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No. 16

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 29, 2007, at 2 p.m.

## Senate

FRIDAY, JANUARY 26, 2007

The Senate met at 9 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

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

Let us pray:

Eternal Lord God, Creator, Preserver, Redeemer, and Judge, strengthen our Senators for their work today. Provide them with the resiliency needed to handle challenges and pressures.

As You illuminate their path with the light of Your wisdom, infuse them with patience to persevere in their efforts to solve complex problems. In the storms and strains of leadership, may they not deplete their faith by majoring in minors, but instead trust You in the face of perplexities. Empower them to practice the golden rule of treating others the way they themselves desire to be treated. Radiate Your hope through their lives so they can face an uncertain future unafraid.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, under an order entered last night, this morning we will immediately proceed to executive session to consider the Petraeus nomination. We will have 45 minutes of debate on that nomination. Senator LEVIN will control half of the time, and the other half of the time is under the control of the Republican leader or his designee. A vote on the confirmation will occur around 9:45 this morning. The vote on the nomination will be the only vote today.

As previously announced, there will be no rollcall votes Monday, January 29. There will be no votes the following

Friday, a week from today, because the Republicans are having a retreat. We had ours earlier this year.

After we dispose of the nomination, we will return to H.R. 2. A lot of work was done yesterday. We voted on eight amendments.

### HONORING THE SENATE PAGES

Mr. REID. Mr. President, before we get to the nomination, I want to say a couple things. Today is the graduation of the pages. There will be a ceremony at 10 o'clock honoring them in remembrance of their stay in the Capitol. The pages do invaluable work, and they have for many years. I depend upon them personally all the time. They do a lot of things that are unnoticed. In fact, almost everything they do goes almost unnoticed, but they are vitally important. They do many things, and over the decades we have come to rely upon them. I will speak later this morning at the graduation.

I want them to know, as well as the people watching today, how the pages are an integral part of this great institution.

Mr. President, I ask unanimous consent that a list reflecting the names of the Senate pages be printed in the RECORD.

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

UNITED STATES SENATE PAGES—FALL 2006

Samuel Aronowitz, Garrett Bauman, Ashton Braun, Sari Carter, Abigail Chandler, Emily Davis, Katharine Gallogly, Lily George, Albert Gilbert IV, Ian Gray, Errick Gulley, Wilson Hansen, Courtney Hoffses,

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



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Jeremy Jacobson, Jessica Leuthold, Brooke Littlewood, Hannah McMeekin, Tori Miyagi, Cally Musland, Evelyn Poole, Emily Scarborough, Megan Schipp, Andrew Sennett, Grant Sui, Matthew Sutton, Kathryn Tull, Thomas Turner, Aunna Wilson.

#### LIFE-SAVING SURGERY

Mr. REID. Mr. President, prior to the nomination being taken up, let me say that I met General Petraeus in Iraq. At that time, the Republican leader was Senator Frist, who is a doctor, as we all know. General Petraeus said, "I want you to take this back to Dr. Frist and remind him that he saved my life." There was a training exercise going on with live ammunition, and somebody tripped and fell with live ammunition and General Petraeus was shot in the heart. Dr. Frist saved his life. The surgery was complicated and important.

So I wish Senator/Dr. Frist were here today to be able to express his appreciation for General Petraeus. I brought that medal back from Iraq to give to Leader Frist and he remembered the surgery. He saved the life of a great man.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### NOMINATION OF LIEUTENANT GENERAL DAVID H. PETRAEUS TO BE GENERAL, UNITED STATES ARMY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of David H. Petraeus to be General, United States Army.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 45 minutes of debate, with the time to be equally divided between the Senator from Michigan and the Republican leader or his designee.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I come to the floor this morning to express my support for the nomination of LTG David H. Petraeus, U.S. Army, for appointment to the grade of General and assignment as Commander, Multinational Force—Iraq.

General Petraeus is presently serving as Commanding General, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, the Army's leader development, professional military education, doctrine development, and lessons learned center. This is the place where the Army focuses its attention and its greatest professional capabilities on developing leaders, on military

education, on developing doctrine, and on learning the lessons from previous conflicts and challenges. As a matter of fact, the Army and Marine Corps' newly issued counterinsurgency manual was written under the command and guidance of General Petraeus at Leavenworth.

General Petraeus had two previous tours of duty in Iraq. The first was in 2003 when he was Commanding General of the 101st Airborne Division, which was headquartered in Mosul, Iraq. General Petraeus' second tour in Iraq was from May 2004 to September 2005, when he was Commander, Multinational Security Transition Command—Iraq/Commander, NATO Training Mission—Iraq. In that capacity, he was responsible for the organizing, training, and equipping of Iraqi security forces.

General Petraeus' nomination to become the Commander of Multinational Forces—Iraq may be the single most important command in the Nation's defense establishment. The Nation will entrust him with the operational command and the welfare of over 130,000 American service members who are presently in Iraq, and of those who may be deployed to Baghdad as part of the President's planned increase in the middle of a protracted and bloody sectarian battle over the future of Iraq.

General Petraeus is professionally qualified for this command. He is widely recognized for the depth and breadth of his education, training, and operational experience. Noteworthy is his recent leadership of the new Army/Marine Corps manual. He testified that he believes the new military strategy for Iraq will work, and that the U.S. military forces under his command will be able to successfully accomplish their mission. We would not want a commander who did not believe in his mission and in the troops under his command. I pray he is correct.

I am obviously very concerned over a strategy that relies on the Iraqis meeting their commitments when they have repeatedly failed to do so in the past. I am obviously concerned about a strategy which is based on an increased military presence, when expert after expert, including military commander after military commander, has told us there is no military solution in Iraq; that the only way to end the violence in Iraq is for the Iraqis to reach a political settlement.

I am deeply concerned that this new strategy, I believe, is based on the wrong assumption—that there is a military solution to a sectarian war—when in fact the only solution to a sectarian conflict is for those groups to finally share power, share resources, including resolving the differences over autonomy that can end the violence. That is not just me saying that; that is also what the Iraqi President has said repeatedly—that it is the Iraqi political leaders' failure to reach a political settlement that is the cause of the continuing violence.

That being the case, I don't believe—and I don't think a majority of this

body believes—that an increase in troops going into the middle of the neighborhoods of Baghdad and staying there—"holding," as we say—is going to contribute to a successful conclusion of our presence in Iraq. It is not going to help the Iraqis succeed, to put our troops in their neighborhoods in the middle of the sectarian strife. We are going to add targets without adding to the essential need of the Iraqis to face a reality—to stare at their options, to look into an abyss—civil war or one nation? That has to be their choice. We cannot make it for them. We can make it easier or harder for them to do it.

The question is whether adding troops into that sectarian cauldron is going to contribute to their reaching a political solution or indeed will delay the day, as some of our commanders have said, when they will reach a political settlement. As a matter of fact, General Casey, the current commander, emphasized this point on January 2:

The longer we in the U.S. continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Abizaid said the following:

It's easy for the Iraqis to rely upon us to do the work.

Then he said this:

I believe that more American forces prevents the Iraqis from doing more, from taking responsibility for their own future.

That is what General Abizaid said in November.

So those are the expressions of our top military commanders who are there now. I believe they are right. But we need a commander in Iraq. General Casey is retiring. The question is not whether we agree with a particular strategy—and we will have an opportunity, hopefully next week, to vote on whether we agree with the increase of the American military presence as a way of pressuring the Iraqis or taking the heat off of their political leaders to reach a political solution. We will debate that issue.

But we need a commander. We have a qualified commander who has been nominated. There are other issues General Petraeus is going to have to face. General Keane, yesterday, pointed this out. We had a hearing in front of the Armed Services Committee yesterday. General Keane was there, along with former Secretary of Defense Perry and Ambassador Ross. General Keane pointed out yesterday that we have a significant problem which is going to face General Petraeus in Baghdad other than the violence, other than inserting American forces into neighborhoods and trying to hold them with American forces, with an American face, with an American uniform. That is a big enough problem. But the command arrangements are such that U.S. and Iraqi forces are going to be operating side by side in those neighborhoods under two separate chains of

command, violating the unity of command principle that is so ingrained in U.S. military doctrine and, indeed, is one of the key principles in that counterinsurgency manual which General Petraeus helped to create. He must have unity at the command. They must agree down there on those streets: Yes or no, are we going into that house or not?

Now, who goes into that house is a critically important issue. Many of us don't believe it ought to be an American tip of the spear; that the Iraqi forces have been trained, 150,000 or more, to protect their country, and they should be the tip of the spear. That is one issue. There is a great dispute over that issue.

That goes to the heart of the matter as to whether more American troops are going to help solve this problem. But it complicates the problem, it exacerbates the problem when you have two commanders on the ground side by side who have two different chains of command who may have two different opinions as to who ought to go into that house or whether that house ought to be entered. That has not been resolved. That is what General Petraeus is also going to have to face.

General Keane, who is former Vice Chief of Staff for the Army, just yesterday expressed his strong concern about the command arrangements but said he was confident that General Petraeus had the ability to revise the arrangements so that there could be a unity of command. I hope he is right.

It may be a superhuman task. It may be an impossible task. It is not a task which ought to face a commander. These issues ought to be worked out in advance of forces entering into combat situations. But they are not worked out. So General Petraeus has to figure that out as well as the major issues that he is going to face.

Mr. President, did I yield myself a particular amount of time?

The ACTING PRESIDENT pro tempore. The Senator from Michigan did not. The Senator from Michigan has 8 minutes 5 seconds remaining.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, during his testimony at his confirmation hearing, General Petraeus volunteered to provide honest, straightforward reports to the Congress on a regular basis in recognition of Congress's oversight responsibilities. We are counting on him doing so. He may even report to us over a TV network, but he made a commitment. He volunteered a commitment. This was not something we had to press him to do.

He said: I am going to regularly report to Congress on whether this new strategy is working and whether these so-called benchmarks which the Iraqis have allegedly agreed to, representing their commitments—when will they produce troops; will those troops, in fact, be subject to political pressure; will the Iraqis come through with the

commitments relative to the financing of reconstruction? He is going to report to us on all the commitments which the Iraqis have made, all the benchmarks which are supposed to be met. I take him at his word. He is an honorable man, and that is an important representation, again, made at his initiative.

I believe General Petraeus is highly qualified for his promotion to the grade of general and his assignment as our senior officer in Iraq at a very critical and dangerous time. That position needs to be filled. General Casey is retiring. I will vote for his nomination, and I urge our colleagues to do the same.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. LEVIN. Mr. President, I wonder if the Senator from Alabama will yield for one moment.

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, I want to correct the record when I said General Casey was retiring. General Casey is being transferred to a different position and not retiring. I correct the record on that point. We still need General Petraeus to fill that position because of the shift in and the transfer of General Casey, but it is not a retirement.

I thank my friend from Alabama for yielding so I could correct the record.

Mr. SESSIONS. Mr. President, I thank Senator LEVIN, our chairman of the Armed Services Committee and our extraordinarily capable leader.

Mr. President, I would like to be notified in 4 minutes.

The ACTING PRESIDENT pro tempore. When 4 minutes remain?

Mr. SESSIONS. No, after I have spoken for 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. SESSIONS. Mr. President, I want to make a couple of points about General Petraeus. My colleague, Senator BUNNING, who knows him personally from when he served in Kentucky—and has been with him in Iraq, as I have, will speak longer about him.

I will just say this: General Petraeus was in Iraq in 2003 during the initial invasion. I met him there when I went on a codel. He impressed me, and all of us, as an extraordinary leader. He was commander of the 101st Airborne. He is a Ranger and a combat officer. He finished at West Point at the top of his class. He has a Ph.D. from Princeton. He was No. 1 in his class at the Command and Staff General Officer School. By all accounts, he is a man of the most extraordinary ability.

He came back to Iraq when we realized the training of the Iraqi military was not progressing effectively. So after he had hardly been home a year, the President asked him to go back to train the Iraqi military and police; for 15 months, he went back to Iraq, leaving his family again. Fortunately, his

wife is a daughter of a military officer and understands our national interest and the lives of American soldiers are at stake.

He went back to train those officers, and he did that, by all accounts, to an extraordinarily fine degree, given the difficulties that entailed. He got to know virtually all the leaders in Iraq. He doesn't know Prime Minister Maliki, but he knows all the leaders in Iraq. Then he came back, and his duties for the last year have been to prepare this manual, the military manual on counterinsurgency. That is exactly what we are in today, a counterinsurgency operation in Iraq.

I believe we have the finest person this country has to offer to take a fresh look at the situation. I am an admirer of General Casey and General Abizaid. I think they worked their hearts out and did a lot of great things. I never believed they have done anything but a superb job, but sometimes, we need change and new people. I believe this is the best person we can send.

General Petraeus promised, as Senator LEVIN said, which is critically important, in response to a question I asked, but he had volunteered it to me in a private conversation: Senator, if you want the truth, I will tell you. If you send me over there, I am going to tell you what I think.

I said to him at the hearing: Will you tell the American people how this thing is going? And if it is not going effectively and we shouldn't continue, will you tell us?

He said: Yes, sir, I will.

I believed him when he said that. We cannot have a situation in which we end up 20 years from now with someone writing an autobiography and saying: I thought the war was lost. Yet I didn't say it at the time. We need somebody to tell us the truth. I believe he will do that.

We need to support him. The whole infrastructure and bureaucracy of this Government needs to be responsible to the commander on the ground. We have a good Ambassador, but in Iraq where we have this much disorder and military threats, the commander is a leading factor. The people there respect him. We in the United States look to him to do much of the work, when much of it is actually being done by the Ambassador and other agencies of Government. But they need to respond to him because he understands the situation. We need to have adequate prisons and an adequate court system. If the soldiers go out and apprehend these people, where are they going to put them?

The ACTING PRESIDENT pro tempore. The Senator's 4 minutes has expired.

