is really in that provision which would have brought in, had it not been amended by Senator BINGAMAN, perhaps 130 million new people into the country permanently? What kind of temporary program is that?

How does it work? This is the way it works: You come in, get a job; you come in under this guest worker proposal, and within the first day you arrive, your employer can seek a green card for you. If you qualify—and most will—then that green card will be issued, and you are then a legal permanent resident. You are a legal permanent resident within weeks or months of entry into the country, and within 5 years of being a legal permanent resident and having a green card, you can apply for citizenship. If you know a little English and don't get arrested and convicted of a felony, you will be made a citizen by right under that provision. So it is not a temporary guest worker program. We need one in the bill. It is not there. That is what the President says he supports.

The American people don't think we ought to huddle up, have some groups come in and meet with a few Senators and have them foist on the American people an immigration bill that ignores their concerns about legality and their legitimate concerns over the depressing of the wages of American citizens. That is not a myth. The law of supply and demand has not been abrogated with regard to wages and labor.

In terms of lawfulness, decency, morality, and the national interest, the American people are head and shoulders above the Members of Congress who are asserting and pushing this flawed legislation. A huge majority of the American people have been right on this issue for decades. It is the executive branch and the Congress that have been derelict in their most solemn duties. If the American people had been listened to and not been stiff-armed by an arrogant elitist bureaucracy and political class, we wouldn't have 11 million to 20 million people in our country illegally today.

The American people have been concerned about this issue—and the polls have shown it—for 20, 30 years. So what is our national interest and what policies should we pursue? What about border workforce enforcement? Any good bill would include a good enforcement system at the border and workplace.

We should focus our policies on higher skill needs, college degrees, instead of low-wage workers. Serious consideration should be given to how we welcome new immigrants into the American world and have them reach their fullest and highest aspirations. We are not able to do that under the current system, and we certainly should fix this illegality and actually provide some mechanism for a large number of people to come out from the shadows, as they say.

We should consider seriously the impact of wages on the American workers, and we need to consider what other developed nations, such as Canada, Britain, and France are doing. How are they confronting these questions? Why don't we do that? I will tell you why we don't. It is because this bill is totally incompatible and inconsistent with the principles those advanced nations are following.

All of this must be done with the full recognition that America cannot accept everyone who might want to come here, and that is just a fact.

I recently took a trip with Chairman SPECTER of the Judiciary Committee to South America. We were provided State Department news clips. There was an article about a poll in Nicaragua that said 60 percent of the people in Nicaragua would come to the United States if they could. Sixty percent of the people of Nicaragua said they would come to the United States if they could.

We next stopped in Peru, and I asked one of the officials at the Embassy about that poll and asked him did he think it was true. He said they just had a poll in Peru earlier this year—I mean this year, both these polls were this year—earlier this year, he said, and 70 percent of the people of Peru said they would come to the United States if they could. What about the whole world? We have people who want to come from India and China and South America and Brazil and Haiti and the Dominican Republic and the Middle East and Bangladesh and Taiwan and the Philippines. These are good people. I am not putting any of them down. I am just saying for an absolute fact—an absolute fact—that we cannot accept everybody who would like to come here. Therefore, we should decide how to create a system that makes the laws enforceable and then enforce them, and we ought to seek to bring in people who provide the greatest asset to America.

So we will be confronting another issue we need to confront, and that is chain migration. Once a person comes in and they get that green card and then they become a citizen, once they get the green card, they can bring their wife and children. They may have six children. And the wife gets to come and the children get to come. Then, in addition to that, once they become a citizen, they can bring their parents and their brothers and sisters, even if it is a large number of them. They can bring, through this chain migration system, huge numbers of people who may not be what our Nation needs at the time. Maybe there is a glut in the skills their brother or sister has. Maybe those things would mitigate against them. And maybe there is some college graduate in the Dominican Republic who is anxious to come but does not qualify, cannot get in because the visas have been used up by this chain migration process, which makes no sense and needs to be altered.

Also, we need to consider the impact on the Federal Treasury. Even as a green card holder and as a citizen, you are entitled to an earned income tax credit. Most of the people legalized or coming in under this bill would be lower wage workers, and the earned income tax credit for those who qualify amounts to a tax refund to a lower wage worker on average of $2,400 per worker, per year. So they would qualify for the earned income tax credit, their parents would qualify for SSI health care, Social Security benefits as we have in this bill, welfare benefits, education, and health care. The bill calls for instate tuition for illegal immigrants. That is still in here via the DREAM Act. Those kinds of things are in this bill.

So we have had a week of some productivity, but we have much more to do in creating a bill that is fundamentally worthy of this Senate and that will deal in an effective way with where we are heading in the future.

Mr. President, I see my colleague from Washington, Senator WYDEN. I don't know how long he wants to speak. I have some more to go. If he is not going to be particularly long, I would—

Mr. WYDEN. Would my colleague yield just briefly for a question?

Mr. SESSIONS. Yes.

Mr. WYDEN. Mr. President, I was going to talk for about 15 minutes or so. I would be happy to wait for my friend from Alabama, if he would like to finish. How much longer do you intend to speak?

Mr. SESSIONS. Probably longer than that. A good bit; probably 30 or so minutes more. So I would be pleased to yield to the Senator if he is ready and pick up after that. I think I am going to be closing out the Senate when we finish up, anyway.

Mr. WYDEN. Mr. President, I would be ready in just a couple of minutes to start. If my colleague would like to go on for a couple of additional minutes, and then I will speak, and then he could return.

Mr. SESSIONS. Sounds great.

Mr. WYDEN. I thank him for his courtesy.

Mr. SESSIONS. So one of the most significant issues facing America today is how many immigrants will be allowed to enter the United States and become citizens. I am not sure we have given any thought to that. As I said, when we announced at the beginning of this week that the numbers could be as high as 200 million people allowed into the country, I don't think most Senators had any idea that was so. My staff worked that up at about the same time the Heritage Foundation did their own independent analysis, and they were very close in numbers to ours. I hope that played a role in our ability

to pass a bill the next night that did bring those numbers down. As I say, we are now looking at about 73 million to 93 million more people legally coming into our country in the next 20 years.

I wish to emphasize this: Don't think those are small numbers. We are a 300 million-person country right now, and I am talking about 4 times the legal immigration rate presently existing in our country. Under the current law, we would have 19 million come in over 20 years. Under this bill, we would have 73 million to 93 million coming in by a short 20 years from now.

I asked the Judiciary Committee to hold a hearing on April 19 to examine the full impact of the legislation and what we could do about it. I asked that we examine what the estimated numerical impact is of the immigration proposal and how does the future chain migration of family members impact the total immigration numbers under the proposal. I asked that we have hearings on what will be the legislation's estimated fiscal impact on the Federal Treasury as well as State and local governments; how will the entitlement programs such as Medicaid, TANF, and food stamps be affected; what level of immigration in the future is in our best national, economic, social, and cultural interests; and what categories of immigrants in terms of skills and education should compose the overall level of annual immigration. I stated that we need to have a national discussion on this issue. The American people need to be involved.

We had one committee hearing, and it lasted about 2 to 3 hours and three or four Senators came. The individual provisions of the bill have never been examined by any committee. Let me state that again. The individual provisions of the bill on the Senate floor have never been examined by any committee. But every witness who came to that one hearing acknowledged that high-skilled immigrants are good for the economy and that low-skilled immigrants are a net drain on the economy—on average, not every single one. Many of them turn out to be productive and go on and be productive. But on average, from an economist point of view, based on the data we have, they tend to take out more in taxes than they pay in taxes.

I sent a second letter asking for further committee hearings. I wanted to examine the numerical figures in the bill, the fiscal impact, but we never had any hearings on that.

So we did our studies on the legislation, and we came out with these numbers. We did our calculations, and we believe the numbers would run from 80 million or more people coming in over 20 years to perhaps 200 million people. Two hundred million would be two-thirds of the current population of the United States of America.

So we worked hard on those numbers. I don't think they were ever seriously challenged. This is the way it ran. Under current levels of legal immigration, there would be 18.9 million people coming into the country. If we had passed this legislation as it originally was when it hit the floor, we would have had 78.7 million at a minimum coming in—4 times the current level of immigration—and it could have hit the maximum of 217 million, according to our calculations—about 11 times the current level of immigration. So those are huge numbers. I think they caused great concern.

After the amendment Senator BINGAMAN offered was passed and it took out that 20-percent-per-year escalator clause on the 325,000-person guest worker program per year—under this new program, if you hit that 325,000 one year, automatically the next year's limit was 20 percent more, automatically the next year would be 20 percent more, and automatically the next year would be 20 percent more. I think that would have sent a clear signal to the entire world that the United States was going to accept huge numbers of immigrants, and I believe we would have had applications flooding in and it would have been a very serious problem. We did pare that back to 200,000 per year without any 20 percent increase over 20 years, and that made the huge difference I just mentioned. So now about 73 million to 93 million will come in over 20 years, 4 to 5 times the current rate.

I submit that is still far too large a number. We have had no real serious national discussion about what impact that would have on working Americans, what impact it would have on our welfare and our cultural ability to assimilate and welcome foreign visitors and workers who come to our country, and I think it would cause us great difficulty. So we still need to talk about that.

I ask my colleagues and those in the media, how much have you heard this discussed? How many people in the Senate have actually discussed and debated and acknowledged how huge a change this is and whether it is the kind of change we should carry out? Has it even been discussed? Oh, but they say, we have to pass something. We just have to pass something and get it off our plate. You know, the Senate has a lot to do. We are busy. Let's just move on it. Let's just show courage. Let's just move it on and get something to the House.

Oddly, some of the people who have been making the most fun and complaining about the House of Representatives for their enforcement approach are now justifying and asking us to pass the bill on the basis of, well, it will get better after we go over to the House. They tell me to not be so worried about all of these provisions because the House Members will never agree to it and we might make the bill better in conference.

That is kind of an odd argument to make. If you are so holy and so righteous, why don't you come down here and defend these numbers they tried to slip by 3 weeks ago without a single amendment being considered by the Senate. They tried to move that through here. Finally, it blew up and Senator FRIST pulled the bill down, insisting that at least there be some amendments considered as we move this piece of legislation forward.

So, Mr. President, in a few minutes I will share a few more remarks on some of the specific concerns I have involving this philosophy of the bill in a few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

(The remarks of Mr. WYDEN are printed in today's RECORD under ''Morning Business.'')

Mr. WYDEN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I yielded the floor to Senator WYDEN a few moments ago, and I wish to complete some thoughts.

I documented without any real dispute that the provisions in the bill before the Senate today will increase legal immigration into our country by an extraordinary amount, by four to five times the current levels. That is a huge increase.

At the same time, we have done the research on it, and I will not go into the details, but the programs that allow most of the people to come into our country favor low-skilled workers. We think from 70 to 90, maybe 92 percent of the workers who will come in under the provisions of the bill in the Senate today will come in as low-skilled workers. That is very significant because it is quite clear from every professional, independent, pro-immigration economist who has analyzed it that low-skilled workers do not tend to pay as much in taxes as they take out. They become a net drain on the Treasury of the United States. That is an important issue. If we are going to do comprehensive reform, why haven't we discussed this issue? I ask my colleagues and those who promoted the legislation before the Senate today, has that been discussed with the American people? Have we had extensive hearings in committees on this question? The answer is no.

In fact, if you read the bill, you will discover there has been a studied and carefully carried out plan to conceal how many people will come in under the temporary guest worker programs when, in fact, what they mislabel as a

temporary program is in fact a permanent worker program that leads on a direct path to citizenship in fairly short order. I am talking about the future immigration programs in the bill here. I am not talking about the other 11 to 20 million illegal aliens who may claim amnesty under this bill.

If we are going to do a comprehensive plan, why don't we think first and foremost about what our Nation needs, what the implications are for immigration, how it has enriched us in so many ways in the past, how many wonderful, decent people come here. But we also need to ask ourselves, what are the limits of immigration? What are the aspects of it that could be better handled? We need to think these things through in a careful, legitimate way, focusing on the legitimate national interests of the United States of America, because it is not our policy and cannot be the policy of any nation to allow immigrants into their nation solely on the basis that it is good for the immigrant.

I don't want to be harsh about this. I am not being unkind. We want to have immigration. I will support an increase in legal immigration over the current levels if it is a reasonable increase focused in the right direction and promotes the interests of the United States. We will have more coming in, but we need to ask the question of how we should do it, who should be allowed to take advantage of the limited number of slots we can legitimately bestow on those who come here.

It cannot be their choice, but there seems to be talk here that reminds me of entitlement talks, rights talks, that someone in a foreign nation around the world has some sort of right to come to America, an entitlement to come to America, that we cannot deny them. Where did that come from? That is not true in any other nation in the world. It is an example of muddled thinking.