Mr. SESSIONS. Mr. President, we need infrastructure, and we need trainers. General Keane was very positive about General Petraeus and said some important things about these needs. This manual deals in great depth with

almost every issue raised by Senator LEVIN. So I believe in General Petraeus; we have the person best able to work through all the joint command and political issues, as well as the military.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I do not in any way want to interrupt the proceeding, but I wonder if I might be recognized, following the distinguished Senator from Kentucky, to address the nomination.

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

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, it is my distinct honor to rise today and speak in support of the nomination of David Petraeus to become the commander of the multinational forces in Iraq. I am confident that with General Petraeus's experience, leadership skills, and judgment, he will prove to be an outstanding commander.

I can speak from experience because General Petraeus is a personal friend of mine. Not only is he a friend of mine but also of the Commonwealth of Kentucky.

I met General Petraeus initially at Fort Campbell in Kentucky, but even more importantly, when I made a codel to Iraq in 2004 with former Senator Zell Miller, we spent some time with General Petraeus and the 101st in Mosul. At that time, he was the commander of the 101st Airborne Division in Mosul. As many of my colleagues might know, the 101st Air Force is based out of Fort Campbell, KY.

While in Mosul, I had an opportunity to spend some time with General Petraeus and see his troops in action. What I saw was one of the most impressive military leaders I have ever met, and I have met a lot of them.

In his 27 months in Iraq—27 months in Iraq—General Petraeus was asked to lead a division into battle, to oversee the reconstruction and governance of Iraq's third largest city, and to build up from virtually nothing Iraq's army and police force.

General Petraeus not only met all of these challenges, but he succeeded in showing them a unique type of flexibility and adaptability in his leadership. I believe this to be a very important skill that will serve him well in his new mission in Iraq.

While in Iraq, I was able to see firsthand how this skill of adaptability transcends General Petraeus and was passed on to his troops serving under his command. It was soon after the fall of Saddam Hussein when the 101st Airborne Division got the orders to go to Mosul. They were charged with restarting the city's economy, getting civil institutions on their feet, and creating a working democracy.

Under the command of General Petraeus, some officers supervised cement factories, others electricity generation. Soldiers who had studied military aviation tactics found themselves figuring out how to run a university, and an artillery officer was responsible for figuring out how to get the region's oil flowing again.

General Petraeus himself even supervised the city's first elections, elections of Iraqis of very diverse backgrounds.

How did he do all this? He did it through a partnership between the U.S. forces and the Iraqis, the exact type of partnership the President is calling for in his new way forward in Iraq. It is this type of forward thinking which will help our mission in Iraq to succeed.

General Petraeus has also managed to earn the respect of the Iraqis, the Kurds, Sunnis, and Shias. This type of working relationship of mutual respect is desperately needed at this time in Iraq. I recognize it, General Petraeus recognizes it, and so does the President of the United States.

One of the key components in the President's new strategy in Iraq is creating a real partnership between U.S. forces and Iraqi forces where we would effectively train the Iraqis to secure their own neighborhoods and then act, the U.S. troops, as reserve reinforcements. Through this training and security, Iraq neighborhoods could once again begin to rebuild themselves, restoring vital services such as water and electricity to the Iraqi people. Eventually we can begin to restore peace to embattled neighborhoods in Baghdad.

This is no easy task, and no one knows that better than General Petraeus. He has even admitted to it being a daunting task. But I am confident in his ability to lead. His service in Iraq has equipped him with expertise in irregular warfare and operations and a true understanding of the enemy we face.

Like many of my colleagues here on the floor of the Senate, I, too, was initially skeptical of sending additional reinforcement troops to Iraq. But I am convinced that we have to allow General Petraeus the opportunity to succeed in this mission. In this effort, he has offered to provide Congress with regular reports on the status of his mission, on the performance and commitment particularly of the Iraqis to their promises. I, for one, would like to take General Petraeus up on his offer, and I am sure everyone in the Senate feels the same way.

I believe it is vital that we keep up to date daily on the situation in Iraq as it changes so we can best help our new commander address the situation he faces. Judging how the Senate's Armed Services Committee unanimously voted him out of committee on Wednesday, I know I am not alone in my confidence in him.

I urge my colleagues today to support General Petraeus's nomination. I

wish him Godspeed in his mission and look forward to seeing the progress we can make in Iraq under his leadership as we continue to defeat the terrorists and to win this war against them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my distinguished colleague for his remarks. I am proud to follow and likewise indicate my unqualified support for General Petraeus, to wish him well, and I hope he succeeds. We had a thorough hearing in the Armed Services Committee. I wish to compliment our new chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for the speed and efficiency with which they managed to get this nomination before the Senate for confirmation.

We have also pending resolutions to address the situation in Iraq, most specifically our new strategy. I simply say to our leadership, I hope we can address those resolutions at the earliest possible date because our forces are engaged in combat as we speak here this morning, and we certainly do not wish to have debate any way construed as less than full support for what they are endeavoring to achieve. We wish them well, and their beloved families here at home, in these perilous days.

I have concurred steadily, steadfastly in the President's decision—and it is an absolutely correct position. We cannot let Iraq fail, fail in the sense to lose the sovereignty they have gained through hard-earned elections and the opportunity for this Nation to emerge as a constructive partner toward world peace. Therefore, we must press on. But I think it is incumbent upon the Congress to provide its views. The President specifically asked, if there were suggestions, forward them, speak them, and I and others, in a matter of clear conscience, have done just that. We shall see what evolves from the resolutions now pending and possibly other suggestions that could be brought forth by colleagues in the days to come in the Senate. I do once again urge that we address it as expeditiously as the joint leadership can determine.

Yesterday, the Armed Services Committee had a hearing. We had the distinguished former Secretary of Defense, Mr. Perry; Ambassador Ross, who is a renowned expert on that region of the world, the Middle East; and the former Vice Chief of the U.S. Army, now retired, General Keane. It was excellent testimony. I wish to pick up on one thing General Keane addressed.

I go back to the President's remarks when he spoke to the Nation on January 10. He said:

Now let me explain the main elements of this effort: The Iraq government will appoint a military commander and two deputy commanders for their capital. The Iraqi government will deploy Iraqi Army and National Police brigades across Baghdad's nine districts. When these forces are fully deployed,

there will be 18 Iraqi Army and National Police brigades committed to the effort, along with local police. These Iraqi forces will operate from local police stations—conducting patrols and setting up checkpoints and going door-to-door to gain the trust of the Baghdad residents.

This is a strong commitment. But for it to succeed, our commanders say the Iraqis will need our help. So America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad. This will require increasing American force levels. So I've committed more than 20,000 additional American troops to Iraq. The vast majority—five brigades—will be deployed to Baghdad. These troops will work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs.

I say most respectfully, this poses a command structure, a dual one, of Iraqi commanders and U.S. commanders, which is unique. Traditionally, American forces operating in military campaigns have a unified command. There is the commander, and it goes right on down to the lieutenant, the head of the patrols, and the platoons. I think this will require further definition, further study.

I bring to the attention of our distinguished nominee, General Petraeus, the testimony of General Keane yesterday where, in the course of a colloquy with me and I think Senator LEVIN and Senator MCCAIN—and, indeed, I remember the Senator from Rhode Island—we were quite concerned about how this unique command and control would work. General Keane concluded his testimony, in response to a question I posed, by urging General Petraeus early on to devote some attention to this question of how this sort of joint command and control is going to operate.

On the battlefield, decisions must be made in a matter of seconds, from the platoon level often right up the chain of command. We cannot have finger-pointing. We cannot have a mission where the Iraqi lieutenant says we should go left, the American embedded officer or whatever command America has in that situation says go right, and the mission not achieve its goal and then the finger-pointing as to which officer was correct and who was right and who was wrong. We cannot have that in this situation. It is going to be an extremely complex mission.

Yes, I have put forward, along with other colleagues, recommendations of how possibly this operation could be conducted with few American forces, and specifically our resolution says the rules of engagement of the forces—that is standard military technology—should have some specificity, hopefully saying: Wherever possible, the Iraqis will bear the brunt of the sectarian violence. I am very concerned about the American GI being thrust in the middle of the violence that really has root causes that go back 1,000 years to the

divisions of thought between Iraqis as to whether they are Sunnis or Shias. It seems to me that Iraqi forces who have the language capability, who understand the cultural differences, are far better qualified than the American GI to do this.

Also, we have another document which was put out which explains the operations. It lists the President's priorities. It clearly says Iraqis will be in the lead and on the point. This is a White House document issued here in the last few days:

The President's New Strategy is Rooted in Six Fundamental Elements: Let the Iraqis take the lead.

That has to be well defined and well understood. I commend the President for putting the emphasis on having the Iraqis do that.

So I hope we can go about our debate in an orderly way at the earliest possible time. I urge Members to be cautious as we proceed. The feelings on this are quite intense, as they should be, because this is one of the most pivotal, one of the most important decisions I have seen come before this body in my now 29th year in the Senate. I hope we conduct it with sincerity and dignity and huge respect among colleagues with regard to our differences. I speak for myself and I think those other nine individuals who worked with me—Senator BILL NELSON, Senator SUSAN COLLINS—this is a truly bipartisan effort.

Whatever we conclude here in the Senate, it is my fervent hope that it reflects a feeling of bipartisanship because therein is how best we can help the American public understand this complex situation, to give their public support. They are strongly behind the troops now. We want to get them to have a better understanding and a greater confidence in this new revised strategy going forward. This can best be achieved at the highest level of bipartisanship we can obtain here on these serious issues.

I see the distinguished chairman here. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I rise in support of the nomination of GEN David Petraeus to be commander of American and allied forces in Iraq.

General Petraeus has had a long and distinguished career in the U.S. Army. From the moment he graduated from the U.S. Military Academy in 1974, General Petraeus has shown himself to be a dedicated officer and leader. He has held numerous leadership positions in the Army and has served throughout the world. Most recently, General Petraeus was the commander of the NATO training mission to Iraq and before that commanded the 101st Airborne Division during the first year of Operation Iraqi Freedom. Additionally, General Petraeus has earned MPA and Ph.D. degrees in international relations from Princeton University's

Woodrow Wilson School of Public and International Affairs and has received many awards and decorations including the Distinguished Service Medal and the Bronze Star for valor. Furthermore, he is widely regarded for having written the book on how to conduct counterinsurgency operations.

I recently met with General Petraeus to discuss the current situation in Iraq and our need to achieve a stable and secure, self-governing Iraq. He is clearly aware of the difficult challenges that he will face. In our meeting and in his testimony to the Senate Armed Services Committee, General Petraeus clearly outlined what is at stake in Iraq and has convinced me that he is the best man to command Multi-national Force-Iraq at a most challenging time for the United States and the Iraqi Government.

I have confidence in his pledge to me that he will openly and honestly tell Congress the situation on the ground as it unfolds and provide forthright advice regarding the new strategy in Iraq, and I am heartened by his commitment to the Armed Services Committee to provide periodic updates on the situation in Iraq.

I have made clear to General Petraeus that I will support him, his efforts, and our troops in every way, but my support for the President's new strategy for Iraq is conditioned on seeing measurable progress by Iraqis in securing and reconstructing their country.

Clearly, based upon his intellect and experience in Iraq and elsewhere, General Petraeus is an excellent choice to command American and allied forces in Iraq, and I support his nomination.

Mr. NELSON of Nebraska. Mr. President, I rise today to support the nomination of LTG David H. Petraeus for promotion to General and Commander, Multi-National Forces-Iraq. I was pleased to join with my colleagues on the Armed Services Committee to favorably report his nomination to the full Senate.

General Petraeus has been commended by his superiors and policymakers alike for his ability to listen, to spend money wisely and use force intelligently in Iraq. He will bring to this new assignment his experience from back-to-back tours in Iraq. Most recently, General Petraeus authored the Army's new counterinsurgency manual. He is truly one of our most impressive Army leaders today.

On January 10, the President articulated the strategy which General Petraeus will implement if confirmed to this important post. His mission will be to clear, hold and build. It will require the use of force, and negotiations alone won't complete this mission. I have serious doubts about this plan, especially the President's desire to send even more troops to Iraq.

Because I feel so strongly that the situation in Iraq is deteriorating, I have joined with colleagues to draft a non-binding sense-of-Congress resolution, S. Con. Res. 4, to oppose the surge

of troops into Baghdad. Senator WARNER, Senator COLLINS and I believe this resolution avoids partisan rhetoric and provides the Senate a voice to express their disagreement with the President on his Iraq policy.

Importantly, this resolution holds the Iraqis accountable and lets them know that the U.S. commitment is not open-ended. Our resolution emphasizes the Iraq Study Group's valuable recommendations and specifically says that our strategy in Iraq "should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration."

Along those lines, I hope General Petraeus will be vigorous in keeping Congress informed of progress he is making in Iraq. We need to know what the benchmarks are on the military side of the ledger. We also need to know what is expected of the Iraqis. I hope it's much more than just showing up; the bar can't be that low. I don't want to bombard General Petraeus with paperwork—we want and need him in Baghdad neighborhoods restoring order—but it is vital that we know if the Iraqis are capable of sharing security responsibilities.

During his office call last week, I told General Petraeus the expectations from Congress for his success are high, but the hopes of the American people are even higher. I feel that General Petraeus wants nothing less than success in Iraq and I look forward to working with him in the coming months to meet the needs of the troops so they have the tools they need to complete this mission.

Mr. LEVIN. Mr. President, unless there is someone else who wants to speak, I have already spoken. I would ask, is the vote scheduled?

The ACTING PRESIDENT pro tempore. Yes. At the expiration of time, 6 minutes 30 seconds, the vote will occur.

Mr. LEVIN. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I yield back the remaining time on this side, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of LTG. David H. Petraeus to be General, United States Army? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr.

DORGAN), the Senator from Hawaii (Mr. INOUE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) would each vote "yea."

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—81

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown	Hagel	Rockefeller
Brownback	Harkin	Salazar
Bunning	Hatch	Sanders
Burr	Hutchison	Schumer
Byrd	Inhofe	Sessions
Cardin	Isakson	Shelby
Carper	Kennedy	Snowe
Casey	Klobuchar	Specter
Clinton	Kohl	Stabenow
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Dodd	Menendez	Wyden

NOT VOTING—19

Boxer	Inouye	McCain
Cantwell	Johnson	Roberts
Chambliss	Kerry	Smith
Coburn	Kyl	Stevens
Craig	Leahy	Thomas
Dorgan	Lott	
Graham	Martinez	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President will be immediately notified of the Senate's action.

Mr. FEINGOLD. Mr. President, I voted for LTG David H. Petraeus of the U.S. Army to be general and commander, Multi-National Forces—Iraq.

He is a highly experienced individual with a long history of excellent and selfless service to this country. I believe he represents the high caliber and professionalism of our Nation's military, and I wish him well with an extremely difficult assignment.

But while I am supporting his nomination, I in no way support the President's policies in Iraq. The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq, and now by pushing to put 21,500 more American troops into harm's way.

The indefinite presence of U.S. military personnel in Iraq will not fix that country's political problems. And as we have seen over the last few years, sending more troops will not provide the stability in Iraq that can only come from a political agreement. Congress must develop the courage to confront this President on what has become one of the greatest foreign policy mistakes in our history.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) Amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl Amendment No. 115 (to Amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) Amendment No. 152 (to Amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) Amendment No. 153 (to Amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich Amendment No. 110 (to Amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint Amendment No. 155 (to Amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to



amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint Amendment No. 156 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint Amendment No. 157 (to the language proposed to be stricken by Amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint Amendment No. 159 (to Amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint Amendment No. 160 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint Amendment No. 161 (to Amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint Amendment No. 162 (to Amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) Amendment No. 128 (to Amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez Amendment No. 105 (to Amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders Amendment No. 201 (to Amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg Amendment No. 203 (to Amendment No. 100), to enable employees to use employee option time.

Burr Amendment No. 195 (to Amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees' health benefit expenses.

Chambliss Amendment No. 118 (to Amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) Amendment No. 167 (to Amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) Amendment No. 169 (to Amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. I ask unanimous consent that I be recognized for 3 minutes as in morning business prior to the continued deliberation.

Mr. DURBIN. Reserving the right to object, and I will not object, I know the Senator from Connecticut will seek time, and I will seek time after him. Unless there is another speaker on the Republican side we can share with—the Senator from Wyoming?

Mr. ENZI. I was hoping to be able to speak on the bill at some point sometime, too.

Mr. DURBIN. This is all morning business we are talking about. Since the bill is on the floor, I think we should defer. You go first.

Mr. ENZI. I would allow the others to go first. I was trying to keep a longer queue from happening.

Mr. DURBIN. I am asking to be part of the queue, and if you show me compassion and mercy, I promise to be brief.

The Senator from Georgia has asked for 3 minutes; the Senator from Connecticut, 12 minutes; and I ask for 5 minutes.

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

The Senator from Georgia is recognized.

HONORING RUBEN ALEXANDER CRUMBLEY

Mr. ISAKSON. Mr. President, as one ages, there are many things they appreciate in life. There is nothing greater or more appreciated than friendship. It is an old saying that when you get toward the end of life and you go back to count friends, you can sometimes count them and only need one hand. When I look at my one hand in counting my friends, I look and see the face of Ruben Alexander Crumbley, who, on today, will celebrate his 65th birthday in McDonough, GA.

So I wish to, for a moment on the floor of the Senate, memorialize that occasion but also to remind myself and all of us, as we deal with the daily workings of the Senate and the importance of our job, to never forget the importance of our friends.

Sixty-five years ago, when Ruben Alexander Crumbley was born, he had a serious heart ailment, at a time when medical science was not nearly as advanced as it is today. Through the surgeries and the care of his doctor, the ailment was cured, and he has lived a long and successful life, making significant contributions to the great State of Georgia.

He served in the State senate in the State of Georgia. He served as a superior court judge in Henry County in that judicial circuit. And he sought election, although falling short, to the Georgia supreme court.

He is a tireless worker and advocate on behalf of individuals, and he and his wife Claire have worked tirelessly to improve the county of Henry and the city of McDonough. But most important of all, as his friends gather tonight at the Eagles Landing Country Club in McDonough, GA, to celebrate his life and his birthday, I today wish to acknowledge, as a friend, my great appreciation for all the contributions he has made to me, to my life, and to my family.

In closing, I wish to also remember the third person of our group. We were such close friends at the University of Georgia. Rarely a night went by that after studying or partying, we did not gather together for a cup of coffee to talk over the day and ahead to the next day. It was Ruben Alexander Crumbley, JOHNNY ISAKSON, and Jack Cox.

So in remembering my friendship with Alex and celebrating his birthday, I also wish to acknowledge Jack Cox because he sacrificed his life in Vietnam and died fighting on behalf of the United States of America. That was many years ago, but he and Alex and I have shared together a great friendship and many great memories, which Alex tonight will review.

I regret I will not be with him in person, but I wanted to take this moment to acknowledge a great occasion and a great friendship.

Mr. President, I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

IRAQ

Mr. DODD. Mr. President, about a month ago, Senator JOHN KERRY of Massachusetts and I were in the Middle East, and at sundown on an evening in Baghdad, as we landed in our helicopter in the Green Zone, a young man walked up to Senator KERRY and me. I could hardly see him. He was about 6 feet 2 inches, 6 feet 3 inches, a captain, and a West Point graduate. He talked to us about his concerns and what was going on in Iraq. This was back in the mid part of December before the Christmas holidays. His name was Brian Freeman.

The conversation did not last very long. It was not one of those long conversations. It may have lasted 15, 20 minutes, at best. I do not even have a clear picture in my mind of what he looked like because it was dark, as the conversation went on for 15 or 20 minutes. But it is one of those meetings all of us have had in our lives, where you do not forget a person, an individual. For whatever reason, he was compelling, he was sincere. He sought us out. He wanted us to know how he felt about what was happening in Iraq.

I mentioned him on "Meet the Press" a few weeks later in talking about Iraq. I did not mention his name. I did not wish to put him in that position. But I talked about this young Army captain, a West Point graduate, whom I met. He apparently saw the program in Baghdad and e-mailed me, and we began this conversation between my office and himself over the last month or so, in which we talked about the surge, and he talked about the problems associated with it, the jobs he was being asked to do.

He said to me—I am quoting him now—

Senator, it's nuts over here. Soldiers are being asked to do work we're not trained to do. I'm doing work that the State Department people are far more prepared to do in fostering democracy, but they're not allowed to come off the bases because it's too dangerous here. It doesn't make any sense.

CPT Brian Freeman, a West Point graduate, was killed in Iraq last Saturday.

I have spoken to his family over the last number of days, his wife Charlotte, his two young children, his parents and his in-laws, trying to express on behalf,

I am sure, of all us the sense of grief we feel about this young man's loss of life and his contribution to our country.

I cannot tell you how exciting it was for me to meet him. This young man had nothing but potential and a great interest in seeing his country do better and grow stronger. And he wanted to be a part of it and make a contribution to our land.

Today, I am here to say enough is enough. I think all of us feel this way. We are coming to a point next week when we will have a debate about this. We are going to discuss various resolutions before us. I firmly believe we have to do everything we possibly can to ensure that the tragedy of Brian Freeman does not continue to be replicated over and over again. That is why we must say no, in my view, to the decision by the President of the United States to send thousands more of our brave young men and women in uniform to the streets of Baghdad to risk their lives for a plan which just "doesn't make any sense," to quote Brian Freeman.

I, as one Senator, intend to speak loudly, as I have already, against this ill-conceived policy. But more than just speak out, I intend, at every available opportunity, to ask this body and the other body to go on record in a meaningful way against the President's specific decision to send more than 20,000 additional troops to Iraq and against the continuation of our failed military strategy in Iraq.

This administration's Iraq policy has been a total failure. And this "escalation" or "surge"—call it whatever you will—of 21,500 more Americans is not going to work. I think all of us in this Chamber know it. General Powell, General Abizaid, and General Casey know it. The British and the rest of our allies know it. Nearly every expert who has come before the Senate Foreign Relations Committee, regardless of their political persuasion or ideology, over the last several weeks of hearings Senator BIDEN has held, knows it as well.

That was their testimony. But most importantly, two-thirds of the American people flatout oppose it, according to a recent survey done in our country—not that surveys ought to determine policy. But you cannot sustain a policy when the American people no longer feel you are on the right track. And they are right about it.

As my good friend from Nebraska, Senator HAGEL, so eloquently and passionately said:

[We owe the military and their families a policy worthy of their sacrifices . . . and I don't believe we have that policy today.

I could not agree with him more.

As we all know, we have lost more than 3,000 young men and women. More than 20,000 American troops have been grievously injured. According to many estimates, several hundred thousand Iraqi civilians have been killed or maimed over the last 4 years. And now estimates suggest this war will end up

costing the American people over \$1.2 trillion.

We have stretched our military to the breaking point. As Congressman MURTHA testified before the Foreign Relations Committee last week:

At the beginning of the Iraq war, 80 percent of all Army units and almost 100 percent of active combat units were rated at the highest state of readiness. Today, virtually all of our active-duty combat units at home and all of our guard units are at the lowest state of readiness—

"the lowest state of readiness"—

primarily due to equipment shortages resulting from repeated and extended deployments to Iraq.

I strongly believe we must demonstrate to the American public that we share their deep concerns and doubts about the President's proposed plans to escalate our involvement in Iraq. I think we need to demonstrate we are prepared to lead on this issue—not simply sit back, fearful of taking positions most of us believe are in the interests of our country.

Earlier this week in committee, I offered an amendment to the Foreign Relations Committee proposal that was offered by my friend, the chairman of the committee, Senator BIDEN, and Senator HAGEL and the chairman of the Armed Services Committee, Senator LEVIN. My amendment called for capping the number of troops in Iraq and required the President to seek a new authorization—after 5 years, a new authorization; it has been 5 years since we voted on the justification to go into Iraq—but to get that new authorization from Congress immediately prior to any future troop increases in Iraq—an authorization, I would quickly add, I would vigorously oppose, but it would be an opportunity to debate on the floor of the Senate.

My amendment was not about setting a floor, as some have suggested. It was about exactly the opposite. It was about the first step in fundamentally altering the status quo in Iraq and forcing the President to listen to the recommendations of the Baker-Hamilton Study Group to fundamentally change our mission in Iraq and begin the phased redeployment of U.S. combat troops.

It was also about preventing more troops from being put in harm's way for a flawed tactic to a failed strategy.

Although my amendment failed, I voted in support of the Biden resolution. But I believe it is absolutely essential that the final resolution the Senate adopts next week be one with more clarity than is currently to be found in the words of this resolution or the competing Warner-Collins resolution, which was introduced by our good friend, the Senator from Virginia, Mr. JOHN WARNER.

Regardless of how effective I and others are in bringing more clarity to the resolution through the amendment process, we need to also take, at some point in the very near future, concrete legislative action such as was at-

tempted last week in the committee on Wednesday but which is not possible in the context of the concurrent resolution we will consider next week.

We need to face the hard facts. The President of the United States has already said he will ignore Congress when it comes to his recent proposals on Iraq. He has said loudly he will ignore what we do. So it is all the more important we do something that is meaningful.

Sense-of-the-Senate resolutions are the easiest things to ignore. They require absolutely no Presidential recognition whatsoever. They are merely opportunities for us to express our views on various important matters. I recognize it has a value, to some degree. But there are people out there wondering whether we are actually going to take advantage of this time to do something more than send a message, which all of us have sent, either privately or publicly, that this policy must change. We are beyond the message-sending time. We all know what the message is.

Now the question is whether this body, this historic body, that has an obligation beyond the roles and the opportunities or the obligations of the other body, will take a clear and strong position when it comes to this most recent decision.

The Vice President has recently said that the nonbinding resolution passed by this coequal branch of Government "won't stop us," to quote him. Mr. CHENEY went on to say: "I think it would be detrimental from the standpoint of the troops" to pass this.

"Detrimental from the standpoint of the troops"?

Refereeing a civil war is detrimental from the standpoint of the troops. Surging into the streets of Baghdad with no clear mission is not detrimental to our troops? Sending Americans into combat with insufficient body armor is not detrimental to our troops? But stopping the President from sending more young men and women into Baghdad is most certainly not detrimental to our troops.

Two-thirds of the American public and two-thirds of our troops oppose a surge, according to a recent survey done by the *Military Times*—two-thirds of the American public and two-thirds of our troops.

But it is not public opinion polls that shape my conclusions that our policies in Iraq are terribly flawed. It is the facts on the ground, which I have learned, as I know others have as well in our recent visits to Iraq, as well as the judgments of former and current military and foreign policy experts.

What is it going to take to make this administration change course?

It is going to take a Congress, in my view, that does not allow the blank checks over the last 5 years to continue. It is going to take a Congress—and I am confident this one will be one—that has the courage to stand up and clearly say we will not support



more troops nor the current failed policy. And if the President refuses to listen, it is going to take a Congress that is prepared to legislatively force the President to change this disastrous course.

So next week we will begin the process of attempting to make it crystal clear in the language of whatever concurrent resolution we adopt that this Congress is opposed to more troops, opposed to a policy that makes our troops remain referees in a civil war, and in favor of a changed policy which begins the process of the phased redeployment of our troops, which last year the Congress had anticipated would begin in 2006.

There are those who say we should not try to tinker with the wording of carefully crafted Iraq resolutions because they are delicate compromises and to propose anything more forceful would be politically divisive and that Congress ought to speak with one voice.

Well, I wish we could speak with one voice. But to them I would say, I believe in consensus. I believe in bipartisanship. My 25-year record in this body has amply demonstrated the value of that. But when the quest for consensus paralyzes our ability and prevents us from taking real action to stop the senseless death of young Americans, then I do not think consensus ought to be the goal.