It is Mr. Barone who wrote a book called ''Hard America, Soft America.'' Sometimes we need to just have clear thinking. Some things you just need to make a decision about. One of those is the number of people who can come into our country is limited. A great nation, a wise nation, wants to make sure the people who come into the country best suit and best foster that nation's progress. How simple is that?

Let's talk about the national impact of low-skilled workers versus high-skilled workers. I asked for a series of hearings. We got one hearing. It went 2 or 3 hours. We had good professors, but only three or four Senators showed up. I have some of the testimony from that hearing and some other information relevant to that important question that I will read from in a minute. Shouldn't we be talking about those things? We are talking about a lot of issues that may be hot buttons and of concern, and I am pleased we have a fence at the border, but at the same time, the great Senate of the United States needs to think about the future.

This is what we learned. The economic experts who testified before the Senate Judiciary Committee on April 25, 2006, at the immigration economic impacts hearing agreed that low-skilled immigrants unavoidably depress the wages of American workers in low-skilled job categories. They held, it is fair to say, a common consensus. Some are pro-immigration, and they argue benefits and other things, but they all held a common consensus that high-skilled immigrants are better for the economy than low-skilled workers. Low-skilled workers are an overall net drain on the economy.

Professor Richard Freeman, the Herbert S. Ascherman professor of economics at Harvard University, testified, among other things:

One of the concerns of when immigrants come into the country is that they may take some jobs from Americans or drive down the wages of some Americans. Obviously, if there are a large number of immigrants coming in, and if they are coming in at a bad economic time, that's very likely to happen.

He went on to talk about the impact of high-skilled workers. He noted:

I think America makes a huge gain, and much of the gains are to us. Some of the gains are to the immigrants, of course.

You will notice he says that more than once. He talks about who actually gains from immigration. For low skilled workers who come here, it is a gain to them because they are coming to a better and freer and more prosperous country. But the real question our Nation should ask is, How does it benefit us? He says:

There are gains to us from high-skilled workers and to the immigrants.

He goes on to say:

Having a lot of immigrants coming in at the top, it does make it more difficult for some young Americans to advance in those fields, but we can recompense the young Americans with other policies.

He goes on to note:

It's very important to understand that the biggest beneficiaries from immigration tend to be the immigrants, particularly if you are a low-skilled immigrant.

He adds this:

If you are a poor immigrant, your income in the United States will be six to eight times what it is in Mexico.

Professor Dan Siciliano, director of the program in law, economics, and business at the Stanford Law School, a pretty good law school, is a pretty strong advocate in favor of immigration, but he talked about the question of the cost of low-skilled immigrants. He said:

If you look at the fiscal/economic impact, which is the Government's coffers impact, it might be true that lower-skilled workers, just like all of us, have a negative impact on the fiscal bottom line. And so we may have a modest net negative fiscal impact for all low-wage workers in the United States, not just immigrants. This is not unique to immigrants, documented or undocumented.

What he was saying is that low-skilled American workers who are not trained, not skilled, and not educated, will draw more from the Federal Treasury than they put into it. That is one of the reasons we work so hard to train and provide skills to American workers, so they can rise and be successful and reach their highest possible aspirations. But when that does not occur, it does have a cost to the economy. Why would you want to import large numbers who don't have skills when there are large numbers of people with skills who want to come here?

Dr. Barry Chiswick, head of and research professor at the Department of Economics at the University of Illinois in Chicago, said this:

What about the impact on low-skilled American workers? How does a large amount of new labor into the country impact American workers of low skill?

He was blunt. He told it like it was. He said:

There is a competition in the labor market, and the large increase in low-skilled immigration that we have seen over the last 20 years has had a substantial negative effect on the employment and earnings opportunities of low-skilled American workers.

He goes on to add:

The large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

We have some Members on the other side who want to bring in five times as many low-skilled workers as we bring in today. Do they want to dispute the professor from Chicago?

He goes on to say:

The last amnesty [in 1986] actually encouraged additional low-skilled immigration in anticipation of further amnesties.

I went back and saw the summary of the debate in 1986. People who opposed that amnesty predicted that we were going to be driven inevitably to future amnesties and we should stand on principle and fix the system in 1986. This professor clearly agreed that their prediction has come true.

He goes on to add:

Over the past two decades, the real earnings of high-skilled workers have risen substantially. The real earnings of low-skilled workers have either stagnated or decreased somewhat.

That is a sad statement. It is a sad event, if it is true, because people are doing well today. The economy is booming. But as I will point out to my colleagues in further remarks, the wages for low-skilled workers are not increasing. They are not sharing in the benefits of the progress and prosperity this Nation is enjoying at this point. We have an agreement here struck between the Chamber of Commerce and some political activist groups to move this bill through, and they are not concerned sufficiently about the interests of decent American citizens who may not have the highest skills. These Americans, however, are entitled to a decent wage and their wages should be going up in this time of prosperity.

Dr. Chiswick goes on to say:

We need to provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages, and one of the

ways we can help them in this regard is by reducing the very substantial competition that they're facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

I lay this on the table, like I have done before. If people want to disagree with Professor Chiswick, let's have them down here and explain that. Professor Samuelson and a lot of others agree with him, and the numbers tend to confirm that. When you have a shortage of labor, a laboring man's value goes up because he can demand a high wage. When you have a large amount of low-wage people willing to go out and take a job, it can drive down wages an American worker can expect to get when they go out and seek a job. I don't believe we are going to repeal the law of economics for labor. It has always been there, and it always will be.

Dr. Chiswick also shared with us his thoughts about the cost of low-skilled immigrants, and he notes:

Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes.

I am not condemning anybody. We should not condemn anybody. We have a nation that is generous and wants to help people who have difficulties getting by in life. We are always going to do that.

But he says:

Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes. So in terms of the public coffers, they serve as a net drain. Whereas high-skilled immigrants have the opposite effect. And the consequences of low-skilled immigration are pretty much the same whether they are in legal status or illegal status, although the net effect on the public coffers is actually more negative for legal immigrants who are low-skilled immigrants.

Did you hear that? Once they become legal and get a green card or become a citizen, they are entitled to more benefits than when they are illegal. But in fact, both of them turn out to be net drains on the coffers of the United States, according to Professor Chiswick.

He goes on to say:

And if you do the analysis separately for high-skilled and low-skilled immigrants, what you would find is that even in a period of surplus, low-skilled immigrants would be paying less in taxes than the burdens that they would be putting on government expenditures.

Mr. Siciliano, who is more pro-immigrant and sees it in a more positive light, interjected and said:

Truthfully, just like low-skilled U.S. workers.

And Professor Chiswick responded:

Just like low-skilled natives, yes.

Mr. Siciliano responds:

Yes, in no different way than low-skilled U.S. workers.

And Mr. Chiswick replied:

But low skilled natives are here. And low-skilled immigrants, do we want them in?

In unlimited numbers, I would add. What about high-skilled immigrants? What did Mr. Chiswick say about that?

Two-thirds of the immigrants coming into the United States annually come in under kinship criteria.

That is chain migration.

Only about 7 percent are skill tested. For only about 7 percent do we really ask the question what will you contribute to the American economy?

He goes on to say:

We need to alter our immigration policies to increase the focus on attracting high ability, high-skilled immigrants. What we want to do is attract those immigrants who would have the largest positive contribution to the American economy, and they will be highly skilled immigrants, immigrants with high skills in literacy, numeracy, scientific knowledge, technical training. Current immigration law pays very, very little attention to the skills that immigrants bring to the United States.

That is his statement. It is something we need to think about as we pass a bill that pretends to be comprehensive.

Professor Harry Holder, also testifying at our hearing, who was associate dean and professor of public policy at Georgetown University, another pretty good university, said this about the impact of low-skilled American workers:

There are jobs in industries like construction that I think are more appealing to native born workers. And many native born, low-income men might be interested in more of those jobs, although employers often prefer the immigrants, especially in residential construction. Now, absent the immigrants, employers might need to raise those wages and improve those conditions of work to entice native born workers into those construction, agriculture, janitorial, food preparation jobs.

I believe that when immigrants are illegal, they do more to undercut the wages of native born workers because the playing field isn't level and the employers don't have to pay them market wages.

He was then asked about future immigration policy, and he said:

I agree with Professor Chiswick. We are not ready to open the floodgates of immigration. We will continue to have controls on immigration. And we need to find cost-effective and humane ways to limit those immigrants.

So we didn't get five hearings. We didn't get a national dialog. We had one hearing for a few hours and a number of professors, pretty much those professors who consider themselves pro-immigrant, and that is what they told us.

Let me share a few more points on that subject from another individual. The Washington Times, on May 8, published a column by Alan Tomlinson. He is an official with the U.S. Business and Industry Council Educational Foundation. He went back and did some studies and dealt with this allegation that without ever increasing flows of immigrants, representatives of numerous industries have warned their sectors will literally run out of workers and the economy will collapse. He was not so impressed after he did some studies. He said:

Most statistics available show conclusively that far from easing shortages, illegal immigrants are adding to labor gluts in America.

Think about that. He says that we don't have a shortage, we have a glut.

Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen. When labor is genuinely scarce and too many employers are chasing too few workers, businesses typically bid wages up in the competition to fill jobs. When too many workers are chasing too few jobs, employers typically are able to cut wages, confident that beggars can't be choosers.

Then he checked the Department of Labor statistics. He says this:

The Labor Department data revealed that the wage-cutting scenario is exactly what has unfolded recently throughout the economy's illegal immigrant heavy sectors.

Then he talked about restaurants. We hear there are not enough people to work in restaurants. Illegal immigrants comprise 17 percent of the food preparation workers, 20 percent of cooks, and 23 percent of dishwashers. What did he find?

According to the data from the U.S. Bureau of Labor Statistics, through inflation-adjusted wages for the broad food services and drinking categories, wages fell in real terms 1.65 percent between 2000 and 2005.

If there is a crisis to get cooks and dishwashers, how are they able to cut salaries? How does the Bureau of Labor Statistics show that salaries went down? This is one of the areas where we have the most numbers of illegal immigrants.

He then goes on to talk about the hospitality industry, which includes hotels. They say we have to have a person who puts that chocolate on your bed every night and makes up your bed and comes in and puts your toiletries in a line for you, whether you want that or not. You have to have them. The Bureau of Labor Statistics data, according to him, who studied them, show that inflation-adjusted wages fell nearly 1.1 percent from 2000 to 2005. So hotels are booming, and they are building new hotels, and they say they cannot get workers.

Why are wages not going up? Perhaps if they pay a little more money to decent American citizens, they might be able to get more to work. They may have to charge $180 instead of $170 a night for a room. Is that going to destroy the American economy? I think not. Maybe the average American worker would be better able to participate in the prosperity that is going on.

He talked about the construction industry. He says that, interestingly, from 1993 to 2005, wages in that sector only increased 3 percent. That is 12 years. The wages, according to the Bureau of Labor Statistics, in the construction industry area only increased 3 percent in 12 years. From 2000 through 2005, at the height of the housing boom, inflation-adjusted wages actually fell 1.59 percent. So we have this crisis in workers, and wages are falling.

He then talks about food manufacturing. They make up a big part of that. Let me point out that even in the construction industry, the illegal immigrants make up only 12 percent of

the workforce. So this argument that you cannot get anybody who is native-born to work in construction is bogus. The one thing that hurts me the most when I hear President Bush say it is when he says these are jobs Americans won't do. I reject that. He should never say that. These are good jobs, honorable jobs, filled by honorable American people. In the construction area, almost 90 percent are American workers, and there is nothing they won't do. They may not do something because they don't get enough pay or benefits or retirement, but the jobs themselves are noble contributions to America. They go out and build something—a wall, drywall, a roof on a house—and that is a lot better than some of these lawyers and other people who contribute very little, I submit, to the net economy.

They talked about the 14 percent of the workers in food manufacturing, including animal processing. That includes chicken plants, slaughterhouses, and beef-processing plants. You have heard that we cannot get workers there. Pew Research says that illegals make up 27 percent of workers in that category. That is the highest sector, it looks like, according to this. What happened to their wages from 2000 to 2005? They say they cannot get people to work in the chicken plants. That is what they say in Alabama—they cannot get workers and we might have a real problem without the illegal workers. If so, how did adjusted wages fall 1.4 percent during that period of time?

He goes on to note that examining more closely the pattern within the 2000 to 2005 period provides compelling evidence that illegal immigrants have been used deliberately to force down wages. In most industries that used illegal immigrants heavily, inflation-adjusted wages rose modestly during the first years of the current decade. Yet, soon after, they dropped significantly.