Stopping this insanity ought to be the goal. If you can do it 51 to 49, then do it. If you can do it 100 to nothing, obviously, that is preferable. But waiting around for consensus on this issue worries me deeply, that we are going to miss an opportunity to fulfill our obligations to stand up and say: Enough of this stuff. Stop it now.

There are those who say that opposing the surge betrays our troops. Quite the contrary is true. I say to them, what truly betrays our troops is sending them into a civil war they cannot and should not have to stop. More than 60 percent of the Iraqi people do not want us in their country. How do you send people into harm's way when the people you are trying to help do not want you to stay?

Of course, stopping the escalation of U.S. forces is only the first step as part of a broader policy to stabilize Iraq and bring our troops home.

There must also be meaningful deescalation of U.S. combat activities in Iraq. We must begin the redeployment of U.S. forces away from the urban areas where the sectarian conflict is greatest, to enclaves within Iraq and to elsewhere within the region—Afghanistan, of course, being the principal place where our troops could be used.

This will enable U.S. forces to concentrate on training Iraqi forces, securing Iraq's borders, and conducting counterterrorism operations to protect U.S. vital security interests in the region.

In the coming days, every American should be able to know whether his or

her Senator is prepared to go further and attempt to legally bind the President from continuing this policy of folly. That is why I will not be satisfied if the resolution we adopt next week is the last step this Congress takes to right the wrong that the President is perpetrating on our brave young men and women in uniform and on the American people as a whole. That is why I will find opportunities, if I can, to bring binding legislation to a vote in this body so that every American can know where we stand on this issue.

The American people want this Congress to live up to its responsibilities. I am confident we can and will under our leadership. The time has come for us to weigh in and change the course of U.S. involvement in Iraq, something we all know in our hearts needs to be done. If we were able to authorize the President to go to war in 2002—a vote that I deeply regret having cast in favor of—5 years ago on grounds of weapons of mass destruction and the behavior of Saddam Hussein—one of which was not true, and the other doesn't exist anymore—it is time for us to debate this new argument for our involvement in Iraq and decide, up or down, whether we believe it is the right course of action.

This Nation of ours is at a critical crossroads. The President wants to deepen our involvement in the war. I think most of us here want to responsibly end our involvement after 4 painful years that have taken a tragic toll on our country.

I have met with countless families, in my own State and in others, who have been through the tragedy of losing loved ones in Iraq. Talking to Brian Freeman's family in Utah the other night was painful. His 14-month-old and his 3-year-old don't have a father any longer. Our country lost a wonderful young man whom Senator KERRY and I had the privilege of meeting for such a brief time. But both of us were profoundly affected by his courage and commitment. I say to them and others that in this body we will stand up in the coming days and bring an end to this insanity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized for 5 minutes.

DARFUR

Mr. DURBIN. Mr. President, I rise to address the crisis in Darfur. I wish I could do more than speak out, but at the very least, I will continue to speak out. Today I want to specifically speak to an urgent humanitarian crisis.

On January 17, 14 United Nations organizations, including UNICEF, the World Food Programme, and the High Commissioner for Refugees, issued a joint statement on Darfur. These statements are usually just ignored. They are somewhat repetitious by nature, usually dry as dust, and they languish unnoticed on a bookshelf. This statement is different. This statement is a plea. It is a plea for help, a desperate

plea for help. This statement outlines the efforts of humanitarian agencies in Darfur over the last 2 years. It outlines the heroic efforts that have been made to save hundreds of thousands of lives from a brooding genocide.

The statement reads:

In the face of growing insecurity and danger to communities and workers, the [United Nations] and its humanitarian partners have effectively been holding the line for survival and protection of millions. That line cannot be held much longer.

Humanitarian access to those in need has become highly limited. Attacks on both civilians and those trying to help increase by the day. There are an estimated 14,000 aid workers in Darfur, most of them Sudanese, who risk their lives every moment of every day to save innocent people. In recent months, these relief workers have been murdered, raped, and attacked repeatedly. Humanitarian and U.N. compounds have been attacked, their vehicles hijacked, their supplies looted. Sudanese police who should be protecting them have arrested and beaten the aid workers. Sudanese nationals who work for these organizations have been the most viciously attacked targets of violence and harassment.

These atrocities represent a concentrated, deliberate assault on efforts to provide basic services to the poor, innocent people in Darfur—food, water, shelter, and medicine. Actions by the Sudanese Government are compounded by the actions of rebel groups, some of which have also preyed upon civilians and are responsible for these attacks and hijackings. In every case, it is the people of Darfur who are the victims of this violence. A third of the population of Darfur has been driven from their homes. They urgently need humanitarian assistance. But humanitarian organizations are under attack, just as they are. The Sudanese Government has indicated its willingness to accept the first stages of a peacekeeping plan, ever so slowly. But so far there are only a little over 100 U.N. military officers and 33 U.N. policy advisers on the ground in Darfur, an area as large as the State of Texas. Thousands more are needed, and they are needed immediately.

I recently joined Senators FEINGOLD, BROWNBACK, and others in a bipartisan letter to the President raising the issue of these attacks on humanitarian workers. We have asked the President what the U.S. response will be, what our strategy should be in the face of Sudanese assurances, promises that have not been kept. We recognize the State Department and the President want to build on preliminary progress that has been made in at least getting some U.N. peacekeepers on the ground. But that progress has been tragically, deliberately slowed. As we wait and as we debate, people die every day. We must do more.

I believe the United States should be prepared to support additional funding for peacekeeping operations in Darfur.

Congress has the opportunity to do that with a funding resolution for the rest of the year that it will vote on in just a few days. The President should also increase funding for peacekeeping operations in the budget request that he will soon send to Congress. Darfur clearly remains an emergency and must remain a priority.

A little over a year ago, I went to Kigali, Rwanda, with Senator BROWNBACK. We stayed in the Hotel Rwanda, made famous by the film as a refuge for people trying to escape death in the throes of another genocide. I walked down the hill from that hotel to a Catholic Church that I was later told was a sanctuary for only a brief time before the rebels overtook it and killed 1,000 people on the stone floor of the church. That was a genocide about which we should have spoken out more and we should have done something about.

My predecessor, Senator Paul Simon of Illinois, pleaded with the Clinton administration to do more, and President Clinton acknowledges today he should have done more. I salute the Bush administration for calling the situation in Darfur the genocide that it is. But now that we have acknowledged this horror is happening in our time on our watch, we have a responsibility to do something.

We said "never again" after Rwanda, but the genocide continues. The United States and the world must take meaningful action to show the Sudanese Government that a few hundred peacekeepers from the U.N. are not enough, and we must act now before the thin line of relief workers is severed and the suffering in Darfur grows even worse.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am glad to have an opportunity to speak on the minimum wage bill that is before the Senate. I have spoken a little bit during the last week, but I have held in reserve a lot of time because we had amendments offered that other Senators wanted to explain. Normally when a bill is on the floor we have to stand down here and say: Please, if you have amendments, bring them to the floor so we can debate them. However, in about the first hour that this bill was on the floor, we had a dozen amendments that were suggested, and people were clamoring for time to debate them. We had amendments from both sides of the aisle. I think there were over 115 amendments that were suggested to this bill. Everybody realizes that 115 amendments are never going to be voted on with any bill. I don't think we have even come close to that on any of the bills that I have seen in the 10 years I have been here.

Later today, the majority leader is going to file cloture. He has given notice that he will do that. That is asking the Senate to garner 60 votes in favor of bringing the debate to a close on the Baucus substitute which con-

tains the minimum wage increase and the small business tax incentive package. I congratulate Senators GRASSLEY and BAUCUS for the tremendous effort they put into coming up with a package for small business that would help offset the impact of the minimum wage increase. It is something that was considered the last time there was a minimum wage increase, and I suspect that in the future it will always be a part of a package in some way to make sure that we don't harm these small businesspeople who provide a training ground for those with minimum skills so that they can get better skills and get better jobs.

The small businesses of this country are hiring people with no skills, teaching them how to operate a cash register, how to interact with customers, and often how to dress, how to cook—all kinds of services. I am reminded that in Cheyenne, WY, we have a McDonald's. They are always used as the example in minimum wage debates. They take a lot of grief, and they really don't deserve all that grief. They do a tremendous job of training young people in some very basic customer service skills.

The reason I am reminded of the Cheyenne McDonald's is that we like to point out that three former employees there who started at minimum wage now own 21 McDonald's. So it is an entry way to greater things. It is not for everybody, but for those with a desire to learn and succeed, there are possibilities. Any time we can hold out hope, we are helping people.

Yesterday there was a speech on the floor of the Senate and it was said that we had already spent 5 days on this bill and it was time to move on. Yesterday was actually the fourth day on the bill. Today is the fifth day. We will not be able to have any votes today. I don't know whether you count that or not because we were talking about how the Senate is supposed to work 40 hours a week just like other people do. I know a lot of my colleagues and I have our 40 hours in by about Wednesday, but at any rate, we have been talking about working a 5-day week. We are here, and we are talking, but we will not vote today. I don't know whether you can really count that as a day on the bill.

We talked on the bill on Monday, but we didn't have any votes Monday. So I don't know if you can count that as a day on the bill either. Next Monday we have the right to talk on it again, and then Tuesday morning there will be the cloture vote. That would be the next vote allowed on the bill. We really had 3 days on the bill.

How productive were we during those 3 days? We voted on 11 amendments. We have over 100 amendments. Many of the amendments deal with labor issues. There are some that don't deal directly with the minimum wage. But the minority side, as I have watched over the last several years, always has some unrelated amendments that they want to showcase and get passed.

Another thing I have noticed as I have been here is the unfortunate thing that we do to amendments that are suggested on a key bill. Once that amendment has been suggested, if the majority is the Democrats and the Republicans suggest the amendment, that is considered a poison pill, something just designed to take the bill down. I can say that because in the past on some Republican bills, when the Democrats would submit an amendment, it would be labeled a poison pill.

Unfortunately, the people of America don't get to see the debate that occurs off the Senate floor. They are not often invited into the committee meetings. They are not invited into the bipartisan task force groups that work across the aisle on solving problems before they even get to committee. There is a good reason for that. If the media were invited, they would take some of the dumb ideas that are thrown out—and I have to admit when I am throwing out ideas, I throw out a lot of ideas; some of them stick and some you really recognize as being dumb—and concentrate on those few dumb ideas because people get enjoyment out of that.

Some of these meetings where there is brainstorming and trying to find common ground have to be held separately. These are often very productive talks. There are a number of them going on right now on key issues. I think that this is the best way to handle a bill. But what America gets to watch is us debating on this floor, the attitudes we project, and the arguments that we project. I know most of the people out there watching are always rooting for one side or the other. I don't think it is the vast majority of independents who are spending their time addicted to the television. So our constituents kind of expect us to ram home the arguments from our side, and we do.

I contend that what we get to talk about on the floor of the Senate is the 20 percent of the issues we are never going to agree on.

We have to get past that point and get to the point where we look at all proposals in a very serious way and figure out a way that we can accept it or modify it in some way that makes it acceptable. What I usually do is try to find a third way. We have to do a bit more of that around here, and if we do I think we will find that the Senate will be a lot more successful.

Senator KENNEDY and I have been practicing that for the last couple of years. We have been working prior to committee meetings, in committee meetings, and after committee meetings. We have been very successful at not having much floor debate on things that came through committee. We got 35 bills through committee, and the longest debate we had on the floor was over the pension bill. That bill was very important, one of the most important bills in the last 2 years. It was 980 pages long in the Senate, which is not a small bill. We already had agreement

before we came to the floor that there would be one hour of debate equally divided, with two amendments and a final vote. Check back through the years and see how often that has happened. That was an extremely difficult bill, and we had 1 hour of debate, two amendments, and a final vote. It can be done around here. In fact, we wound up with 27 bills signed by the President. We are checking to see how many committees have had that kind of production. Most of those didn't get debated here at all because there wasn't that 20 percent of disagreement. We had the 80-percent agreement and we went with it. That is not possible on all bills, and I understand that.

I am certainly encouraging my colleagues to get together, work on bills prior to them becoming what might be considered a poison pill, and see if something cannot be worked out. Hopefully, we can go back through some of these amendments that have been offered before and look at them with clear eyes and see if there isn't a way that what is being talked about in principle cannot be achieved somehow.

I want to let the people watching this debate that they are not seeing the real story on bills. There is a different and better way we could do it. I hope that is how we will do it more often.

Now, I will speak a little more on the bill before us. I am going to be disappointed if we don't have a few more votes on the bill prior to having the cloture vote. Again, it is a request from the minority to have an opportunity to vote on some of their amendments. So I urge my Democratic colleagues to allow a vote on a few very important amendments that my Republican colleagues have offered to the bill. I know the Democrats don't want to vote on the amendments because each of them is reasonable enough that it could pass. I know that may sound silly, but that is how things often work here. I have offered amendments—and the Democrats have sounded the trumpet that they will allow an open process on amendments offered, but they have chosen to filibuster by delay. When we only get 11 votes and only 3 days on which we are allowed to offer amendments, it is hard to claim it was a full week. Often bills that are very important here take 3 weeks. In fact, I think that is probably the normal range for a bill around here.

So they have the opportunity right now to let the clock run out. But we could have already voted on the minimum wage and small business incentive package if we could have received some votes on the important amendments that have been offered. We said we were going to cull down the number of amendments, and we obviously did.

I call for a vote on four amendments we still have outstanding—although there are many others outstanding. I want to reiterate my conviction that as we move to raise the minimum wage, we must also provide a measure of relief to small businesses which will bear the cost of the increased wages.

Let me first turn to the four amendments I have noted. Over the course of this debate, we have heard many times that the minimum wage is an issue of fairness, an issue that affects working parents and working families. The minimum wage is not the only relevant matter before us that implicates issues of both fairness and family life. One of the most significant dilemmas that face working men and women is the struggle to maintain a balance between their work and family life.

Senator GREGG offered an amendment that reaches to the core of this issue by providing the opportunity for private sector employees to enter voluntary—I stress the word “voluntary”—flexible work arrangements with their employers. Senator GREGG requested and deserves a vote on his employee option time amendment. However, more importantly, working families in this country deserve a vote on this amendment.

Twenty-eight years ago, this body gave Federal employees this highly valued benefit. Now the other side of the aisle wants to deny private employees the same right. Where this can be a big problem is where you have a private employee who is married to a public employee. The public employee can rework his or her schedule to be able to do what the family needs to have done, and the spouse cannot do that because it is illegal. They say, why can my husband or wife do it? Well, because it is legal in the public sector. Even unions recognize this benefit is coveted by employees. In a union-sponsored health care worker survey, scheduling options was the second most important factor in accepting a job.

Working families are striving to find the right balance of work and time with their children, spouses, and other loved ones. The Gregg amendment will remove a major obstacle to finding this balance. Nobody should properly invoke the importance of providing relief or help for working families, while simultaneously denying a vote on this amendment. This is not only fair, but this is giving the employee the right to choose, in cooperation with their employer, the best work schedule for their family in the workplace.

Senator KENNEDY has talked about the children of low-wage workers in this country. Allowing employees more flexible work schedules will cut down on unscheduled leave, sick days, child care costs, and the loss of productivity that occurs when an employee is on the job but their heart is somewhere else tending to the needs of family.

Public sector employees have enjoyed flextime benefits for nearly three decades. We have not heard a lot of problems about it. At the same time, it has been denied workers in the private sector. Where is the fairness in that result? The amendment offered by Senator DEMINT goes to the heart of this discriminatory result. It says if we are going to allow flextime benefits to some and not others, we ought to cor-

rect the system the other way; if it is not good in the public sector, maybe we ought to eliminate it under the Federal sector. Senator DEMINT deserves a vote, provided the other one fails. Fundamental fairness demands it. By eliminating flexible work schedules for Government employees until private employees have the same rights, we hope to force our friends on the other side of the aisle to acknowledge and address this disparity. If flextime is such a terrible proposal and so dangerous to private employers and employees, one would think they would support this amendment to protect Government employees. But there is a reason they will not support this amendment. Employees who have flextime like it: 79 percent of the women who have it use it; 68 percent of the men who have it use it.

There are many Senators in this Chamber who offer their employees flexible schedules. Why is it good enough policy for Senators and Government employees and not for the private sector? It is long past time for the Senate to give this popular benefit full and open consideration. Once again, if we are truly concerned about our working families and about being fair, we should not deny a vote on this amendment.

Another amendment I hope we will vote on is Senator BURR's health flex proposal. All of us know health insurance costs are a major issue for both working families and small employers. This amendment would give employers the option to provide a \$2.10 increase in wages or spend the increase on health care benefits. We have to recognize the tough choices employees face every day and how the underlying bill will make those choices even tougher.

Most Americans get their health care through employment, but it is becoming more and more difficult for small employers to keep up with escalating health care costs. Everybody in the country recognizes the difficulty of keeping up with health care costs. The small businessman, like everybody else, wants to have insurance for his family and his employees. As most of us know, 46.6 million people in the United States, or one in seven Americans, lacked insurance during 2005. There is no pretending that a minimum wage increase is going to make that number any smaller. Senator BURR's amendment addresses this negative side effect.

The availability of affordable health insurance is clearly an issue for all families, and any time this body has an opportunity to address or examine ideas designed to achieve that end, I don't think we should refuse to do so. Senator BURR has asked for a vote and he, too, deserves a vote on this important issue.

Finally, Senator VITTER also offered an amendment that directly relates to the group of people I feel will be most harmed by this mandated increase in the minimum wage. His amendment is

one of fundamental fairness, also, to the small employers who create the jobs and try their best to play by the rules. Senator VITTER's amendment recognizes that small businesses often do not have the in-house resources or the outside experts they need to assist them in complying with the ever-growing amounts of paperwork they are required to provide to the federal government. They cannot afford to hire expensive consultants to do this for them. Paperwork in the Federal Government is voluminous, and learning how to do it correctly often takes very thick manuals. The information they are required to give to the Federal Government is very extensive. I used to file some of those forms and reports, and I was amazed at the textbooks you had to go through to be able to fill out the forms properly. Part of that is a problem we have with the Paperwork Reduction Act. We ought to take a look at the Paperwork Reduction Act again.

Our income tax forms could be much easier to fill out. I went to the IRS when I first got here, as the only accountant in the Senate, and told them that I have done a few of those forms. I could not understand them; I could not understand the logic behind them. There are a couple of places where a line could be added and you would not have to go to another form. I found out there is a huge penalty to Government agencies who add a line to a form. But there is no penalty for adding another chapter to the book that explains the form. Therefore, it is easier to add another whole chapter than to add a simple line. The Paperwork Reduction Act is creating some problems for small business that keep the paperwork from being plain and simple.

As a result, small businesses sometimes make inadvertent errors in complying with these obligations. His amendment would relieve small businesses from monetary fines for certain first-time violations that pose no threat to health or safety. This is a very important criteria. The Federal Government should not be playing a game of "gotcha" in these circumstances, particularly with small businesses. What they should be doing is playing fair. If we, too, are being fair, we would allow a vote on this important amendment.

Apart from these amendments, I believe we need to focus on the central question before this body. Everybody in this Chamber knows we will approve an increase in the minimum wage and that we will do it very soon. The debate, as I keep reminding people, has not been over whether to do the increase, it has been whether we can keep people in business at the same time we do the increase and the ways to do that. We have made some progress on that issue, I believe.

There is a long road ahead to do the tax package Senator BAUCUS and Senator GRASSLEY so capably worked out in a very bipartisan way because those

ills are supposed to start in the House and that will be part of the argument, too. There will be some argument. Some of the offsets are opposed by some people—and I think, if you look at the list of those who oppose them, it is big businesses, not small businesses. I believe they think they are being left out of this process. However, this is a small business issue, and I am trying to solve some of those small business problems. The approval of an increase to \$7.25 is simply not an issue; and, further rhetoric on this point adds nothing to the important public debate that remains.

The debate is simple: How do we go about mandating this increase without harming the small businesses that have to pay for it? These small businesses have been the engine of our economy and employ the bulk of the minimum wage workers. We do great harm not only to these small businesses but to all those workers who rely on them for their livelihood if we don't provide the practical means for businesses to afford such mandated increases. We have failed in our responsibilities if we do not balance an increase in the minimum wage with the appropriate relief for small businesses. For a worker without a job, a higher minimum wage is meaningless.

As a former small business owner—my wife and I had three shoe stores—I know how difficult it can be to meet payroll every week and meet all the other obligations a small businessman has to face. Here are the realities: Raising the minimum wage to \$7.25 imposes a 41-percent increase in labor costs for a small employer with minimum wage workers. Many of them will see this as a tax. That is why some on our side have problems voting for an increase in taxes. It goes to a very important segment of our population, but it is a 41-percent increase in labor costs. Every employer has to face the very real issue of how he or she will deal with this increased cost and still make the payroll week after week.

This cartoon appeared in one of the papers. It says:

The good news is the U.S. House voted to increase the minimum wage. The bad news is I can't afford to pay any more.

Although this cartoon may, at first, appear humorous, these are very real and very difficult questions that impact our small business employers dramatically. It is not a laughing matter. These payroll increases have to be paid for by employers, and money doesn't grow on trees. A lot of the things we look at as options often are not available to them. The fact is that competition regulates prices—unless we have price controls—and employers must make hard decisions as how to meet these increased payroll obligations.

When costs go up, businesses must first look to cut expenses. The choices they have can be very difficult. To meet higher mandated payroll costs, the smaller employer may be forced to consider cutting back on benefits, such

as health insurance, retirement, and leave plans. It is simply too easy to forget that fringe benefits have a significant cost, and if a small employer must reduce expenses to meet payroll, these costs are often the first to go.

Beyond cutting fringe benefits, small businesses may need to consider cutting back work hours or eliminating overtime or eliminating some duplication on a shift. I mentioned a video store that has always had two people to close up because they think two is the minimum for safety. They are now talking about having to go to one person to close up. Cutting hours, eliminating overtime, laying off workers or not hiring more are traditional and often necessary responses to meeting increased costs. Unfortunately, these actions ultimately hurt the very workers the minimum wage increase is designed to help.

Another thing we need to do—and I have avoided putting it into the bill as an amendment—is to reauthorize the Workforce Investment Act. The HELP Committee has passed it unanimously twice. The Senate has passed it unanimously twice. But we have not been able to get a conference committee. Part of the reason for not getting a conference committee is worrying about where the conference committee will go. There ought to be a lot more confidence in the conference committee on the side of the Democrats right now because they will control the conference committee.

I am hoping that the Workforce Investment Act can be a way that we can help get more job training. Small businesses also provide some job training for which they do not get paid. That does not come under that bill. As I mentioned, small businesses often hire people with minimum skills and teach them the skills they need to move up the wage ladder.

Incidentally, of the businesses I checked on, the average time that a person stayed at minimum wage was 3 weeks. If they had the capability to learn, they moved up quickly.

We must also remember that when confronted by higher labor costs, employers will naturally gravitate toward filling positions with the most highly skilled, experienced, and productive workers available.

Once again, this phenomenon of replacing low-skilled workers with high-skilled workers in the face of rising labor costs winds up harming the very workers the minimum wage seeks to help. Minimum wage positions are often the entryway into the world of work for those who lack skills and experience. Mandated increases in the minimum wage run the risk of closing that entryway to many.

Beyond these cost-cutting measures of eliminating benefits, reducing hours, downsizing, laying off employees, and reducing low-skill and entry-level employment, employers might have to face the prospect of increasing the price for goods and services. Such increases drive inflation and cause all

consumers to ultimately pay the price of these mandates. The irony is that as the cost of these labor increases is passed through to consumers, it affects everyone, including the minimum wage workers whose recently increased wages are suddenly devalued by the increased price of goods and services that impact them as well.

My colleagues and I feel strongly about the working families of this country and the businesses they work in and the businesses they run. I wish to emphasize that point. I consider the working families of this country to also include small businesses. A lot of us don't realize the "wake up in the middle of the night wondering what is going to happen with the business" concern and the real risks these people take. A lot of them are just mom-and-pop businesses that hire 3, 5, 15 people.

There is support for raising the minimum wage, but we recognize that by doing so, we put people out of business or make them cut their workforce. If we end up putting someone out of work, we are not doing them any favors. That is the reason we have offered a number of amendments to H.R. 2. This bill never went through the committee process, either in this body or in the other body. I think the committee process helps the chances of moving a bill along and takes care of a lot of the amendments we maybe ought not debate on the floor.

We have not had a chance to offer any amendments at all to this legislation until this week. When a bill goes directly to the floor and circumvents the committee process, Members have no choice but to go through the committee amendments process on the floor of the Senate. We only got to vote on 11 amendments, and have only gotten 3 days to vote on amendments.

Once again, I urge the Democratic leaders to allow us to vote on the amendments we have offered, and I strongly urge them not to forget the working families of this country who employ low-skilled workers. They will need real relief in order to keep their businesses growing and their employees working under this mandate. This body must commit in a bipartisan way now to the real issue at hand; that is, providing a responsible increase in the minimum wage that allows small businesses to continue employing and providing job opportunities to the very people the minimum wage is designed to help. The simple answer is before us.

AMENDMENTS NOS. 135 AND 138, EN BLOC, TO  
AMENDMENT NO. 100

Mr. ENZI. Mr. President, on behalf of Senator CORNYN, I ask unanimous consent to set the pending amendment aside and I call up amendments Nos. 135 and 138.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. CORNYN, proposes amendments numbered 135 and 138, en bloc, to amendment No. 100.

The amendments are as follows:

#### AMENDMENT NO. 135

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . REPEAL OF FEDERAL UNEMPLOYMENT SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of Federal unemployment tax) is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of wages paid in calendar year 2007—

"(A) 6.2 percent in the case of wages for any portion of the year ending before April 1, and

"(B) 6.0 percent in the case of wages for any portion of the year beginning after March 31; or".

(b) CONFORMING AMENDMENT.—Section 3301(1) of such Code is amended by striking "2007" and inserting "2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2006.

#### AMENDMENT NO. 138

(Purpose: To amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) in the case of any taxable year beginning in 2007, so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed \$900 per employee per year."

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws."

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid in any taxable year beginning in 2007 to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed \$900 per employee per year."

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Mr. ENZI. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we have reached Friday in the consideration of the increase in the minimum wage, let me restate both by affection and respect for my friend and colleague from Wyoming. We have a strong personal relationship and a very good professional relationship. There are a few occasions when we differ, and this happens to be one of them, but it doesn't take away from the fact that I have enormous respect for his legislative abilities. We have worked in a number of areas, and we have every commitment to working together in so many of those areas of our HELP Committee. I know we don't have to repeat it, but it is true. Since we have a moment on a Friday, I wanted to express it because of my deep concerns about the direction of this underlying legislation.

Let me state, with regard to these family issues, our committee is enormously interested in these family issues. The fact is, we have not addressed them in these recent Congresses. That happens to be the fact. We have not marked up those measures when Republicans were in charge of our committee. We didn't get them out on the floor of the Senate, so we have not considered them. But we are strongly committed to them. We are strongly committed.

My friend and colleague from Connecticut, Senator DODD—who is the author of the Family and Medical Leave Act—struggled 10 years before we ever could get that legislation passed because of the opposition within the Republican Party. He wants to extend that. It only applies to companies of 50 or more and leaves out half of all the workers. He wants to address that issue.

The Senator from Washington, Mrs. MURRAY, has had longstanding legislation providing up to 24 hours for individuals to go and work with teachers, engage in teacher conferences.

I have engaged in legislation for sick leave for workers, which is enormously important to people here.