What about the guy who wrote the textbook on economics, Robert Samuelson? I think he would be considered a liberal. Robert Samuelson produced an op-ed on May 17, 2006, this year. He deals directly with the question of immigration. This is what he said:

> The central problem is not illegal immigration, it is undesirably high levels of poor and low-skilled immigrants, whether legal or illegal. Immigrants are not all the same. An engineer making $75,000 annually contributes more to the American economy and society than a $20,000 laborer. On average, an engineer will assimilate easily.

He quotes favorably Professor Chiswick, and I just quoted from his testimony before the hearing. This guy has written books on economics. He quotes the same quote I just gave, I believe. I will not repeat that. He quotes Mr. Chiswick's comments concerning the fact that low-skilled immigrants tend to pay less in taxes. They receive more benefits, such as income transfers, the earned-income tax credit, food stamps, public schooling, and publicly provided medical services. He quotes this from Mr. Chiswick, too: While low-skilled immigrant workers may raise the profit of their employers, they tend to have a negative impact on the well-being of the low-skilled, native-born population and on the native economy as a whole.

Mr. Samuelson adds this:

> Hardly anyone is discussing these issues candidly. It is politically inexpedient to do so. We can be a lawful society and a welcoming society simultaneously, to use the President's phrase, but we cannot be a welcoming society for a limitless number of Latin America's poor, without seriously compromising our own future and indeed the future of the many Latinos already here. Yet, that is precisely what the President and many Senators, Democrat and Republican, support by enforcing large guestworker programs and an expansion of today's legal system of visas. And in practice these proposals would result in substantial increases in low-skilled immigrants.

What are other countries doing? I will wrap up with these thoughts. What are other nations around the world doing as they consider their immigration policies?

In Australia, immigrant applications are considered under either the general migration program, which includes skilled or migrant spouses and those sponsored by family members already settled in Australia, or the humanitarian refugee program. For fiscal 2004–2005, the Australian Government set a goal of 120,000 migrants, far less than our number; 42,000 places for family members; 72,000 for skilled business migrants; and 13,000 for the humanitarian and refugee program—though actual arrivals were just over 123,000.

Under the skilled migration program in Australia, applicants are given points for different criteria. In the fiscal year 2004, the pass mark for general skilled migration was 120 points. So they have a points based system. As it turned out that year, you had to have 120 or more or you were not approved. Points were awarded for age—lower age tends to be better—skill, English language ability, specialized skills, job offers in demand fields, or completion of an Australian university degree. If a foreign student comes here and finishes at the top of their class at Georgetown or the University of Alabama, they have to leave for at least 2 years. Somebody can come in here for a low-skilled job and get a green card the first day they come in. How silly is that? But that is what Australia does. They give 5 additional points for a capital investment in Australia of at least $100,000. Australian work experience, fluency in the Australian community language, and skilled occupations are given various points.

What about Canada? They accept six major categories of immigrants: skilled and independent workers, business immigrants, provincial nominees, family class, international adoptions, and Quebec-sponsored immigrants. Refugees are also counted in immigration statistics. They do not have a country-based or worldwide quota, but they establish annual targets. In fiscal year 2004, approximately 236,000 people were accepted for permanent residence in Canada; 113,000 were skilled, 62,000 family, 10,000 business, 6,000 provincial nominees, and 32,000 refugees. There is a pretty good mix there. Far higher—over half of that number clearly are people with high skills, high education, and business capability.

The strictest preference system is used in Canada for skilled workers and is based on a point system. Under the current system, applicants must obtain at least 67 out of 100 points and have at least 1 year of work experience within the past 10 years in a management occupation or in an occupation normally requiring university or technical training, as identified by the Canadian occupational classification system. Points are awarded for education, languages, employment experience, age, employment, and adaptability. So they have standards. In our system, people come in basically under entitlements. If you meet this standard, you get to come in regardless of your skill.

What about France? Two days ago, France's lower House of Parliament approved a new immigration bill supported by one of the top Cabinet members. The Parliament approved a bill that would allow the country to selectively choose which foreigners can live and work in that country and would require that immigrants learn the French language. You know, they care about that French language. We need to care a little more about the English language.

I remember when Chirac walked out of the European Union conference because a Frenchman, in speaking to the delegation, spoke to them in English. He was so offended that a Frenchman would speak English at an international conference, he left. That is a little bit much, I think, but I don't think there is anything wrong with a nation that is proud of its language and wanting to preserve it.

So this French bill could make it easier for the country to screen out poorly educated immigrants in favor of highly skilled workers.

It would tighten restrictions under which immigrant workers can bring their families to France. That is chain migration. You get to bring your family no matter what skills they bring to the Nation. It would abolish the right of illegal immigrants to receive residency papers after living in France for 2 years. So in a way, it abolishes amnesty. It abolishes the right of illegal immigrants to receive residency papers, even after they have lived in the country for 10 years. The bill passed by 367 to 164 and will be debated in the French Senate next month.

An article I happened to catch on the airplane the other day in the Economist, a London-based newspaper, said Americans are nativists, not internationalists. Why don't we talk about some of these EU countries that are supposed to be so progressive? This is

what the Economist wrote on May 6 describing the background of France's immigration policy and the reason for their legislation:

Until the mid-seventies, immigrants to France came to work. Since the law was tightened in 1974, the inflows have changed. Today, only 7,000 permanent workers arrive each year, down from over 107,000 in the late sixties. Three-quarters of legal immigrants to France are family related. Not skill related, family related.

France has a low proportion of skilled immigrants. France's Interior Minister, Nicolas Sarkozy, argues ''that under the pretext of protecting jobs at home, France has created a system that let's in only those who have neither a job nor any useful skills.''

How about that?

The Economist article goes on to describe an immigration bill that Mr. Sarkozy has put before the French Parliament this week, which addresses that very problem.

Mr. Sarkozy's proposal, in many ways, simply follows the practice of other countries, notably Australia, Canada, Switzerland, as well as Britain and the Netherlands. In each case, the policy is based on a recognition that there is no such thing as zero immigration, and that a managed, skill-based immigration policy will not only control inflows, but will also bring benefits to those countries.

Madam President, we have focused on a lot of hot button issues, some of which are very important, but we have not given serious thought to the fundamentals of what we are doing here, and what impact it will have on our country. We are not giving any thought to what the Netherlands, what France, what Britain, what Canada, and what Australia are doing. We are not in any way following their model. In fact, we are ignoring the testimony of some of our Nation's most prestigious economists on those issues.

As a result, we have a fundamentally flawed piece of legislation on the floor of the Senate. It should never ever become law, and it is a sad day when those who are supporting this legislation are reduced to quietly going around and suggesting: Don't worry about it being so bad, we just have to do something and maybe the House of Representatives will save us.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

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

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

RHODE ISLAND ARMY NATIONAL GUARD

Mr. REED. Madam President, I rise today to recognize the Army Aviation Association's top National Guard aviation unit for 2005. Since 1969, the Army Aviation Association has presented this award to the best Army National Guard aviation unit. Indeed, it is a great honor to represent the State of this year's winner, the 1st Battalion, 126th Aviation Regiment of the Rhode Island Army National Guard.

The 1st of the 126th has a long and distinguished history. Tracing its roots back to 1930 and the 68th Field Artillery Brigade, the 1st of the 126th was founded as a field artillery unit and later transitioned to medical care specialists. But in the 1960s, the unit was reorganized into an aviation unit. Since that time, it has performed with extraordinary professionalism and skill in its role as an aviation unit.

Deployed to Iraq from January to December of 2005, the 1st of the 126th served as the core of Task Force Dragonwing during Operation Iraqi Freedom. Task Force Dragonwing, based out of Balad Airbase north of Baghdad, was the lead force responsible for conducting combat support aviation operations through the entire Iraqi theater. They accumulated over 16,000 hours of combat mission flight hours during nearly 2,000 missions while transporting 66,000 passengers and 5,000 tons of cargo. During their tour, they flew 46 missions in direct action against known or suspected anti-Iraqi forces, and 22 missions were subjected to known surface-to-air fire, with 7 aircraft receiving battle damage. Throughout the professional performance of their duties, no members of the unit were killed or seriously injured.

The 1st of the 126th is comprised of 457 soldiers who man and maintain 24 UH–60 Black Hawk helicopters and 12 CH–47 Chinook helicopters. Their mission is to perform air assault and movement operations and to provide command, control, supervision, staff planning, and logistical support to all units affiliated with the battalion.

During one of my visits to Iraq, I had the great honor and opportunity to fly with them, to observe their unit firsthand. In fact, I was honored to be accompanied by GEN John Abizaid, whose comments about their skill and professionalism brought great pride to me and all Rhode Islanders. This unit was ably commanded by COL Chris Callahan and was led by soldiers, pilots, and crew members with great skill and courage and professionalism.

I was, indeed, honored and thrilled to be with them in Iraq, to see their operation, to see the contribution they made to our effort in Iraq. The 1st of the 126th has proven itself an exceptional unit and deserves to be selected by the Army Aviation Association as the top aviation unit for 2005. They have served their country with honor. We are all proud of their service, in the State of Rhode Island and throughout the Nation. Indeed, it is heartwarming to see them being recognized nationally for their great success, their great service to the Nation, and their great professionalism. I commend Colonel Callahan and all the officers and personnel of that unit for their service, for their sacrifice, for their dedication to our country.

NEEDLESS SUBSIDIES TO OIL COMPANIES

Mr. WYDEN. Madam President, a couple of weeks ago, I stood in this spot for almost 5 hours because I wanted to prosecute an important cause, the cause of cutting needless subsidies to oil companies when the price of oil is over $70 a barrel. Today the price of oil is still about $70 a barrel, but there is a prospect of some good news. Late last night, the House of Representatives did something that seemed unimaginable in the Senate a couple of weeks ago. They actually had a vote on whether profitable oil companies should get taxpayer-funded royalty giveaways at a time when our citizens are paying record prices at the gas pump.

When I spoke on the floor several weeks ago, all I was trying to do was get an up-or-down vote on exactly what the House of Representatives voted for last night. In fact, I spoke in this spot for more than 4 hours before any Senator of either political party raised any concern about the proposal I was advancing. But despite that extended effort, I was unable to get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

Last night, the House of Representatives not only voted, but they voted overwhelmingly, on a bipartisan basis, to put a stop to this extraordinary waste of taxpayer money.

I remind the Senate and those who may be following this debate that the Government Accountability Office has said that a minimum of $20 billion will be spent on this program. There is litigation involving this program underway. If the litigation is successful, and we are not able to roll back this subsidy, this program could cost taxpayers $80 billion.

Fortunately, the House voted last night to prohibit funding for new offshore oil and natural gas production leases if companies do not pay royalties based on fair market prices. The House vote aims to get oil and gas companies to renegotiate Federal contracts signed in 1998 and 1999 that included royalty relief for companies at a time when crude oil prices were considerably lower than they are now. If the companies wish to continue to get new leases in the future, they would have to renegotiate the old leases and pay royalties based on current market conditions. This is very much along the lines of what I sought, after an extended discussion, to have the Senate vote on just a few weeks ago.

Some have argued that this approach would be essentially like blackmailing the companies by denying new leases

unless they renegotiated the old ones. These opponents have argued that, instead, Congress ought to keep in place these giveaway contracts at a cost of billions of dollars to our citizens.

I also point out, as we did several weeks ago on this floor, that this was a bipartisan ripoff. Mistakes were made during the Clinton administration in 1998 and 1999. Secretary Norton sweetened the pot early on, during the President's term, administratively. Then in the summer of 2005, in the conference between the House and the Senate, these subsidies were made still sweeter. So the sugar just kept coming at a time when the program was already way too sweet for the taste of taxpayers.

No one has a constitutional right to get new leases to drill on Federal lands at giveaway prices. Congress can set new terms and conditions for new leases at any time. In fact, the Congress did just that less than a year ago in passing the Energy bill. The House of Representatives did the same thing in their vote last night. I still believe the Senate ought to have an opportunity to debate and to vote on the oil royalty issue as well, and I will tell the Senate today I am going to do everything in my power to get this issue back on the floor of the Senate as soon as possible. This is a ripoff of our taxpayers. It is an outrage, at a time when middle class folks show up at a gas station in Georgia and Oregon and elsewhere around the country, pay huge prices, and then on top of it their taxpayer dollars are being used to subsidize the companies with these giveaway contracts.

This is too important an issue for the Senate to duck. Too much taxpayer money is at stake for the Senate to duck. I do not see how the Senate can explain away not voting on this after the discussion we have had thus far and after the House of Representatives has now voted, in a bipartisan way, to do what was the subject of extended debate on the Senate floor.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. But in order to stimulate production of oil in our country, the Federal Government, over the last decade, has been discounting these royalty fees. These discounts now amount to billions of dollars. The royalty relief that is given to the oil companies is now the granddaddy of all the oil subsidies.

There has been a lot of debate on the floor of this body over the last few weeks about tax breaks for the oil companies. The President, in my view, to his credit, has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that. I was pleased to hear the President's comment because when the chief executives from the major oil companies came to the Energy Committee last November, I literally went down the row and asked them if they continued to need all of these tax breaks.