Family-related issues are something in which we are enormously interested and concerned with. But I want to indicate we are also interested in flextime. But we also recognize that in this past Congress, this President eliminated overtime for 6 million Americans—overtime—this administration.

I am not going to take the time now, but I will certainly put the material in the RECORD about the proposal the Senator has just referenced—my friend, and he is my friend, the Senator from New Hampshire—talking about his flextime legislation. Here on page 2 in the legislation it says, “notwithstanding section 7, an employer may establish biweekly work programs that—section (A) title I—that consist of a basic work requirement of not more than 80 hours over a 2-week period and in which more than 40 hours of the work period may occur in a week of that period.”

I believe this is the end of the 40-hour workweek, when your employer can make you work 50 hours in a week with no overtime. You say: No overtime? Where is that?

If we go to page 7 of the legislation, under the definition of “overtime,” the term “overtime”: “when used with respect to biweekly programs means all work worked in excess of the biweekly work schedule involved in excess of the allocated 50 hours a week.”

So here we are basically saying if the employer makes the judgment and decision that you are going to work 50 hours, you are going to work more than 40 hours. Under the existing law you get overtime pay for over 40 hours. Under this, you work 50 hours and you don't get the overtime. Here it is in the legislation.

Why do we have that on the minimum wage bill, I ask? It seems so accommodating. Can't we just accommodate family-related issues on it? Here we are trying to undermine it.

The issue, of course, that is key in all these matters—you say: What about public employees? Public employees do. They have unions to protect them, and they have longstanding agreements about how and who makes the judgment and decisions in working out those flextime issues. It is an entirely different situation. I am glad to try to work that out, as we have with Members on family-related issues. But why should we have to do it on a simple item like the terms of increasing the minimum wage? Why is it? As I said yesterday, we are considering zero amendments on our side. We are prepared to vote. I bet I could even get the leader to say—well, probably not—to say we would go with a voice vote and approve it today. But, no, at the current time we have, to my knowledge, 109 amendments. They increase every day from the other side—109 amendments. Zero over here, 109 amendments.

Another issue comes up, the issue of agencies violating different regulations, and if it is a first offense and exclusion of health and safety—look carefully how they define health and safety. This is an issue without a problem. Agencies have that flexibility today and use it today. What are we really trying to get at?

Under the original proposal that was offered with regard to first offenses, it would have exempted 97 percent of all mine safety companies. You say let's redraft that now in terms of health and safety and see if you won't take it. Why are we doing that out here on this question? We have just done mine safety.

If we want to deal with regulatory reform we are glad to do that. With regard to small business I thought that would be in the Small Business Committee's jurisdiction. Why should we be dealing with that when all we are trying to do is get an increase in the minimum wage?

Then I hear: What is going to happen in terms of employment when we pass this increase in the minimum wage? One chart I didn't use the other day but I remember from the past is this one. The last minimum wage increase did not increase unemployment. These are the figures, going from 1997, September, all the way through the year 2000. It shows the last time when we went to \$5.15 the gradual decrease in unemployment.

If you look at it this way, we have the increase and the wage was \$4.75 in the summer of 1996. Look at the increased job growth. Then we increased it in 1997 to \$5.15, and it continued job growth.

There are 3.7 million Americans who work in these small mom-and-pop stores who will never be affected because of the small business exemptions. It is \$500,000. They are excluded. It is only those. These are the figures on it.

We have gone through those in some measure. I still am distressed that we are spending this amount of time on this issue, and I wonder why it is the Republicans have all of these issues. If we had accepted all the amendments that have been offered by the Republicans, we would have added \$241 billion in spending; \$241 billion would have been added that would not have been offset.

We are on the fifth day today. We will be on the sixth day on Monday, the seventh on Tuesday. When we had the increase in 1977, we spent 2 days on it. When we had the increase in the minimum wage in 1989, we had 2 days. In 1996, we had 2 days—4 hours in the House of Representatives. Since we have been debating this issue, the good State of Iowa, Monday night, had a debate in the legislature for the increase in the minimum wage. They passed it. They considered it in the Senate, debated it, and passed it, and the new Governor of Iowa is signing the increase in the minimum wage today. This is what is happening out there.

This is part of what the American people are wondering about regarding this institution: Why in a State it takes 3 days to get it and other times it has taken a couple of days to consider this. It is a very simple matter: just raise the minimum wage to \$7.25 from \$5.15. We are in day 5, Monday it will be day 6, vote on cloture on day 7. With the 30 hours it will continue on into the better part of next week. Why does it take so long for this institution when all the amendments are over on this side, from the Republicans?

That happens to be the fact. We debated education. It is interesting. Our committee deals with education as the appropriations committee for education. Finance has some provisions in there with regard to the tax provisions. We have important education legislation coming up. We have worked out higher education legislation in our committee. There are still a few areas in terms of the loan programs we still have to work out. We are working with the administration on the K-12 program. But now we have dropped in here \$35 billion in terms of education credits. There is nothing on the IDEA Program—nothing. No help and assistance on IDEA. No help and assistance in increasing Pell programs. They selected \$35 billion for whatever they wanted on education to challenge us to vote against that particular proposal.

Is that it? The underlying bill is to try to get an increase in the minimum wage. I am glad to debate education. I was so interested in this because last year we increased the scholarship programs by \$12 billion for students, and it went to conference and the Republican leadership took all \$12 billion and put it for taxes. I can't scarcely remember any of those people who were arguing yesterday for increasing help and assistance for the students raising their voice let alone their vote in opposition. Or, when we added the funding, or tried to add the funding to the budget last year, I don't remember any of those speaking out. Twelve billion dollars it would have added. I don't remember any of those voices out there. But they suddenly want to have a long debate on that program.

Now we want to have a long debate on health savings accounts. The average user of health savings accounts earns \$133,000 a year, and three-quarters of those who had the health savings accounts had insurance before they had them. I thought the question today was to get to the uninsured, not the wealthy who already had insurance. That is coming from the other side. Why on the minimum wage bill? I am glad to debate that issue, but why on the minimum wage? Why hold up another day for workers? That is what is happening.

Every day we are denying these workers, every single day, every hour we are denying these workers an increase in the minimum wage. Make no mistake who is doing that—109 amendments from that side and zero from



this side. You can say: We want to just have a little fair opportunity to discuss these. Come on. We weren't born yesterday. We know what is happening. This is a whole process to delay, and I believe they hope to defeat us on this issue.

It has been 10 years since we have had the increase. We have had 15 votes. We had a couple of other amendments which were accepted. We are prepared. The issue, on these family-related issues—we are the committee, we will work closely with our brothers and sisters on other committees to get these jobs done. But don't, on Friday afternoon, say: Oh, we just need to have a few more amendments on this. Then what will happen?

We are basically holding the increase in the minimum wage hostage now for additional tax expenditures for businesses. No clean bill. The House of Representatives, with 80 Republicans, went ahead and passed a clean bill but not here in the Senate. No, roadblocks were put in our way by Republicans. Make no mistake about it. Let's just call it what it is. Roadblocks, parliamentary tactics are used to block a bare increase in the minimum wage, to basically prohibit that increase.

We have the additional billions of dollars in tax expenditures added to it and now we still have opposition by filibuster by amendment. All of us have been around here. It is filibuster by amendment. Thankfully, we have a leader who is going to file cloture so at least we will have the vote on Tuesday next. But there should be no doubt in the minds of people, as we come into this weekend, who bears the burden in terms of the basic reluctance and opposition to the increase in the minimum wage. As I said yesterday—I won't repeat it—but it amazes me to try and understand why this blind opposition, and why the vehemence of this opposition of increasing the minimum wage to \$7.25. What is it that bothers our Republican friends? What is it about it? It isn't the question about we want an opportunity to talk about education or health care or Social Security or immigration. No, no. There is opposition to going to \$7.25 for those who are on the lowest part of the economic ladder. We have seen the most extraordinary explosion of wealth in this country in the history of this Nation, and we have held those workers for 10 years—they have lost 20 percent of their purchasing power. We are just restoring the purchasing power for those individuals. It has the strong continuing opposition of the Republicans.

It is difficult for me to understand the reasons for that. Certainly it can't be economic. We haven't had a debate—we have been ready to have that debate on what it does in terms of communities, what it does in terms of the economy. We have demonstrated that with figures, the best we have had. States that have increased the minimum wage do better economically. Countries that increase the minimum

wage reduce poverty, have the strongest economies in Europe. We are glad to debate the various case studies that have been done with Krueger and Card over at Princeton analyzing different kinds of communities. We are glad to debate if you want to debate economics. No, no. It is all filibuster by amendment on these other topics.

So, Mr. President, I thank our leader, Senator REID, for being willing to file the cloture petition. We will vote on it next week, and hopefully we will be able to get a positive vote on that and we will be able to move ahead.

We want to leave on this Friday and let those who are out there who have been working hard and who are appreciative of the Congress—4 hours the House took to debate an increase in the minimum wage, 80 Republicans who supported that, and here we are at the end of the week, looking forward to another week on this issue with over 109 different amendments waiting, waiting, waiting, all offered by Republicans, on the widest variety of different subject matters one can imagine. We all know what is going on, and so do those minimum wage workers, their families, workers across this country, middle-income people and others in the faith community, in the trade union movement, who believe in a fair America and believe that those on the lowest rung of the economic ladder are entitled to participate in the promise of America, like everyone else.

Mr. President, I ask unanimous consent that following Senator ALEXANDER's statement, Senator LAUTENBERG be recognized for up to 15 minutes as in morning business.

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

Mr. ENZI. Mr. President, I would make a brief comment, if the Senator will allow that, prior to his speech.

Mr. ALEXANDER. Of course.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts for his comments. He makes some very persuasive arguments in a very short period of time on the four amendments I talked about, and I am sure we could reach an agreement and have a very short debate, probably 10 minutes equally divided, on those four and then a vote, and that would simplify things a lot. I understand his comments about how we have over—I don't remember how many amendments—but I need to mention, there are amendments on the Democratic side. It is a little easier for them to forgo their amendments, because they are in control. The other side doesn't have a way to bring up issues. What I am saying right now is what the Democrats said for the last 2 years and what Senator KENNEDY said a minute ago is what our leadership had to say on issues as we filed cloture. This is a very common procedure, and we all know how it works. So we will be dusting off arguments from the other side, they will be dusting off arguments from us, but hopefully we can progress through these issues in a very substantial way and get them done.

I appreciate those comments, and I will learn from them. I did notice the dates we talked about for quick resolution on the minimum wage happened before this Chamber had television. I suspect a lot of the debates we have here have more to do with television than they do with the substance of the amendment we are working on. I hope Senators can forgo that possibility, although I am not sure in this culture we can. I would hope the pundits out there, radio talk shows and television talk shows, could forgo on some of the issues trying to foment each of their sides so they argue and fight.

It would be a lot easier if we had some civility that went with it. I appreciate the other side's civility through these debates and I would ask that they allow these four more amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, sometimes we like to say something so often and so vigorously that we believe it actually does what we say it will do, and I am afraid that is the case of the minimum wage arguments that have gone on since 1939. Perhaps it did in 1939, but I would suggest today that it doesn't do what we say it will do. I expect to vote for the minimum wage proposal the Senate produces if it includes the tax incentives and other measures that will help small business men and women pay the bill so they don't have to cut jobs as they compete with companies around the world, in China and in India and other places.

I will talk for a few minutes this morning about whether the raising minimum wage does what we say it does. We are doing a fairly extraordinary thing here. The Government is intervening in the marketplace. We don't ordinarily do that. We are fixing prices. We are fixing the cost of labor. Let's say we were in a class at the University of Massachusetts, University of Wyoming, or University of Tennessee in economics 101, and the professor walked in and said, Good morning, students. We have an interesting problem here. Let's pose this: The Government wants to intervene in the marketplace to fix the price of labor—something it doesn't ordinarily do. So the problem for the students to solve would be this: The reason for the intervention is to help, as the Senator from Massachusetts said, those who are on the lowest rungs of poverty. Working people on the lowest rungs of poverty will be our target. We want to help them have more money in their pockets.

Second, obviously we would like to do this in a way that most efficiently gets whatever money we have for this to them and doesn't miss the mark. Next, we want to do it at the lowest possible cost. We have lots of needs in the Government and in this country. Finally, we want to find the fairest way to pay the bill. If we are going to come up with this grand social objective that is presumably an objective for

the whole country, then who pays the bill? All of us? Some of us? A few of us? The richest of us? Who pays the bill?

So the challenge to the students is this: The Government is going to intervene. We are going to help, according to the Senator from Massachusetts, the lowest on the rungs of the economic ladder—people who are poor—people who are working. We want to do it in an efficient way. We want to make sure the money gets to the people we want to help, and we want to send the bill for all of this—hopefully as low as possible—to the fairest group of people who ought to pay for it.

I think if the answer came back to that question that what we ought to do was raise the minimum wage, the professor would give it a D or an F, or he might even send it back to the students who sent him that answer and say, Maybe you didn't hear my question. My question was: How do we intervene in the marketplace to help the people who are on the lowest rungs of the economic ladder? How do we do that in the least expensive, most efficient way, and with the fairest way to pay the bill?

Let's begin to critique the answer I posed that a student might have given to the professor in economics class 101. First, I think the professor might say, If you come back with a minimum wage idea, it is a very expensive way to go about it. A new study released by the Congressional Budget Office, which I ask unanimous consent to be included in the RECORD following my remarks—

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

(See exhibit 1.)

Mr. ALEXANDER. A new study by CBO estimated that raising the minimum wage to \$7.25, which is the proposal here, would cost \$11 billion. A study done by the Employment Policies Institute put the cost at \$18 billion. I ask unanimous consent that this study by Professors Burkhauser of Cornell and Sabia of the University of Georgia be included in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. ALEXANDER. So the student who suggested the minimum wage came up with a pretty expensive idea, an \$11 billion price tag, or \$18 billion, according to another study. But those estimates are about raising the cost of everyone's wages to \$7.25 an hour. That is not how it works, because many workers are already paid a certain amount above the minimum wage and they will continue to earn more than the new minimum wage. So in effect, we are also legislating that a number of workers will receive a wage higher than \$7.25, which means the cost is much higher than \$11 billion or \$18 billion. That is a lot of money. That is the first critique of the student's answer.