The oil executives said they don't need the tax breaks. But the Congress decided to keep ladling them out. So on top of the oil companies' record profits, on top of record prices, on top of record tax breaks, what we have seen is record amounts of royalty relief granted to the oil companies as well.

With prices in the stratosphere, I do not see how anyone can justify this multibillion-dollar subsidy. The point of my amendment several weeks ago was to get rid of these special oil company discounts, the special breaks that amount to billions of dollars, unless the price of oil comes down or unless the Bush administration determines that royalty relief is necessary to avoid supply disruption.

There is, in my view, a growing bipartisan chorus saying that royalty relief is not needed. For example, as another showing of bipartisanship in this cause, a distinguished Member of the other body who chairs the Resources Committee, Congressman RICHARD POMBO, said in a newspaper interview that there is no need for this particular incentive. He said there is not any need for what the Congress has been ladling out and has said it is not necessary at a time of these prices.

In addition, Mr. Michael Coney, a lawyer for the Shell Oil Company, not exactly a place where you would look for somebody to gratuitously bash the industry—he basically said the same thing. He said in this kind of climate you can't make a case for a multibillion-dollar subsidy.

The architect of the program, the author of the program, a very respected, very esteemed former colleague of many of us here, Senator Bennett Johnston of Louisiana, has said what has taken place with respect to the royalty relief program is not at all what he had in mind when he wrote the law.

Last night, the House of Representatives took a landmark step towards reforming this program to reflect current market conditions. I pay a special congratulations to two long-term friends from the other body, Congressman ED MARKEY and Congressman MAURICE HINCHEY. They both spent an enormous amount of time on this issue. They focused on building bipartisan support for their effort. And what Congressman MARKEY and what Congressman HINCHEY were able to do last night was a real breakthrough in terms of protecting the interests of taxpayers. I congratulate those two for building a bipartisan coalition on behalf of this cause.

What I proposed in the Senate was a similar approach to getting the royalty program back on track. I said we ought to roll back these royalty relief subsidies. Let's make sure we are sensitive to the prospect of conditions that can't be anticipated now. If the President says there is going to be a supply disruption or problems are taking place, then we would have a chance to look at it again. Previously, there had been a particular provision in the royalty relief program that said when the oil prices shot up, when they went above a certain level—then it was considered above $34 a barrel—the companies would have to, once again, start paying these royalties. But the problem the Senate and now the House has been looking at stems from the fact that some in the Clinton administration weren't watching the store. They weren't watchdogging this program. They weren't watchdogging the interests of taxpayers as they should have. So they did not put in this clause, the clause that protects taxpayers by setting the price level when you cut off the subsidies, and they didn't include the clause that protects the taxpayers in a number of the leases.

As a result, what has happened is taxpayer money has been wasted and there has been a litigation derby, with scores and scores of lawsuits, with companies still asserting the right to get more cash out of the taxpayer till. The Government Accountability Office has estimated that at minimum the Federal Government is going to be out $20 billion. This is the biggest subsidy of them all in the energy area.

I recall when I was on the Senate floor earlier our colleague from Florida, Senator NELSON, raised an important concern with respect to a oil subsidy program that he was troubled by. It costs the taxpayers $1 billion. Senator NELSON of Florida was spot on, in terms of trying to protect taxpayers and deal with another area where taxpayers' interests have not been well served. But Senator NELSON was talking about something that was relatively small potatoes compared to the money that is involved with royalties.

Suffice it to say, with the subsidies going out the door now and the prospect that the litigation is successful, there is a very real threat that the cost of the subsidy will go still higher, and there are some independent experts in this field who have said that the cost of this program could come in at $80 billion.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. This particular new subsidy in the summer of 2005 was signed into law when the companies were already reporting extraordinary profits. We were already seeing the consumer getting pounded at the gas pump, and it would have been an ideal time, in that summer of 2005, for the Congress to do what members of both political parties have been talking about, and that is roll back these unnecessary expenses, these unnecessary costs to taxpayers. It should have been done in that conference in the summer of 2005.

It was wrong that Senators and Members of the other body agreed, in the summer of 2005, to expand a program which has lost any sensible philosophical foundation, a program that

began in a time when oil was around $16 a barrel, and now is one that has been reconfigured into one that gives out subsidies when the price of oil is $70 a barrel.

Back when that energy conference got together in the summer of 2005, those Members of the Senate and the other body should have said: This is the time to draw the line. This royalty relief program does not pass the smell test. It makes absolutely no sense to be dispensing billions and billions of dollars of royalty relief to the oil companies on top of everything else they already receive.

What I hope now, with the promising action that was taken in the House of Representatives late last night, is I hope it is possible for some common sense, some practical action on behalf of taxpayers, to win bipartisan support in the Senate. That is what caused me to come to this floor several weeks ago and stay in this spot for almost 5 hours.

I am about done now because I think we have made the point, and I don't think we need to spend 5 hours on it today. But I will tell you that a program like this, which was useful back when prices were low, makes no sense, no sense at all anymore.

You can argue for government subsidies at a time when, for example, oil prices are low, and when we are talking about the need to stimulate production, when the American economy needs a shot in the arm. But you certainly don't need billions of dollars of royalty relief for companies at a time when you have record profits, record costs, and record tax breaks.

I am very hopeful that when the Senate comes back next week, we will begin a bipartisan effort to put in place legislation very much along the lines of what passed the House of Representatives late last night. There will be an opportunity to support the kind of commonsense reform I have been talking about, which passed the House last night, when the Interior appropriations bill comes to the floor.

I also appreciate particularly the efforts of Senator KYL of Arizona who has worked with me on this cause. He was a very active colleague during the debate, and since then has worked with me to try to find a way to advance this cause in the Senate.

We now have a new opportunity to protect the interests of taxpayers and to modernize our energy policy.

Talk about not keeping up with the times. How can you argue in favor of a program that began when oil was $16 a barrel? That is what we are dealing with. We are subsidizing the price of this commodity at a time when it hovers around $70 a barrel using a program that began decades ago when the price of oil was $16 a barrel. It makes no sense.

I am going to be back on this floor at the first possible opportunity to see if it is possible, on a bipartisan basis, to accomplish what I and Senator KYL were not able to do on a bipartisan basis a couple of weeks ago. I hope in the Senate there will be a new interest in saving our taxpayers' money and promoting fiscal responsibility by reining in further royalty relief for oil companies. We ought to stipulate that if the price goes down, or America faces some kind of supply disruption, we could revisit it. But until then, we ought to roll back this oil company royalty relief and save our citizens' hard-earned taxpayer dollars for more worthy causes.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Madam President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2006 budget through May 17, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.785 billion in budget authority and by $4.226 billion in outlays in 2006. Current level for revenues is $6.531 billion above the budget resolution in 2006.

Since my last report dated April 6, 2006, Congress has cleared and the President has signed the Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109–222, which reduced 2006 revenues.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through May 17, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated April 5, 2006, Congress has cleared and the President has signed the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222), which reduces 2006 revenues by an estimated $10.8 billion.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF MAY 17, 2006

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under (−) Resolution
On-Budget			
Budget Authority	2,094.4	2,082.6	−11.8
Outlays	2,099.0	2,094.8	−4.2
Revenues	1,589.9	1,596.4	6.5
Off-Budget			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement ofthe budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.

Note: * = Less than $50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF MAY 17, 2006

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	*	*	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	*
Appropriation legislation	1,333,823	1,323,802	*
Offsetting receipts	−479,868	−479,868	*
Total, enacted in previous sessions	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−10,757
Total, enacted this session	1,250	1,000	−10,757
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	*
Total Current Level [1 2 3 4]	2,082,599	2,094,770	1,596,423
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements [4]	−50,000	−62,424	*
Adjusted Budget Resolution	2,094,384	2,098,996	*
Current Level Over Adjusted Budget Resolution	*	*	6,531 *
Current Level Under Adjusted Budget Resolution	11,785	4,226	*

Notes: * = not applicable; P.L. = Public Law.

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under ''enacted in previous sessions'' as requested by the Budget Committee. Included in current level for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

	Budget Authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Total, enacted emergency requirements	77,006	114,698	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

NATIONAL POLICE WEEK 2006

Mr. LEVIN. Madam President, many of our Nation's law enforcement officers have come to Washington, DC, to commemorate National Police Week. I would like to take this opportunity to recognize all Federal, State, and local law enforcement officials for their outstanding service and their vital contributions to the safety of our communities. I would also like to honor the memory of those who gave their lives in the line of duty. These officers, and their families, have paid the ultimate sacrifice for the safety of others.

The first National Police Week was celebrated in 1962 when President John F. Kennedy signed an Executive order designating May 15 as Peace Officers Memorial Day and the week in which that date falls as ''Police Week.'' The weeklong tribute to our Nation's local, State and Federal police officers honors those who died in the line of duty and those who continue to serve and protect us every day at great personal risk. According to the National Law Enforcement Memorial Fund, 1,635 law enforcement officers have been killed in the line of duty in the last 10 years. In 2005 alone, 155 officers lost their lives, including 5 from Michigan. The names of these officers have been permanently engraved on the National Law Enforcement Officers Memorial along side more than 17,000 others.

Sadly, more police officers have lost their lives to guns than to any other cause over the last 10 years. In 2005, 59 officers were shot to death while in the line of duty. This year's Police Week activities occur shortly after the horrific shooting of Detective Vicky Armel and Officer Michael Garbarino at a police station in nearby Fairfax County, VA. Last Monday afternoon, Detective Armel and Officer Garbarino were ambushed in the parking lot of the police station by an 18-year-old reportedly armed with an AK–47 military-style assault rifle, a high-powered hunting rifle, and five handguns. During the course of the shootout with Detective Armel, Officer Garbarino, and other officers, the gunman fired more than 70 times. Tragically, Detective Armel died later that day and Officer Garbarino passed away early Wednesday morning.

It is not enough to simply mention those, like Detective Armel and Officer Garbarino, who have given their lives protecting our communities. In order to truly honor their service and sacrifice, we should take up and pass commonsense gun safety legislation to help protect law enforcement officials from the threat posed by military style firearms.

The sale of assault rifles like the AK–47 used in last week's shooting were prohibited under the 1994 assault weapons ban. Unfortunately, the President and the Republican congressional leadership allowed this legislation to expire on September 13, 2004, allowing 19 previously banned types of assault weapons and other firearms with military style features to once again be legally sold. Recognizing the especially lethal nature of these military style firearms, I have cosponsored legislation to restore and strengthen the assault weapons ban.

I am also a cosponsor of legislation to prohibit the sale of the Five-Seven armor-piercing handgun and its ammunition in the United States. A number of national law enforcement organizations have publicly called for a ban on these firearms because of the threat they pose to police officers, even those wearing body armor. According to the manufacturer's Web site, the Five-Seven weighs less than 2 pounds fully loaded and measures only 8.2 inches in length, making it easily concealable. A statement which previously appeared on the Web site boasted ''Enemy personnel, even wearing body armor can be effectively engaged up to 200 meters. Kevlar helmets and vests as well as the CRISAT protection will be penetrated.'' These military style pistols clearly have no sporting purpose and pose a great threat to the lives of our law enforcement officers.

We can and should do more to support and protect those who are working to ensure the safety of our communities. The names of law enforcement officers from Michigan who were added to the National Law Enforcement Officers Memorial this year are:

Detective Lavern Steven Brann of Battle Creek, Died May 9, 2005

Officer Owen David Fisher of Flint, Died July 16, 2005

Commander Dale Francis Bernock of Dearborn, Died October 3, 2005

Officer Scot Andrew Beyerstedt of Mattawan, Died July 26, 2005

Sergeant Michael Allen Scarbrough of Wayne County, Died February 9, 2005

Deputy Sheriff Paul Lee Mickel of Wayne County, Died November 18, 1973

Chief Benjamin Lewis Carpenter of Newaygo, Died July 23, 1963
Night Watchman William A. Daniels of Cassopolis, Died January 26, 1903

OIL INDUSTRY MERGER ANTITRUST ENFORCEMENT ACT OF 2006

Mr. DEWINE. Madam President, I join Senator KOHL as sponsor of the Oil Industry Merger Antitrust Enforcement Act. This bill will make it significantly more difficult for oil companies to merge, and should help put an end to the record energy prices that continue to burden America's consumers and businesses.

As we all know, these high fuel costs are affecting every family, and they show no sign of coming back down. We must continue our efforts to do something about it. As Chairman of the Subcommittee on Antitrust, Competition Policy and Consumer Rights, I have been working for years to combat the problem of higher energy prices. Along with Senator KOHL, I have championed legislation to make it clear that that the Department of Justice has the legal authority to prosecute OPEC for its price fixing of crude oil prices. As we all know, the biggest part of our gas prices is the price of crude oil, and the only way we can restore competition in the market for crude oil is to fight against OPEC's blatantly illegal and anticompetitive conspiracy to fix prices of this crucial commodity.