The second one: How well does this money hit the mark? We heard Senator

KENNEDY say repeatedly: Those on the lowest rung of the economic ladder. We have visions of women and children who are poor, particularly single mothers. Senator KENNEDY has great passion for this issue. I have heard him many times over the last 4 years talking about how this is a women's issue; this is a children's issue; this is an issue for Americans on the lowest rung of the ladder who are in poverty. Well, let's see if that is true.

The studies show it is not true. Raising the minimum wage doesn't efficiently target the poor. Only one in five minimum wage workers live in households at or below the poverty line. So most of that \$11 billion or \$18 billion won't be going to the people who need it the most. It is more likely to be going, for example, to raise the salary of a teenager from a well-off family who has a part-time job at the mall. The Employment Policies Institute, the study I mentioned a little earlier by the professors from Cornell and the University of Georgia, said in their calculations that even less of the money would go to the workers in poor families—13 percent. Even if you look at households earning twice the rate of poverty, which was just under \$40,000 in 2005, the Employment Policy Institute study found that less than half—43 percent of the minimum wage increase—would go to those families.

Let me go directly to the professors' study of the minimum wage. They say:

While the minimum wage is often promoted as a policy designed to help the poor, minorities, and single mothers, this analysis reveals that only 3.7 percent of the benefits from a \$7.25 hour Federal minimum wage would go to poor African-American families.

So 3.7 percent of the benefit of this \$18 billion-plus cost will go to poor African-American families. Only 3.8 percent would go to poor single mother families. What we are about to do, if we do it, is spend \$11 billion, \$18 billion—more than that, probably—with the stated objective of helping the poor, especially single women, especially mothers with children, especially minorities, and what the professors' study shows is that only 3.8 percent goes to poor single mother households.

Even more troubling, they go on:

The majority of working poor families, families who are working but remain in poverty, receive no benefit from an increase to \$7.25 an hour.

The majority of families who are working but in poverty get no benefit from what we are about to do. These families don't benefit because they already earn more than the new Federal minimum wage and remain in poverty either because of a low number of hours worked or a large family size. Many of these individuals would benefit far more from an increase from the generous Federal and State earned-income tax programs.

A couple more statements from the professor from Cornell and the professor from Georgia:

Only 3.8 percent of the benefits from an increase to \$7.25 an hour accrue to poor single

mothers. One of the factors causing this low percentage of benefits is the fact that the majority of poor single mothers have hourly wages above this level. In addition, only 18.5 percent of the benefits going to single mothers will go to those in poverty, the majority of benefits going to single mothers will go to those earning more than twice the poverty line.

So the authors conclude that only 12.7 percent, or 2.3 billion of their estimated \$18 billion cost of this increase will go to poor families, and only 3.7 percent goes to poor African-American families.

The authors say that the ability of the minimum wage to target poor families is weaker and decreasing over time. Contrary to the statements of its advocates, fewer and fewer low-wage employees are supporting a family on minimum wage, with only 9 percent of low-wage employees actually supporting a poor family.

I think the professor so far, in grading the paper of the student who suggested an increase in the minimum wage, would say, well, you came up with something that is hugely expensive, \$18 billion-plus. And second, you came up with something that almost entirely that misses its target, only 3 or 4 percent to poor African-American families out of this huge amount of money? So far that paper is not doing very well at the University of Massachusetts, Wyoming, or Tennessee.

Then there would be another question that ought to be answered. Who pays the bill? The people who are to pay the bill under the proposal of the Senator from Massachusetts are the small businesspeople of America. They were described by the Senator from Wyoming because he used to own a shoe store. We stand in the Senate almost every day and talk about small business men and women and how they have health care costs, how they have taxes to pay, they have OSHA requirements to meet, they have Federal regulations added every year, and we say if we do not do something about this, more of these jobs are going to India and China, and we have a big outsourcing of jobs around the world.

Even if we, as a Senate, were to decide that we wanted to take the most expensive and perhaps the most inefficient way to help the people lowest on the economic ladder, why would we send the bill to the small businesspeople of America? Why wouldn't we send it to Wall Street? Why wouldn't we send it to the big corporations? Why wouldn't we send it to the taxpayers at large? Why couldn't all of us pay the bill?

We are very good in Washington, DC—I used to notice this as Governor of a State—some Senator or Congressman would come up with a good-sounding idea, pass it, hold a press conference, take credit for it, and come back down and make a statement at the Lincoln Day or Jefferson Day dinner about local control. What we do here all the time is come up with good ideas, take credit for them, and send

the bill to someone else. That is what we are doing here: we are not paying for this. We are not saying: That is going to cost \$18 billion so let's raise taxes on Americans to pay for it. We are saying it will cost \$18 billion-plus, but, no worries, we will just send that on to the small businesspeople of America, not the big businesspeople.

According to the National Federation of Independent Businesses, small businesses employ 61 percent of all minimum wage workers. That is a lot of mom-and-pop shops, family-owned businesses. Why should they pay the bill for this idea? One reason it might have been better to take this legislation through the committee that the Senator from Massachusetts and the Senator from Wyoming so ably lead is, we could have discussed this and there might have been a better way to reach this goal of taking whatever money we have—maybe a generous amount, maybe \$18 billion—and sending it directly to people on the lowest rung of the economic ladder.

We might have talked about the earned-income tax credit. The earned-income tax credit isn't always popular on this side of the aisle because it has had some fraud in it, but the idea is a good idea. I first heard about it when Pat Moynihan was in the Nixon White House in the early 1970s. He suggested instead of welfare programs we ought to have a negative income tax. He said rather than set up a lot of Government programs that tend to break down the family and spend money in bureaucracies, if people are working in America, and they are not making much money, let's give them some money. We are a rich country. We have 25 percent of all the money in the world every year for just 5 percent of the people in the world. And some people are really well off. They have more than one house. They have big incomes. We all know that. And so it tugs at us to think we are so wealthy and we still have people who are not just sitting on a bench, but we have people who are working every day, sometimes two jobs, and they are not making enough to help their families. That is what this debate is about. Pat Moynihan said in the early 1970s, and this Congress has said before: Let's try the earned-income tax credit. In other words, if you are working, and you are poor and you qualify, we will send you a check. The check comes from all of us. It doesn't come from this segment of society or that segment or just the small businesspeople. We all step up to the plate. The taxpayer pays the bill for earned-income tax credit.

Why didn't we have a hearing to talk about that? The tax credit is targeted to help low-income workers. It is only available for families making up to between 175 to 200 percent of poverty. For example, in 2006, a single parent with two or more children could not receive the earned-income tax credit if he or she earned more than \$36,000. That is not a lot of money when you are trying to raise two children.

In comparison, according to the Congressional Budget Office, nearly 60 percent of a minimum wage increase would go to individuals living in families earning more than \$36,000. So 60 percent of what we propose to do here goes to families earning more than \$36,000, but an earned-income tax credit recipient could not receive money if they made more than \$36,000.

The CBO study released this month also looked at the potential impact of increasing the minimum wage to \$7.25 as well as possible increases to the earned-income tax credit. I put that in the RECORD a few minutes ago.

If we increase the minimum wage as has been proposed, CBO says it would cost \$11 billion, the smaller number, but only \$1.6 billion of that \$11 billion would go to working families living below the poverty line. CBO is bipartisan, and works for all of us. They went on to say that to send nearly the same amount of money to working poor families, \$1.4 billion in assistance, we would only need to increase the earned-income tax credit by \$2.4 billion. So instead of a \$11 billion or \$18 billion pricetag for the minimum wage, we could have done the same thing through the earned-income tax credit by spending \$2.4 billion.

Increasing the earned-income tax credit would target the same amount of money to poor families as raising the minimum wage at one-fifth the cost.

I have used my example of asking a professor at the University of Massachusetts or Wyoming or Tennessee, saying to his class: We have a large goal. We want to help people who are working and who are at the lowest rung of the economic ladder, as Senator KENNEDY describes. What would be the best way to do it? Tell me, the professor would say, tell me how to get the largest amount of money to that group of people, how to do it at a reasonable cost, and tell me who should pay the bill.

I think if the answer came back that we should spend \$18 billion or more, and it costs five times as much to do it through the minimum wage as it would through the earned-income tax credit, and in addition to that, doing it through the minimum wage sends the bill to a struggling group of people disproportionately, the small businesspeople of America, and lets off all the rest of us, I think that person would get an F. And I think we ought to, as well.

I am sure what is going to happen in this Congress is we are going to pass a minimum wage bill because we are a wealthy country and we want people who are working and who do not have as much to have more. That is our impulse. And I don't believe that bill will get out of this Senate without substantial assistance for the small businesspeople who are paying the bill, or disproportionately the bill.

My hope is that Senator KENNEDY and Senator ENZI, some time before we

bring up this minimum wage idea again, will say: Let's give ourselves the same kind of examination that I just suggested for those college students. Let's ask ourselves how to do this in an efficient, fair way that gets the money to the right people, instead of going around the country saying "minimum wage, minimum wage, minimum wage," only to find out some time later that we have a lot of disappointed, poor, working families around America who aren't helped by what we convinced ourselves was the right thing to do.

#### EXHIBIT 1

CONGRESSIONAL BUDGET OFFICE,

U.S. CONGRESS,

Washington, DC, January 9, 2007.

Hon. CHARLES E. GRASSLEY,  
Chairman, Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, the Congressional Budget Office (CBO) analyzed some of the potential consequences of a hypothetical increase in the federal minimum wage rate from \$5.15 per hour to \$7.25 per hour and of several hypothetical expansions in the earned income tax credit (EITC). To provide the information, as requested, about the potential impacts on workers whose family income was below the federal poverty threshold, the analysis used data from the March 2005 Current Population Survey (CPS).

The analysis is subject to a number of limitations and should not be interpreted as a cost estimate of the effects of implementing changes in the federal minimum wage or the EITC in future years. CBO simulated the impacts of those policy options as if they were in effect in 2004 and did not incorporate any effect on employment levels or the number of hours worked. Since that time, the number of workers with wage rates in the \$5.15 to \$7.25 range has fallen by almost 30 percent and is expected to continue to decline as increases in state minimum wage rates and other changes in the labor market occur. For simplicity, CBO assumed that an increase in the minimum wage rate would have affected only the wage rates of workers earning between the old and the new minimum rates. Some workers with wage rates outside that range might also be affected by an increase in the minimum wage. For example, employers are permitted to pay certain tipped workers as little as \$2.13 per hour if their tips bring their total hourly earnings up to the federal minimum wage; thus, an increase in the federal minimum wage could cause some of those employers to raise their wage rates. Also, some employers of workers already paid at or just above the new minimum wage rate might increase those workers' wage rates as well.

In addition, the CPS does not contain all of the information needed to compute the EITC, limiting the accuracy of those estimates. Based on the CPS, the estimated amount of EITC payments in 2004 was about 25 percent below the actual amount that year. CBO does not have a basis to infer whether that discrepancy would lead to an underestimate or an overestimate of the share of additional payments resulting from the hypothetical expansions of the EITC that would go to poor families. Moreover, the Joint Committee on Taxation produces the official estimates for any change in the EITC; its estimates may be different.

As discussed more fully in the attachment to this letter, the major findings of the analysis are these:

On the basis of data from the March 2005 CPS, about 18 percent of the 12 million workers who were paid an hourly wage rate between the federal minimum wage of \$5.15 and \$7.24 were in families that had a total cash income below the federal poverty threshold in 2004. Had all of the workers in that wage range, instead, received \$7.25 per hour, they would have gotten about \$11 billion in additional wages in that year. About 15 percent of those additional wages (\$1.6 billion) would have been received by workers in poor families.

As requested, CBO examined the potential effects of hypothetical expansions in the EITC that would have provided additional payments to workers in poor families similar to the amount of additional earnings poor workers would have received by increasing the minimum wage rate to \$7.25 per hour. One option was to increase the subsidy rate for childless workers by 50 percent. Another option was to increase the subsidy rate for workers with three or more children by 25 percent. On the basis of data from the CPS, combining those options would have increased total EITC payments by roughly \$2.4 billion in 2004, with workers in poor families receiving \$1.4 billion of that total.

The analysis was prepared by Molly Dahl, Tom DeLeire, and Ralph Smith of CBO's Health and Human Resources Division and Ed Harris of CBO's Tax Analysis Division. If you or your staff have any questions or would like further details, please feel free to call me at (202) 226-2700 or Ralph Smith at (202) 226-2659.

Sincerely,

DONALD B. MARRON,  
*Acting Director.*

Attachment.

RESPONSE TO A REQUEST BY SENATOR GRASSLEY ABOUT THE EFFECTS OF INCREASING THE FEDERAL MINIMUM WAGE VERSUS EXPANDING THE EARNED INCOME TAX CREDIT

In response to a request from Senator Grassley, the Congressional Budget Office (CBO) used data from the Current Population Survey (CPS) to analyze the distributional effects of a hypothetical increase in the federal minimum wage rate and of several hypothetical expansions in the earned income tax credit (EITC). Although use of the CPS allows the production of results consistent with official poverty measures, the CPS is known to be inaccurate for measuring the EITC. CBO's estimates for a particular policy change could either understate or overstate the true cost of an expansion of the EITC, depending on how information available in the CPS differs from what taxpayers reported on their tax forms. CBO simulated the impacts of the hypothetical policy options as if they were in effect in 2004 and did not incorporate any effect on employment levels or the number of hours worked. The results are not estimates of the effects of implementing those options in future years.

Furthermore, this analysis is not a cost estimate. For proposals that would amend the Internal Revenue Code, including changes in the EITC, official cost estimates are provided by the Joint Committee on Taxation; its estimates may differ from those presented here.