I have also asked the Federal Trade Commission to monitor gasoline prices to make sure that consumers are not subject to price gouging or illegal price manipulation, and in response to that request the FTC has instituted an ongoing project to monitor gasoline prices in 360 markets across the Nation, including 12 in my home State of Ohio.

Further, the Judiciary Committee has held two hearings addressing the causes of higher fuel prices in recent months, and last month I joined with Chairman SPECTER and Senators KOHL, LEAHY, FEINSTEIN, and DURBIN, to sponsor legislation which prevents oil companies from unfairly manipulating the supply of oil in order to artificially raise prices, and also calls for investigations into how effective enforcement of oil mergers has been, whether past mergers need to be revisited, and whether the enforcement agencies need new standards for reviewing oil industry mergers. That legislation also creates a Joint Federal and State Task force to investigate information sharing in the oil industry that may lead to artificially high prices for gasoline, electricity, and heating oil. Perhaps most important, it provides a ''NOPEC'' provision like the one that Senator KOHL and I have sponsored in the past, which enables Justice to prosecute the illegal OPEC cartel.

While all these efforts are steps in the right direction, we continue to see increasing fuel costs, and one likely reason is the ongoing consolidation in the oil industry. And, as our energy needs increase and as oil gets harder and more expensive to find and produce, it seems likely that this consolidation will continue. Therefore, we need to continue our efforts to maintain competition in this industry, and by making it more difficult for oil companies to merge, this legislation provides a different and useful approach for keeping these companies independent and maintaining the competition that still exists.

Specifically, this bill changes the burden of proof in cases alleging illegal mergers, so that oil companies that want to merge must prove that their merger will not harm consumers. In addition, this bill requires the antitrust agencies to specifically consider the unique conditions of the petroleum market when evaluating these mergers, in order to assure that when reviewing proposed mergers the agencies are focusing on the potential dangers of oil industry mergers. These changes, taken together, will make sure that only pro-competitive mergers are allowed, and will help protect consumers and businesses from higher energy prices.

We still have many challenges to face in our ongoing efforts to combat high energy prices, but this bill will make a difference and I strongly encourage my colleagues to join in support of its passage.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF CLARK, SOUTH DAKOTA

• Mr. JOHNSON. Madam President, today I rise in order to pay tribute to the 125th anniversary of the founding of the city of Clark, SD. As the county seat of Clark County, this vibrant, progressive community has been a center of commercial and civic activity since its inception.

The site which Clark is built on was chosen by GEN S.J. Conklin, who would later become known as the Father of Clark County. The prospects of the town increased greatly when the railroad was complete in early 1882. With the arrival of the trains came a flurry of economic activity. The first businesses opened in Clark were the Clark House operated by Mattie Greenslet and a general store operated by COL W.H. Lamb. Later there would be a land office and the Big Store, known as the largest department store west of Minneapolis.

Now Clark is home to seven churches, a thriving business community, excellent hunting and fishing, and the high school's Clark Comets, among various other attractions. Each year, Clark hosts both Potato Day and the Halloween Spooktacular. Additionally, there are over two dozen civic organizations doing good work in the community.

I am pleased to announce that Clark will be celebrating its 125th anniversary with a community celebration on June 10 to 11. There are numerous events scheduled, including a parade, street dance, ecumenical church service, community potluck, and baseball games. This celebration is a fitting way to recognize Clark's long and productive history.

Even 125 years after its founding, Clark continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Clark on this memorable occasion. The citizens of Clark are continuing to live up their motto: Clark is indeed ''a nice place to visit . . . a great place to call home.''•

THE PASSING OF ANN WEBSTER SMITH

• Mr. CHAFEE. Madam President, I take this opportunity to recognize Anne Webster Smith, a world-renowned preservationist, who died in Washington, DC on April 20, 2006.

Like Rhode Island's grand dame of historic preservation, Antionette Downing, Anne Webster Smith exhibited a tireless and infectious dedication to the preservation of our cultural heritage. Just last year, Ms. Smith was awarded the Piero Gazzola Prize, given once every 3 years by the International Council on Monuments and Sites, for her lifelong efforts to protect the world's historic and cultural sites. This tribute, seconded by scores of ICOMOS leaders from throughout the world, is a statement that leadership is as much about cultivation, persistence and persuasion as it is bold initiative.

In addition to her 30 years of service to ICOMOS, Ms. Smith served as New York's Deputy Commissioner for Parks, Recreation and Historic Preservation, and as a professional staff member at the USDOT and Advisory Council for Historic Preservation. She was most active in those critical years when she and her colleagues created the modern institutional foundation for preservation in the U.S.

In her service to ICOMOS, Ms. Smith was dedicated to recognizing the world's greatest cultural and natural sites through the United Nations World Heritage Program. At the same time, as an American she had greater ambitions for her own country. In a letter she sent me just last January, she lamented: ''I have long been concerned by the fact that the United States, the first nation to ratify the Convention after its passage in 1972, has been so slow to recognize the importance of implementing the Convention. In my view the Convention has the potential for increasing community pride, for expanding educational awareness and interest in our Nation's heritage and history, for developing concern about the importance of distinguished architecture and planning, especially in urban areas, and for serving as an important tool for the expansion of development

of cultural tourism.'' Increasing numbers of Americans agree with Ms. Smith's vision.

Clearly, Ann Webster Smith was respected and loved by the entire cultural heritage and preservation community for a lifetime of leadership and friendship. Her work will live on because she inspired so many throughout the U.S. and the world to work as hard as they can to recognize, celebrate and protect our cultural heritage.●

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5386. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5386. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 457. A bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 2857. A bill to amend the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 2858. A bill to reduce temporarily the duty on acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. BURR:

S. 2859. A bill to reduce temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mr. BURR:

S. 2860. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for shipping; to the Committee on Finance.

By Mr. BURR:

S. 2861. A bill to suspend temporarily the duty on Chloral; to the Committee on Finance.

By Mr. BURR:

S. 2862. A bill to suspend temporarily the duty on Imidacloprid Technical (Imidacloprid); to the Committee on Finance.

By Mr. BURR:

S. 2863. A bill to suspend temporarily the duty on Triadimefon; to the Committee on Finance.

By Mr. BURR:

S. 2864. A bill to suspend temporarily the duty on ACM; to the Committee on Finance.

By Mr. BURR:

S. 2865. A bill to suspend temporarily the duty on Permethrin; to the Committee on Finance.

By Mr. BURR:

S. 2866. A bill to suspend temporarily the duty on Thidiazuron; to the Committee on Finance.

By Mr. BURR:

S. 2867. A bill to suspend temporarily the duty on Flutolanil; to the Committee on Finance.

By Mr. BURR:

S. 2868. A bill to suspend temporarily the duty on Resmethrin; to the Committee on Finance.

By Mr. BURR:

S. 2869. A bill to suspend temporarily the duty on Clothianidin; to the Committee on Finance.

By Mr. BURR:

S. 2870. A bill to suspend temporarily the duty on Mesotrione Technical; to the Committee on Finance.

By Mr. BURR:

S. 2871. A bill to suspend temporarily the duty on MKH 6561 Isocyanate; to the Committee on Finance.

By Mr. BURR:

S. 2872. A bill to suspend temporarily the duty on Endosulfan; to the Committee on Finance.

By Mr. BURR:

S. 2873. A bill to suspend temporarily the duty on mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3 ,5-triazin-2-yl)ureido sulfonyl]benzoate, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2874. A bill to suspend temporarily the duty on Ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl); to the Committee on Finance.

By Mr. BURR:

S. 2875. A bill to suspend temporarily the duty on (5-cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl phenyl] methoanone (Isoxaflutole); to the Committee on Finance.

By Mr. BURR:

S. 2876. A bill to suspend temporarily the duty on Methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-a-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) (CAS No. 208465-21-8) whether or not mixed with application adjuvants; to the Committee on Finance.

By Mr. BURR:

S. 2877. A bill to suspend temporarily the duty on mixtures of Foramsulfuron and Iodosulfuron-methyl-sodium; to the Committee on Finance.

By Mr. BURR:

S. 2878. A bill to suspend temporarily the duty on formulations of Prosulfuron; to the Committee on Finance.

By Mr. BURR:

S. 2879. A bill to suspend temporarily the duty on Spirodiclofen; to the Committee on Finance.

By Mr. BURR:

S. 2880. A bill to suspend temporarily the duty on Propamocarb HCL (Previcur); to the Committee on Finance.

By Mr. BURR:

S. 2881. A bill to suspend temporarily the duty on chloracetic acid, ethyl ester; to the Committee on Finance.

By Mr. BURR:

S. 2882. A bill to suspend temporarily the duty on chloroacetic acid, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2883. A bill to suspend temporarily the duty on Phenmedipham; to the Committee on Finance.

By Mr. BUNNING:

S. 2884. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

By Mr. BURR:

S. 2885. A bill to suspend temporarily the duty on Desmedipham; to the Committee on Finance.

By Mr. BURR:

S. 2886. A bill to extend temporarily the suspension of duty on Methidathion Technical; to the Committee on Finance.

By Mr. BURR:

S. 2887. A bill to extend temporarily the suspension of duty on difenoconazole; to the Committee on Finance.

By Mr. BURR:

S. 2888. A bill to extend temporarily the suspension of duty on Lambda-Cyhalothrin; to the Committee on Finance.

By Mr. BURR:

S. 2889. A bill to extend temporarily the suspension of duty on cyprodinil; to the Committee on Finance.

By Mr. BURR:

S. 2890. A bill to extend temporarily the suspension of duty on Wakil XL; to the Committee on Finance.

By Mr. BURR:

S. 2891. A bill to extend temporarily the suspension of duty on Azoxystrobin Technical; to the Committee on Finance.

By Mr. BURR:

S. 2892. A bill to extend temporarily the suspension of duty on mucochloric acid; to the Committee on Finance.

By Mr. BURR:

S. 2893. A bill to extend temporarily the suspension of duty on Trinexapac-ethyl; to the Committee on Finance.

By Mr. BURR:

S. 2894. A bill to extend temporarily the suspension of duty on triasulfuron; to the Committee on Finance.

By Mr. BURR:

S. 2895. A bill to extend temporarily the suspension of duty on Imidacloprid pesticides; to the Committee on Finance.

By Mr. BURR:

S. 2896. A bill to extend temporarily the suspension of duty on crotonic acid; to the Committee on Finance.

By Mr. BURR:

S. 2897. A bill to extend temporarily the suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Finance.

By Mr. BURR:

S. 2898. A bill to extend temporarily the suspension of duty on 1,3-Benzenedicarboxamide, N, N′-Bis (2,2,6,6- tetramethyl-4-piperidinyl)-); to the Committee on Finance.

By Mr. BURR:

S. 2899. A bill to extend temporarily the suspension of duty on reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol); to the Committee on Finance .

By Mr. BURR:

S. 2900. A bill to extend temporarily the suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-); to the Committee on Finance.

By Mr. BURR:

S. 2901. A bill to extend temporarily the suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl piperidine; to the Committee on Finance.

By Mr. BURR:

S. 2902. A bill to extend temporarily the suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione); to the Committee on Finance.

By Mr. BURR:

S. 2903. A bill to extend temporarily the suspension of duty on Tetraacetylethylenediamine; to the Committee on Finance.

By Mr. BURR:

S. 2904. A bill to extend temporarily the suspension of duty on sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. BURR:

S. 2905. A bill to extend temporarily the suspension of duty on sodium petroleum sulfonate; to the Committee on Finance.

By Mr. BURR:

S. 2906. A bill to extend temporarily the suspension of duty on Diclofop methyl; to the Committee on Finance.

By Mr. BURR:

S. 2907. A bill to extend temporarily the suspension of duty on asulam sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2908. A bill to extend temporarily the suspension of duty on ethofumesate; to the Committee on Finance.

By Mr. BURR:

S. 2909. A bill to extend temporarily the suspension of duty on Nemacur VL; to the Committee on Finance.

By Mr. BURR:

S. 2910. A bill to modify the provisions relating to formulations of Triasulfuron and Dicamba; to the Committee on Finance.

By Mr. BURR:

S. 2911. A bill to modify the provisions relating to formulations of Ethanediamide, N-(2-ethoxyphenyl)-N′-(2-ethylphenyl)-); to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LEVIN, Ms. STABENOW, and Mr. FEINGOLD):

S. 2912. A bill to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2913. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Finance.

By Mr. DEWINE:

S. 2914. A bill to recognize and honor the soldiers of the United States and Republic of Korea who served, were wounded, or were killed from 1953 until the present in the defense of the Republic of Korea, to require the placement of a commemorative plaque at the Korean War Veterans Memorial in Washington, D.C., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2915. A bill to amend title 10, United States Code, to improve screening for colorectal cancer for TRICARE beneficiaries over the age of 50; to the Committee on Armed Services.

By Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. JEFFORDS, Mr. BINGAMAN, and Ms. CANTWELL):

S. 2916. A bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. DORGAN, Mr. INOUYE, Mr. WYDEN, Mr. LEAHY, Mrs. BOXER, Mr. OBAMA, and Mrs. CLINTON):

S. 2917. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Mr. LOTT):

S. 2918. A bill to provide access to newspapers for blind or other persons with disabilities; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 811

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1046

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1319

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1319, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2278

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2430

At the request of Mr. DEWINE, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2430, a bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2694

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2694, a bill to amend title 38, United

States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2803

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Alabama (Mr. SHELBY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2854

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2854, a bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

S. RES. 484

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 484, a resolution expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the United Nations Security Council to adopt immediately a binding non-punitive resolution on Burma.

AMENDMENT NO. 4029

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 4029 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 2884. A bill to facilitate and expedit direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I rise to introduce legislation that will ensure fair tax treatment for domestic coal producers and coal exporters to help them receive the coal excise tax refunds due to them from an unconstitutional tax they paid.

For years the Federal Government collected the coal excise tax on coal exports from coal producers and coal exporters. In 1998, the Federal Courts declared the coal excise tax unconstitutional when applied to exported coal.

Although those that export coal are entitled to the refunds of the unconstitutional coal excise tax on exported coal, they face serious and significant obstacles to obtaining refunds of the tax with the Internal Revenue Service and the courts.

This legislation will end unnecessary litigation on this issue and simplify the IRS process that U.S. coal producers and exporters use to obtain refunds of the coal excise tax they paid. It also will ensure that the producer or exporter that actually exported the coal, and thus is entitled to the refund, receives that refund.

I urge my colleagues to join me in support of this legislation.

Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2913. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, Senator BAUCUS and I are introducing legislation that will update and clarify the tax rules for business clients and that use professional employer organizations, PEOs. This legislation will improve the efficiency of small businesses by eliminating any uncertainty about the ability of qualifying PEOs to assume liability for paying wages and collecting and remitting Federal employment taxes.

Business owners are overwhelmed with the challenges of meeting Federal and State employment and tax responsibilities. Many businesses, particularly small to mid-sized businesses are turning to professional employer organizations for assistance with these employment obligations. A PEO works with its business clients to provide comprehensive employment services. The PEO assumes responsibility for the management of human resources, employee benefits, payroll, and workers' compensation, allowing their business clients to focus on their core competencies to maintain and grow their bottom line. In short, this legislation is about improving the efficiency of America's small businesses.

Businesses today need help with the increasingly complex employment related matters. The most important of these matters is the payment of wages and the collection and remitting of employment taxes. Increasingly, businesses are turning to PEOs to assume these responsibilities. Our legislation will eliminate any ambiguity about a PEO's ability to assume employment tax responsibility while providing important safeguards for the PEO's small business clients.

Tbe Small Business Efficiency Act will permit PEOs that are certified by the IRS, CPEO, to collect and remit Federal employment taxes of their business clients' employees. The certification process is voluntary and was designed with significant input from all stakeholders, including the Department of the Treasury and the IRS. To be certified by the IRS, the CPEO would have to meet financial and other standards and maintain ongoing certification by the IRS. The CPEO would be required to assume full and sole responsibility for the collection of Federal employment taxes.

In addition to the many benefits for business clients, the government benefits from improved employment regulatory compliance and tax administration The IRS has stated that CPEOs would facilitate tax administration by reducing the number of returns it processes and by reducing errors in calculating and paying employment taxes. This is a win-win situation. The PEO arrangement not only reduces the governmental burden of collecting employment tax and unemployment compensation obligations, it also assures consistent compliance with complex tax laws and timely and expedited payment of taxes. This is clearly an improvement for PEOs, the business clients of PEOs, and the Federal Government.

The Small Business Efficiency Act will substantially simplify employment tax obligations for businesses that use PEOs. The legislation will provide clarity for PEOs, their business clients, and the IRS regarding the rights of a PEO to assist business client with employment tax responsibilities while significantly improving tax administration. I ask unanimous consent that the text of the bill and a section-by-section description of the bill be printed in the CONGRESSIONAL RECORD and I look forward to working with my colleagues to address this issue in a timely manner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Efficiency Act of 2006''.

SEC. 2. NO INFERENCE.

Nothing contained in this Act or the amendments made by this Act shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by section 3), or

(2) for purposes of any other provision of law.

SEC. 3. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

''(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

''(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

''(2) the exemptions and exclusions which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

''(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a) and 3306(b)(1)—

''(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

''(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

''(c) LIABILITY WITH RESPECT TO WORK SITE EMPLOYEES.—

''(1) GENERAL RULES.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

''(A) the certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (e)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

''(B) the exemptions and exclusions which would (but for subparagraph (A)) apply shall apply with respect to such taxes imposed on such remuneration.

''(d) SPECIAL RULE FOR RELATED PARTY.—Subsection (a) shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

''(e) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business (including a partner in a partnership that is a customer) is not a work site employee with respect to remuneration paid by a certified professional employer organization.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 of such Code (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

''(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who applies to be treated as a certified professional employer organization for purposes of section 3511 and who has been certified by the Secretary as meeting the requirements of subsection (b).

''(b) CERTIFICATION.—A person meets the requirements of this subsection if such person—

''(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

''(2) represents that it will satisfy the bond and independent financial review requirements of subsections (c) on an ongoing basis,

''(3) represents that it will satisfy such reporting obligations as may be imposed by the Secretary,

''(4) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

''(5) agrees to verify the continuing accuracy of representations and information which was previously provided on such periodic basis as the Secretary may prescribe, and

''(6) agrees to notify the Secretary in writing of any change that materially affects the continuing accuracy of any representation or information which was previously made or provided.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

''(A) meets the bond requirements of paragraph (2), and

''(B) meets the independent financial review requirements of paragraph (3).

''(2) BOND.—

''(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

''(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

''(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

''(ii) $50,000.

''(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

''(A) has, as of the most recent audit date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant as to whether the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

''(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

''(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

''(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

''(6) AUDIT DATE.—For purposes of paragraph (3)(A), the audit date shall be six months after the completion of the organization's fiscal year.

''(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

''(e) WORK SITE EMPLOYEE.—For purposes of this title—

''(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

''(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

''(B) performs services at a work site meeting the requirements of paragraph (3).

''(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

''(A) assume responsibility for payment of wages to the individual, without regard to the receipt or adequacy of payment from the customer for such services,

''(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to the individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

''(C) assume responsibility for any employee benefits which the service contract may require the certified professional employer organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

''(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

''(E) maintain employee records relating to the individual, and

''(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

''(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met

with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

''(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 45B of such Code (relating to credit for portion of employer social security taxes paid with respect to employees with cash tips) is amended by adding at the end the following new subsection:

''(e) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of this section, in the case of a certified professional employer organization which is treated under section 3511 as the employer of a work site employee who is a tipped employee—

''(1) the credit determined under this section shall not apply to such organization but to the customer of such organization with respect to which the work site employee performs services, and

''(2) the customer shall take into account any remuneration and taxes remitted by the certified professional employer organization.''.

(2) Section 3302 of such Code is amended by adding at the end the following new subsection:

''(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a client of such organization, makes a payment to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such payment.''.

(3) Section 3303(a) of such Code is amended—

(A) by striking the period at the end of paragraph (3) and inserting ''; and'' and by inserting after paragraph (3) the following new paragraph:

''(4) a certified professional employer organization (as defined in section 7705) is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.'', and

(B) in the last sentence—

(i) by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraphs (1), (2), (3), and (4)'', and

(ii) by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1), (2), (3), or (4)''.

(4) Section 6053(c) of such Code (relating to reporting of tips) is amended by adding at the end the following new paragraph:

''(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this section, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.''.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

''Sec. 3511. Certified professional employer organizations.''.

(2) The table of sections for chapter 79 of such Code is amended by inserting after the item relating to section 7704 the following new item:

''Sec. 7705. Certified professional employer organizations.''.

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this Act with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 of such Code (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

''(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.''.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this Act shall take effect on the January 1st of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986 not later than 6 months before the effective date determined under paragraph (1).

THE SMALL BUSINESS EFFICIENCY ACT

SECTION-BY-SECTION DESCRIPTION

Section 1. Short Title: The Small Business Efficiency Act.

Section 2. No Inference Language: The legislation is narrowly drafted to provide expressly that except for the payment of employment taxes as provided in the bill, there is no inference regarding the determination of who is a common law employer under Federal tax laws or who is an employer under other provisions of the law.

Section 3. Certified Organizations: Creates a voluntary certification program for Professional Employer Organizations (CPEOs) by establishing basic requirements which must be met in order to be certified by the Internal Revenue Service (IRS).

Section 3(a) describes the responsibility of the CPEO with respect to the covered workers performing services at its business client's worksite, with the CPEO being treated as the employer of those covered workers for employment tax purposes. This section provides that after certification, a CPEO assume the responsibility and liability for payment of wages and collection of Federal employment taxes for covered workers. This section also provides that a CPEO and its clients will be treated as ''successor'' employers for employment tax purposes with no additional taxes owed simply because a client engages or disengages a CPEO. Finally, the section imposes rules that prevent abuse.

Section 3(b) describes certification requirements which a PEO must demonstrate to the IRS by written application. As established by the Secretary of the Treasury, these could include requirements with respect to tax status, background, experience, business location, and annual financial audits, as well as verification of the continuing accuracy of representations and information on a periodic basis. In addition, this section requires CPEOs to obtain financial reviews from independent CPAs and to post a bond for the payment of employment taxes. A worksite employee is a worker who performs services at the CPEO's business client worksite if the worker and at least 85% of the individuals working at the worksite are covered by a written service contract that provides the CPEO will (1) assume responsibility for payment, reporting and withholding of wages, employment taxes and employee benefits, without regard to the adequacy of payment by the client business. The service contract would also be required to expressly provide that the CPEO assumes shared responsibility with the business client for firing the worker or hiring or recruiting any new worker and for maintaining employee records.

Section 3(c) provides conforming amendments with respect to certain credits and reporting rules.

Section 3(d) makes certain clerical amendments.

Section 3(e) creates regulatory authority to develop appropriate reporting and recordkeeping rules.

Section 3(f) authorizes the creation of a CPEO certification user fee not to exceed $500.

Section 3(g) provides that the provisions of the Act will take effect on January 1 of the first calendar year beginning more than 12 months after the date of enactment. This section further requires the Secretary of the Treasury to establish the certification program not later than 6 months following the effective date.

By Mr. BIDEN:

S. 2915. A bill to amend title 10, United States Code, to improve screening for colorectal cancer for TRICARE beneficiaries over the age of 50; to the Committee on Armed Services.

Mr. BIDEN. Mr. President, today I am pleased to introduce a simple bill that would give military dependents and retirees the same choices for colon cancer screening that every Medicare beneficiary and every Federal employee enjoys. This legislation requires Tricare to abandon its overly restrictive and outdated policy of limiting coverage of screening colonoscopy to a small group of high-risk individuals. By contrast, for several years both Medicare and the Federal Employees Health Benefits Program have paid for screening colonoscopy to detect cancer in average-risk people, and my bill simply applies this same standard to the Tricare program.

Why is this bill so important? Colon cancer is highly curable when detected and treated early but extremely lethal when it reaches an advanced stage. Early detection and prompt treatment are the keys to surviving colon cancer. Among those whose colon cancer has been cured by modern diagnostic and treatment methods are President Reagan, Supreme Court Justice Ginsburg, and our colleague Senator BURNS, to name just a few.

Why is access to colonoscopy so critical? At present, gastroenterologists overwhelmingly recommend colonoscopy as the preferred method to use for screening of colon cancer in average risk individuals over 50. Colonoscopy is more sensitive than other methods of screening in detecting colonic neoplasia, pre-cancerous changes or full-blown cancers, at an early stage; colonoscopy is more reliable in finding colonic neoplasia in the upper ⅔ of the colon; and colonoscopy permits biopsy and removal of abnormal tissue as soon as it is discovered, in a single procedure. In fact, medical specialists refer to colonoscopy as the ''gold standard'' for colon cancer screening.

Since, 2001, the Medicare Program has permitted the use of colonoscopy to screen for colon cancer in ''average risk'' individuals, and the Federal Employees Health Benefits Program has used the same criteria since 2003. But the Tricare medical program for military beneficiaries clings to an outmoded policy that authorizes screening colonoscopy to detect colon cancer only for only a very narrowly defined group of ''high risk'' people, not the much broader group of ''average risk'' individuals covered by the Medicare and FEHBP programs. By failing to keep up with modern medical practice, as well as with other federal health programs, Tricare seems to be inappropriately restricting access to a potentially lifesaving tool for early cancer detection. The resulting unnecessary delay in detection of colon cancer puts our military community at needless risk.

To remedy this situation, my bill requires the Tricare program to use the same criteria as the Medicare program in paying for screening colonoscopy. My bill does not mandate that screening colonoscopy be used for colon cancer detection in Tricare beneficiaries; that decision is left to Tricare patients and their doctors. Rather, this legislation simply affords Tricare participants the same options that Federal employees and Medicare beneficiaries have enjoyed for some time.

Frankly, I see no logical reason why those who have served our country in uniform for over 20 years, and the family members of those currently on active duty, should not have access to the same high-quality medical choices offered to our senior citizens and to our Federal workers. The policy on colon cancer screening that has worked well for 42 million Medicare beneficiaries and 9 million FEHBP participants, a policy that is endorsed by most medical specialists, seems totally appropriate for the Tricare population. It is time to bring the Tricare program's colon cancer screening criteria into the 21st century.

Mr. President, I encourage my colleagues to join me in supporting this commonsense legislation

---

By Ms. SNOWE (for herself, Mr. DORGAN, Mr. INOUYE, Mr. WYDEN, Mr. LEAHY, Mrs. BOXER, Mr. OBAMA, and Mrs. CLINTON):

S. 2917. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will preserve the open, unrestricted nature of the Internet. I want to thank my colleagues, Senator DORGAN and Senator INOUYE, with whom I have worked closely to draft this bill. I also want to acknowledge Senator WYDEN, who has introduced similar net neutrality legislation, for his leadership on this issue.

Having risen from its humble beginnings as an obscure tool for a few tech-savvy enthusiasts, the Internet now stands as the epicenter of commerce today. An April 2006 Pew Internet study cites that 73 percent of adults in the U.S. now use the Internet, 45 percent of whom use it for making major financial decisions. Last year alone, over $1.7 trillion in transactions took place on the Internet, and today 725,000 small businesses use e-commerce giant eBay as a way to reach customers. Because anyone, anywhere, can communicate and transact business with virtually any corner of the globe with an Internet connection, the benefits of the Internet on small businesses—and on rural places like my home State of Maine—cannot be overstated.

The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field for consumers' business. Anyone can send an e-mail or set up a Web site at little or no cost, and the marketplace has picked winners and losers, rather than an arbitrary gatekeeper.

When users log onto the Internet, they take a lot of things for granted. They assume that they will be able to access whatever Web site they want, when they want to—and if they have a broadband connection, they expect this to happen at a high speed, regardless of what Web site they choose. They also assume that they can use any feature they like, anytime they choose—watching online videos, searching for information, making purchases, and sending e-mails and instant messages. They assume that they can attach devices to make their online experience better—things such as Web cameras, game controllers, or extra hard drives. What they are assuming is called ''net neutrality,'' the principle at the core of the Internet's DNA. The idea is that the Internet should be open and free, restricted by no one.

Unfortunately, all this may change very soon if Congress does not take action. In August 2005, the Federal Communications Commission issued an order removing virtually all regulation of Internet facilities that connect homes and businesses to the World Wide Web. Among the regulations lifted were the long-standing non-discrimination rules that required the owners of Internet facilities networks—in most cases cable and telephone companies—to allow delivery of all Internet content to the end user at the same speed, refraining from blocking any Web sites. These long-standing rules have enabled small businesses in Maine and across the country to have the same access to customers as giant corporations. Yet without the protections of the legislation we introduce today, those small businesses may be reduced to second-class citizen status on the Web.

Telephone and cable companies supply broadband Internet service to 98 percent of Internet subscribers in this country. Recently, executives from several of the largest of these firms publicly indicated their intention to charge fees to Web site operators before giving them access to their highspeed lines, and relegate those who do not pay up to the slower transmission lines. A Web site owned by a company who is a competitor could even be blocked entirely.

Anyone who has sat frustrated at a computer screen waiting for a file to download knows what this means for the those Web site owners not willing to pay up: their sites and applications will run at a slower pace, thus turning away consumers. These Internet companies, e-mail services, and Web site owners will be relegated to the Information ''Dirt Road''—the Information Superhighway will be reserved for those companies who are willing to pay the toll. Worst of all, consumers and businesses who rely on these Internet services will be completely powerless, since it is beyond their control as to which Web site owners are willing to pay the fees.

The legislation we introduce today keeps the rules where they always have been, until last year. First, the bill bars network operators from blocking, degrading or impairing Internet traffic. Second, the bill ensures that network operators are not allowed to create a two-tiered Internet—an Internet that treats those who can afford to do business with large nationwide broadband providers more favorably than those who do not. Virtually everyone has called for more widespread deployment of broadband facilities: this bill ensures that those high-speed networks are available for all users of the Internet.

This legislation already enjoys support from a broad spectrum of groups who care about Internet freedom, such as the Consumer's Union, the Parent's Television Council, the Gun Owners of America, the American Library Association, and the Christian Coalition. Altogether over 140 organizations have backed our efforts to prevent discrimination the Internet.

If we allow companies to set up tollbooths along the Information Superhighway, we will fundamentally alter every Internet user's experience and stifle the entrepreneurship that flourishes on the world's last remaining

frontier. Network operators should not have the power to decide which Web pages load faster, which content their customers can access, and whose data has the highest priority. Network operators already enjoy near-monopolistic privileges in many markets across the country. Should this market power now be extended to messaging services, streaming video, or online shopping, just to name a few?

Consumers should decide which businesses succeed and which fail, not network providers. What has made the Internet such a remarkable success is the ability of consumers everywhere to use the connection they pay for to experience a world of their own choosing on their own terms. Earlier this month, the New York Times endorsed the legislation in an editorial when it called for ''a strong net neutrality bill that would prohibit broadband providers from creating a two-tiered Internet. Senators who care about the Internet and Internet users should get behind it.'' I hope my colleagues join me in supporting the Internet Freedom Preservation Act.

Mr. DORGAN. Mr. President, today my colleague Senator SNOWE and I are introducing the Internet Freedom Preservation Act.

Internet freedom, known as net neutrality, is one of the most important issues facing us as the telecommunications landscape continues to change, and frankly, how this issue is resolved could determine whether our Nation continues to be a world leader in the area of innovation and technology.

Consumers, businesses, and the very marketplace of ideas have benefited from the historically open nature of the Internet.

From the largest of corporations to the person working alone in a garage, all have had the ability to offer their content, services, and applications over the Internet and to reach consumers, because of this open structure of the Internet and the existence of net neutrality nondiscrimination rules.

I think it is important to point the wide variety of groups that have called for the preservation of strong net neutrality protections: groups as diverse as Consumers Union, AARP, Microsoft, Amazon, Gun Owners of America, and the National Religious Broadcasters, and over 150 organizations or companies so far have weighed in on this important issue.

The Internet, and the broadband network operators that bring the Internet to businesses and consumers, have enabled even the most rural town in my State of North Dakota to be connected to the rest of the world, and this connection has brought economic opportunities, and advances in health and education that could otherwise not have been possible.

Now, however, the open nature of the Internet is at risk. It is at risk because of actions by the Federal Communications Commission, and because of the lack of competition in the broadband market.

Non-discrimination rules that existed for years on broadband providers have been removed, leaving only the marketplace to act as a check. The problem is, however, that the broadband marketplace is highly concentrated—98 percent of consumers get their broadband from either cable modem or DSL, and up to 50 percent of consumers can only get their broadband from one broadband provider.

Thus, the situation is not a marketplace of players on an equal footing. Broadband network operators have substantial market power and the incentive to use it. There have been public statements by some of their CEOs that have made clear that they intend to use that leverage to exact payments from content providers and to operate as gatekeepers.

These broadband network operators have become more than just the pipe that carries content, services, and applications to a consumer; they now are in the business of these content, services and applications as well. Thus, they have the leverage, and the incentive to favor their own services over competition.

Until now the Internet has been driven by consumers and innovators, which have in turn, encouraged broadband deployment.

Consumers pay for their Internet connection, and expect that they can go anywhere they lawfully want to on the Internet.

But without maintaining the longstanding nondiscrimination rules that have been in place for decades, the Internet could go from being driven by consumers and innovators to bring dictated by network operators.

What will be the impact on the next great application or service over the Internet if the very first thing the next start-up has to do is work out an agreement with the broadband provider?

What will be the impact on consumers if their choices are artificially limited by their broadband providers as to what VOIP or video service they can get?

I agree that broadband network operators are investing millions of dollars in building the next generation of infrastructure, and I commend them for that. Under our bill they will still be able to be compensated for their investments, as they are now, by charging for their broadband connections.

But they should not be able to put up additional tolls on the Internet, or erect barricades to competition that will change the nature of the Internet as we know it.

Our bill will preserve the freedom and the openness of the Internet that we have come to take for granted, but that is now at risk.

I ask my colleagues to support this legislation that I introduce today with Senator SNOWE.

Mr. INOUYE. Mr. President, I rise to today in support of the legislation introduced by my colleagues Senators SNOWE and DORGAN to preserve a founding principle of communications law that is critical to the promotion of innovation and opportunity for all Americans. The preservation of the open, non-discriminatory architecture of the Internet is vital to the American economy and society. Over a relatively short timeframe, the Internet has become a robust engine for market innovation, economic growth, social discourse, and the free flow of ideas precisely because it has allowed consumer choice and control over the use of lawful content, applications and services. In turn, anyone with a good idea has been able to connect to consumers and compete on a level playing field for consumers' business. The marketplace has picked winners and losers, and not a central gatekeeper. This bedrock concept of connecting innovators and consumers without interference, known as ''net neutrality,'' has been a hallmark feature of the Internet and is a principle reason why America leads the world in online innovation.

Regrettably, without this legislation that heritage may be at risk as traditional rules that have required communications operators to follow principles of non-discrimination no longer apply. In August 2005, the FCC refused to adopt meaningful and enforceable consumer safeguards at the time it classified DSL and cable modem as an information service. As a result, the bill that I have cosponsored with Senators SNOWE and DORGAN is necessary to ensure that consumers and content companies have the ability to use the Internet without interference or gatekeeping by the network operators.

This bill responds to recent FCC decisions by preserving the openness of the Internet and thereby encourages the continued development of innovative Internet technologies, services, and content that has fueled the American economy. Specifically, under the bill, consumers will have the ability to access the content of their choosing, and Internet businesses will have the ability to compete head-to-head with network providers on the basis of the merits of their offerings.

As the father of the Internet, Vint Cerf, said to our Committee, the Internet is ''innovation without permission.'' The proposed legislation will ensure that the Internet indeed remains a platform that spawns innovation and economic development for the benefit of all Americans.

By Mr. DODD (for himself and Mr. LOTT):

S. 2918. A bill to provide access to newspapers for blind or other persons with disabilities; to the Committee on rules and Administration.

Mr. DODD. Mr. President, today I am introducing, along with the distinguished Chairman of the Rules Committee, legislation to ensure that the blind and those with disabilities continue to have free access to electronic editions of periodicals and newspapers. This service is an extension of the existing authorization for the Library of

Congress to provide Braille books, recordings, sound reproduction equipment, musical scores, and other materials to the blind and physically disabled individuals.

Currently, the National Federation of the Blind provides these services through its NFB–NEWSLINE program which has been funded by the Library of Congress through its Books for the Blind program. The NFB–NEWSLINE program is a telephone-based electronic audio newspaper service serving our Nation's 1.3 million blind Americans by providing 23 million minutes of on-demand service in response to 2,600 calls per day at an average cost of 2.7 cents per minute.

Congress established the Books for the Blind program within the Library of Congress in 1931. The program is administered by the National Library Service for the Blind and Physically Handicapped, NLS, which continues to be the primary source of Braille and audio books and magazines for blind adults today. However, until development of the NFB–NEWSLINE program, it was not economically feasible for NLS to provide timely access to newspapers for the blind. Under current production methods, it would require several weeks for NLS to prepare and deliver a single copy of a daily newspaper.

The NFB–NEWSLINE program, however, is designed for real time rapid distribution of the electronic text of newspapers. Under this program, the blind can access daily newspapers on the day of publication through telephone access to the digital text. The funding for this program has been provided by a public-private partnership between NFB–NEWSLINE, state sponsors, including public libraries, rehabilitation agencies, and several affiliates of NFB, and the Library of Congress. Newspaper and magazine content is contributed by many participating news organization and publishers.

The bill Senator LOTT and I are introducing today will ensure the continued Federal share of this partnership so that NFB–NEWSLINE can continue to serve as the multi-state provider of this service. Currently, NFB–NEWSLINE provides some level of service to all 50 states, the District of Columbia and Puerto Rico by providing local dialing numbers for the blind and disabled to use to access newspapers and periodicals. The annual telecommunications costs for this service is approximately $750,000 which serves approximately 40 percent of the eligible readers.

This bill will enable NFB–NEWSLINE to continue to serve existing readers with improved services while at the same time expanding services to more readers. The bill authorizes $750,000 for this service in fiscal year 2007 and such sums as are necessary in fiscal years 2008–2011. This is a very efficient program that for a very small Federal investment will allow the blind and disabled to more fully participate in their communities through access to the daily news. With the current state of technology, it is simply unacceptable that the blind and disabled do not have real time access to daily newspapers and periodicals.

I commend NFB–NEWSLINE for developing this public-private partnership to serve the needs of the blind and disabled individuals and I pleased to introduce this legislation to ensure the continuation of this program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 167, strike lines 17 through 20.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, strike line 21 and all that follows through page 409, line 19, and insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 8 or more hours in agriculture.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $1,000.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT FOR ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $1,000.

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

FLOOR PRIVILEGES

Mr. CORNYN. Mr. President, I ask unanimous consent that Meagan Moroney, who is interning with me this week, be granted privilege of the floor for the remainder of this session today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 631, 635, 636, 637, 638, 639, 641 through 662, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

George McDade Staples, of Kentucky, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Director General of the Foreign Service.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Horace A. Thompson, of Mississippi, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

DEPARTMENT OF EDUCATION

Kent D. Talbert, of VIRGINIA, to be General Counsel, Department of Education.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J.C.A. Stagg, of Virginia, to be a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Vince J. Juaristi, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2009.

Jerry Gayle Bridges, or Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

AIR FORCE

The following named Air National Guard of the United States Officer for appointment as Director, Air National Guard and for appointment to the grade indicated in the United States Air Force under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Craig R. McKinley

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William M. Fraser III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Kevin P. Chilton

The following named officer for appointment in the United States Air Force to the

grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Norman R. Seip

The following named officer for appointment as the Surgeon General of the Air Force and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

To be lieutenant general

Maj. Gen. James G. Roudebush

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 64:

To be major general

Brig. Gen. Dana T. Atkins

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lawrence A. Stutzriem

The following Air National Guard of the United States Officer for appointment in the reserve of the Air Force to the grade indicated under title, 10, U.S.C., section 12203:

To be brigadier general

Col. Linda K. McTague

The following named Officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert J. Elder, Jr.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David A. Deptula

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Victor E. Renuart, Jr.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 601:

To be major general

Brig. Gen. Elder Granger

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David F. Melcher

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stephen M. Speakes

The following named officer for appointment in the reserve of The Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ronald D. Silverman

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael A. Ryan

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Stephen V. Reeves

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and appointment to the grade indicated under the provisions of title 10, U.S.C., sections 3038 AND 601:

To be lieutenant general

Maj. Gen. Jack C. Stultz, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Alan T. Baker

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S. C., section 5142:

To be rear admiral

Rear Adm. (lh) Robert F. Burt

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Gregory J. Smith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Townsend G. Alexander
Captain David H. Buss
Captain Kendall L. Card
Captain John N. Christenson
Captain Michael J. Connor
Captain John Elnitsky, Ii
Captain Kenneth E. Floyd
Captain Philip H. Greene
Captain Bruce E. Grooms
Captain James C. Grunewald
Captain Edward S. Hebner
Captain Michelle J. Howard
Captain Arnold O. Lotring, Jr.
Captain James P. McManamon
Captain Joseph P. Mulloy
Captain Charles E. Smith
Captain Scott H. Swift
Captain David M. Thomas
Captain Kurt W. Tidd
Captain Michael P. Tillotson
Captain Mark A Vance
Captain Garry R. White
Captain Edward G. Winters, iii

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1383 AIR FORCE nominations (1955) beginning Rosalind L. Abdulkhalik, and ending Jesse B. Zypallis, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1471 AIR FORCE nominations (6) beginning Steven L. Alger, and ending Rachlle Paulkagiri, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

IN THE ARMY

PN1470 ARMY nomination of Chantel Newsome, which was received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1497 ARMY nomination of Kenneth A. Kraft, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1498 ARMY nominations (4) beginning Mark A. Burdt, and ending Robert L. Porter, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1499 ARMY nominations (6) beginning Betty J. Williams, and ending Henry R. Lemley, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1500 ARMY nomination of Thomas F. Nugent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1501 ARMY nomination of Michael F. Lorich, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1502 ARMY nomination of Brian O. Sargent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1503 ARMY nominations (4) beginning Brian K. Hill, and ending Charles W. Wallace, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

IN THE NAVY

PN1467 NAVY nominations (5) beginning Robert J. Tate, and ending Edward A. Sylvester, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1468 NAVY nominations (4) beginning William L. Yarde, and ending Bruce R. Deschere, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1469 NAVY nominations (53) beginning Gregory G. Allgaier, and ending Timothy J. Yanik, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CELEBRATING PROGROWTH TAX POLICY

Mr. FRIST. Madam President, we will be closing in a few moments, but I did want to comment on an event this week that in many ways celebrates the progrowth tax policy that President Bush initiated over 5 years ago, and which, with the 2001 and 2003 tax cuts, tax relief, and the relief of regulatory burden, has resulted in quite remarkable growth in our economy over the last 18 months.

This week in the Rose Garden the President signed into law the Tax Increase Prevention and Reconciliation Act of 2005. The bill represents a real victory for the American people, for each and every American family, and for the continued strength and vibrancy and resilience of an economy that leads the world.

The Republican majority has worked hard to resist efforts to raise taxes, and that is exactly what this bill accomplished. It was 6 years ago, back in

2000, that the President inherited an economy that was in recession. It was emerging from a bursting Internet bubble, and the answer to our economic malaise at the time was tax relief, was tax cuts. There was a lot of opposition on the floor of the Senate, but we got them through; sometimes by just a few votes, but we got them through. Now, because of the President's firm, fiscally bold vision and strong fiscal and tax leadership, our economy is doing very well. America's families now feel better off because, indeed, they are better off.

We now have cut taxes for nearly 100 billion hard-working citizens. New home sales were up nearly 14 percent just last month, and minority home ownership is at its highest level ever. Consumer confidence is the highest since May of 2002. The economy has created 5.3 million jobs. Unemployment is down to 4.7 percent, lower than the average of the 1990s, lower than the average of the 1980s, and lower than the average of the 1970s. The tax cuts on capital gains and dividends are benefiting Americans across the income spectrum.

It is interesting that if you look at the income tax returns each year that are reporting capital gains and dividends, almost half of them come from households with reported adjusted gross income of less than $50,000. Tax relief, capital gains, and dividends go across the economic spectrum.

Overall, the economy has enjoyed 18 consecutive quarters of economic growth. Meanwhile, all of this spurred growth has filled the tax coffers just as anticipated, just as we said it would. As we argued back then, and as history has demonstrated, cutting taxes actually results in increased tax revenues.

In January, the Congressional Budget Office found that the tax cuts on capital gains and dividends resulted in the Government collecting an additional $26 billion in revenue in 2004 and 2005. This year, tax revenues will be 29 percent higher than they were in 2003 as a result of tax cuts. In fact, the Treasury Department reported last week that this year's tax revenues were the second highest in American history, giving the country a significant surplus for the month.

Last November, we called for extending the alternative minimum tax relief. In February I insisted that Congress keep rates low on capital gains and dividends. Last week, as part of the Tax Increase Prevention Act, we delivered because we always remember that tax dollars are the people's money, not the government's money.

We believe open markets and abundant opportunity unleashes our greatest resource: the energy of the American people and the ingenuity of the American people. Keeping taxes low helps Americans find and keep jobs, it boosts the family budget, and makes America a great place to do business. It allows the entrepreneur to take a chance on that great idea, to reinvest, to hire more workers, to create jobs. As Republicans, we believe in encouraging that creative and optimistic spirit. It is what has built this country. It is what makes America great.

We will continue to champion economic growth and fiscal responsibility. We will continue to keep America moving forward.

ORDERS FOR MONDAY, MAY 22, 2006

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, May 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the comprehensive immigration reform bill, as under the previous order.

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

PROGRAM

Mr. FRIST. Madam President, the Senate has made a lot of progress on the immigration bill. After spending almost 2 weeks on the bill a month ago, we brought the bill back this week, and not knowing exactly what to expect, I set out with a pretty high watermark, a pretty high goal, and that is to consider a number of amendments in an open and free debate and have those amendments voted upon. We have accomplished exactly what I had set out to do.

We are going to have another busy week. We have a recess, Memorial Day recess, after next week, so we have Monday, Tuesday, Wednesday, Thursday, and Friday to conduct a lot of business. Senators are using the day today—some of them have come to the floor to speak and to debate and talk about the various issues. Others are using it to study amendments for next week. Our next voting will be with two rollcall votes on Monday, at least two votes, maybe others, beginning at 5:30.

The chairman will be here Monday working through the afternoon, working with Senators on their proposed amendments. It is important that we have the language on amendments people might be offering.

We have a lot of other work to do. The supplemental bill is currently in conference. Our colleagues are working very hard, in the House and Senate, so that we can complete that supplemental bill before the Memorial Day recess. The nomination of Brett Kavanaugh also is pending. Brett Kavanaugh has been nominated to the circuit court, and we need to bring him to the floor before we depart for that Memorial Day recess.

A lot of other issues are underway. The pensions conference report is being worked on aggressively, day in, day out, and I look forward to having that completed so when it is available we will be able to take it to the floor.

ADJOURNMENT UNTIL MONDAY, MAY 22, 2006, AT 1 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:13 p.m., adjourned until Monday, May 22, 2006, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate: May 19, 2006:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

HORACE A. THOMPSON, OF MISSISSIPPI, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2011.

DEPARTMENT OF EDUCATION

KENT D. TALBERT, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J. C. A. STAGG, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VINCE J. JUARISTI, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2009.

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. CRAIG R. MCKINLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN P. CHILTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORMAN R. SEIP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. JAMES G. ROUDEBUSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DANA T. ATKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LAWRENCE A. STUTZRIEM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LINDA K. MCTAGUE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT J. ELDER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

To be major general

BRIG. GEN. ELDER GRANGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID F. MELCHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN M. SPEAKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RONALD D. SILVERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL A. RYAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEPHEN V. REEVES

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JACK C. STULTZ, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ALAN T. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) ROBERT F. BURT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GREGORY J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN TOWNSEND G. ALEXANDER
CAPTAIN DAVID H. BUSS
CAPTAIN KENDALL L. CARD
CAPTAIN JOHN N. CHRISTENSON
CAPTAIN MICHAEL J. CONNOR
CAPTAIN JOHN ELNITSKY II
CAPTAIN KENNETH E. FLOYD
CAPTAIN PHILIP H. GREENE
CAPTAIN BRUCE E. GROOMS
CAPTAIN JAMES C. GRUNEWALD
CAPTAIN EDWARD S. HEBNER
CAPTAIN MICHELLE J. HOWARD
CAPTAIN ARNOLD O. LOTRING, JR
CAPTAIN JAMES P. MCMANAMON
CAPTAIN JOSEPH P. MULLOY
CAPTAIN CHARLES E. SMITH
CAPTAIN SCOTT H. SWIFT
CAPTAIN DAVID M. THOMAS
CAPTAIN KURT W. TIDD
CAPTAIN MICHAEL P. TILLOTSON
CAPTAIN MARK A. VANCE
CAPTAIN GARRY R. WHITE
CAPTAIN EDWARD G. WINTERS III

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROSALIND L. ABDULKHALIK AND ENDING WITH JESSE B. ZYDALLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN L. ALGER AND ENDING WITH RACHELLE PAULKAGIRI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

IN THE ARMY

ARMY NOMINATION OF CHANTEL NEWSOME TO BE COLONEL.

ARMY NOMINATION OF KENNETH A. KRAFT TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK A. BURDT AND ENDING WITH ROBERT L. PORTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

ARMY NOMINATIONS BEGINNING WITH BETTY J. WILLIAMS AND ENDING WITH HENRY R. LEMLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

ARMY NOMINATION OF THOMAS F. NUGENT TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MICHAEL F. LORICH TO BE MAJOR.

ARMY NOMINATION OF BRIAN O. SARGENT TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BRIAN K. HILL AND ENDING WITH CHARLES W. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH ROBERT J. TATE AND ENDING WITH EDWARD A. SYLVESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

NAVY NOMINATIONS BEGINNING WITH WILLIAM L. YARDE AND ENDING WITH BRUCE R. DESCHERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY G. ALLGAIER AND ENDING WITH TIMOTHY J. YANIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.