#### METHODOLOGY

CBO identified workers who would have been affected by a hypothetical increase in the federal minimum wage rate from \$5.15 per hour to \$7.25 per hour in 2004 as those who reported in the March 2005 CPS that they were paid on an hourly basis and whose wage rate was between \$5.15 and \$7.24 at the time of the survey. Also included were workers who reported that they were paid \$5.00 per hour, under the assumption that most of them were actually paid \$5.15 but had rounded their survey response.

To estimate the impact of the hypothetical wage rate increase on the family income of workers, CBO assumed that all hourly workers whose wage rate was between \$5.15 and \$7.24 per hour would have been paid exactly \$7.25 per hour had the hypothetical minimum wage rate been in effect. CBO further assumed that workers whose wage rate was \$7.25 or higher would have been unaffected by the hypothetical increase in the minimum wage. For this tabulation, CBO assumed that no changes in employment or hours would have resulted from the higher minimum wage rate. The earnings gain attributed to the hypothetical increase in the minimum wage was calculated simply by multiplying the increase in the wage rate by the total number of hours that CBO estimated the affected people worked in 2004.

A limitation of this analysis is that the estimates are based on wage rates reported for March 2005 and income reported for 2004 and, therefore, do not reflect changes that have occurred since then or that will occur before future changes in the federal minimum wage, if enacted, would be implemented. For example, increases in state minimum wage rates and other changes in the labor market have already lessened the potential impact of raising the federal minimum wage rate.

CBO used information on family size and both before-tax cash family income and after-tax income, including certain noncash sources of income, in 2004 to place the affected workers into income categories relative to the poverty thresholds.

As requested, CBO also examined different ways of expanding the EITC to achieve similar income gains for workers in otherwise-poor families. Note that the CPS does not contain all of the information necessary to compute the EITC, limiting the accuracy of CBO's estimates. For example, using the CPS, CBO estimates that taxpayers received about \$29 billion in EITC in 2004, when they actually received about \$40 billion.

#### ESTIMATES OF THE EFFECTS OF A HYPOTHETICAL INCREASE IN THE MINIMUM WAGE IN 2004

Table 1 provides CBO's estimates of the number of workers paid on an hourly basis in March 2005 who received a wage rate below \$5.00, between that rate and \$7.24, and at or above \$7.25. It shows that 11.6 million workers reported that they received a wage rate in the affected range. Table 1 also provides a cross-tabulation by income-to-poverty ratio, based on the family cash income of those workers in 2004, as reported by the Census Bureau. It shows that 18.5 percent (2.1 million) of the workers who received a wage rate in the relevant range in March 2005 were living in families that were poor in 2004.

Table 2 repeats the information from Table 1 but uses an after-tax measure of income that also includes the value of certain noncash sources of income. In the placement of people into income-to-poverty categories, the poverty thresholds themselves remain unchanged. On the basis of this alternative measure of income, a smaller portion of the workers in the relevant wage range were counted as poor (14.4 percent, rather than 18.5 percent).

Tables 3 provides CBO's estimates of the income gains that would have resulted from raising the wage rates of everyone who reported that they were paid between \$5.00 and \$7.24 per hour up to an hourly rate of \$7.25. For those figures, CBO simply added its estimates of the gains in earnings from the wage rate increase to estimates of families' cash income. CBO estimates that \$1.6 billion (15 percent) of the \$11 billion in increased earnings that resulted from the higher wage rate would have been received by workers who were in families with money income below the official poverty threshold in 2004.

#### ESTIMATES OF THE EFFECTS OF HYPOTHETICAL INCREASES IN THE EITC IN 2004

Table 4 provides CBO's estimates of the distributional income effects of the changes in the EITC specified in the request. Again, the estimates are based on the CPS, not tax statistics, and do not take into account the many intricacies of actual tax provisions or the ways that people might alter their behavior in response to changes in the EITC. The Joint Committee on Taxation provides the official estimates of the potential effects of changes in the EITC.

In 2004, eligible taxpayers with one qualifying child could claim a credit of 34 percent of their earnings up to \$7,660, resulting in a maximum credit of \$2,604; the credit phased down at a rate of 15.98 percent of earnings above \$14,040 for nonjoint filers and \$15,040 for joint filers. For eligible taxpayers with two or more qualifying children, the credit was 40 percent of their earnings up to \$10,750, with a maximum credit of \$4,300; the phase-out rate was 21.06 percent, beginning at earnings above \$14,040 for nonjoint filers and \$15,040 for joint filers. Taxpayers between the ages of 25 and 64 with no qualifying children could claim a credit of 7.65 percent of their earnings up to \$5,100, resulting in a maximum credit of \$390; beginning at earnings above \$6,390 for nonjoint filers and \$7,390 for joint filers, the credit phased out at a rate of 7.65 percent. All thresholds are higher now. Not only are they indexed for inflation, but the plateau for joint filers was increased by \$1,000 in 2005 and is scheduled to increase again in 2008.

The first column of Table 4 shows that, of the estimated \$29 billion in EITC received in 2004, about 40 percent (\$11 billion) was received by workers in poor families. (As explained, that CPS-based estimate of the total amount of EITC received is much lower than the actual amount that year, \$40 billion.)

The second column reports CBO's estimates of the effects of a hypothetical expansion in the EITC in which workers in families with three or more children would be eligible for an additional credit. The subsidy rate for that group was increased from 40 percent to 50 percent, the maximum credit available was increased from \$4,300 to \$5,375, and the phase-out rate was increased from 21.06 to 26.325 percent, representing a 25 percent increase over the credit available in 2004 to those in families with two or more children. (The difference between the maximum credit available to those in families with three children and those in families with two children is \$1,075, as compared with the \$1,696 difference in the maximum credit available to those in families with two children and those in families with one child.) Using CPS data, CBO estimates that this expansion would have increased EITC payments to poor families by \$1.1 billion.

The third column examines what the results of a hypothetical expansion of the EITC to childless individuals might have been. As requested, the subsidy rate, the maximum credit, and the phase-out rate to workers without children were increased by 50 percent. Under the hypothetical expansion, the maximum credit available to those workers would have been \$585, and the subsidy and phase-out rates would have been 11.475 percent. This expansion would have increased EITC payments to poor families by an estimated \$0.3 billion.

The fourth column examines the effects of a hypothetical expansion of the EITC in which both the expansion for those in families with three or more children and the ex-

pansion for childless individuals discussed above were implemented. Using CPS data, CBO estimates that the combination of the two would have resulted in increasing EITC payments to the poor by \$1.4 billion, about 60 percent of the overall increase of \$2.4 billion that CBO estimates would have occurred in 2004 if those expansions had been in place at the time.

TABLE 1.—DISTRIBUTION OF HOURLY WORKERS IN MARCH 2005, BY WAGE IN 2005 AND FAMILY CASH INCOME IN 2004

Income-to-Poverty Ratio	Hourly Workers, by Wage Rate							
	Less Than \$5		\$5 to Less Than \$7.25		\$7.25 and Higher		Total	
	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent
Less Than 1.0 .....	0.2	20.2	2.1	18.5	3.3	5.2	5.7	7.5
1.0 to Less Than 1.5 .....	0.1	11.6	1.5	12.7	4.3	6.7	5.9	7.7
1.5 to Less Than 2.0 .....	0.1	11.2	1.3	11.1	5.7	8.9	7.1	9.3
2.0 to Less Than 3.0 .....	0.3	21.4	2.1	18.3	12.9	20.3	15.2	20.0
3.0 or More .....	0.4	35.6	4.6	39.4	37.5	58.9	42.4	55.6
Total .....	1.1	100.0	11.6	100.0	63.6	100.0	76.3	100.0

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).  
Notes: Wage is the reported hourly wage in March 2005.  
Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60-229 (August 2005).

TABLE 2.—DISTRIBUTION OF HOURLY WORKERS IN MARCH 2005, BY WAGE IN 2005 AND AFTER-TAX (POST-TRANSFER) FAMILY INCOME IN 2004

Income-to-Poverty Ratio	Hourly Workers, by Wage Rate							
	Less Than \$5		\$5 to Less Than \$7.25		\$7.25 and Higher		Total	
	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent	Number (Millions)	Percent
Less Than 1.0 .....	0.2	18.7	1.7	14.4	2.2	3.5	4.1	5.4
1.0 to Less Than 1.5 .....	0.2	13.0	1.4	12.4	3.3	5.1	4.8	6.3
1.5 to Less Than 2.0 .....	0.1	9.7	1.0	8.3	4.7	7.4	5.8	7.6
2.0 to Less Than 3.0 .....	0.2	14.7	2.1	18.0	11.0	17.3	13.3	17.4
3.0 or More .....	0.5	44.0	5.4	46.9	42.4	66.6	48.3	63.3
Total .....	1.2	100.0	11.6	100.0	63.6	100.0	76.3	100.0

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).  
Notes: Wage is the reported hourly wage in March 2005.  
Income is after-tax family income, including certain noncash sources of income, in 2004, corresponding to the Census Bureau's definition of money income, minus taxes, plus noncash transfers (MI-Tx+NC)—an alternative measure of income that the bureau has examined. See Bureau of the Census, Alternative Income Estimates in the United States: 2003, Current Population Reports, P60-228 (June 2005). Poverty thresholds are based on family size and composition and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60-229 (August 2005).

TABLE 3.—DISTRIBUTIONAL EFFECTS OF A HYPOTHETICAL \$7.25 MINIMUM WAGE IN 2004

Income-to-Poverty Ratio	Increased Earnings (Billions of 2004 dollars)	Percent
Less Than 1.0 .....	1.6	15
1.0 to Less Than 1.5 .....	1.6	14
1.5 to Less Than 2.0 .....	1.6	14
2.0 to Less Than 3.0 .....	2.2	20
3.0 or More .....	4.0	36
Total .....	10.9	100

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).  
Notes: EITC = earned income tax credit; \* = less than 0.1 billion.  
Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60-229 (August 2005).

TABLE 4.—THE DISTRIBUTION OF THE EITC IN 2004 UNDER ALTERNATIVE HYPOTHETICAL POLICIES, BASED ON THE CURRENT POPULATION SURVEY

[Billions of 2004 dollars]

Income-to-Poverty Ratio	Base †	Increases in EITC Payments		
		Option 1 ‡	Option 2 ‡	Option 3 ‡
Less Than 1.0 .....	11.4	1.1	0.3	1.4
1.0 to Less Than 1.5 .....	8.4	0.5	0.1	0.6
1.5 to Less Than 2.0 .....	4.8	0.2	*	0.2
2.0 to Less Than 3.0 .....	3.0	0.1	0.1	0.1
3.0 or More .....	1.7	*	0.1	0.1
Total .....	29.3	1.9	0.5	2.4

Source: Congressional Budget Office based on data from the Current Population Survey (March 2005).  
Notes: EITC = earned income tax credit; \* = less than 0.1 billion.  
Income is before-tax family cash income in 2004, corresponding to the Census Bureau's definition of money income. Poverty thresholds are based on family size and composition. The definitions of both income and poverty thresholds are those used to determine the official poverty rate and are as defined in Bureau of the Census, Income, Poverty, and Health Insurance Coverage in the United States: 2004, Current Population Reports, P60-229 (August 2005).  
a. CBO's estimates of the EITC received based on information available in the Current Population Survey. The actual EITC (including both the credit used to offset taxes and the refundable portion of the credit) in 2004 was about \$40 billion.  
b. For this option, the subsidy rate, phase-out rate, and maximum credit for EITC recipients with three or more children were increased by 25 percent.  
c. For this option, the subsidy rate, phase-out rate, and maximum credit for EITC recipients with no children were increased by 50 percent.  
d. For this option, the subsidy rate, phase-out rate, and maximum credit for EITC recipients with three or more children were increased by 25 percent, and the subsidy rate, phase-out rate, and maximum credit for EITC recipients with no children were increased by 50 percent. This option combines those in columns 2 and 3.

EXHIBIT 2  
RAISING THE FEDERAL MINIMUM WAGE: ANOTHER EMPTY PROMISE TO THE WORKING POOR  
(By Craig Garthwaite)  
OVERVIEW

This paper provides a historical view of the effect of increases in the federal minimum wage on the working poor with a particular focus on the past 15 years. Since its inception in 1938, increases in the federal minimum wage have become an increasingly weak mechanism for addressing the problem

of poverty in America. This continuing deterioration stems from the fact that fewer low-wage employees are supporting a family on a minimum wage income. As poverty becomes more a problem of hours worked and not an individual's wage level, anti-poverty policies that focus on wages will be less efficient than policies that focus on income, such as the Earned Income Tax Credit (EITC).

WAGES VS. INCOME

While wages and income are certainly related, the connection between the two has always been tenuous. In 1946, Nobel prize-

winning economist George Stigler commented, "the connection between hourly wages and the standard of living of a family is remote and fuzzy." As this study shows, the fuzzy connection in 1946 has become blurrier over time.  
Examining Census Bureau data since 1939, the authors found that fewer low-wage employees live in poor households today than in years past. Specifically, in 1939, 85 percent of low-wage employees were living in poor households. By 2003, only 17 percent of low-wage employees were living in poor households. Consequently, attempting to target

poor families by manipulating wages is an inefficient means of addressing the problem.

Even more important than the number of low-wage employees living in poor households is the number of low-wage employees who are the heads of poor households. This stereotypical beneficiary of an increase in the wage floor is the one supporters of minimum wage increases claim represents the typical minimum wage employee. In reality, a small fraction of low-wage employees are the head of a poor household, and this number has decreased significantly over time. In 1939, nearly one-third (31%) of all low-wage employees were the heads of a poor household. By 2003, only 9 percent of low-wage employees were heading a poor household.

These statistics all reveal an underlying point—modern families have multiple workers whose collective earnings make up the family income. Federal anti-poverty policy should adjust accordingly. As more women and teenagers have entered the workforce as second and third earners, the ranks of low-wage employees contain fewer individuals singlehandedly supporting a family.

#### FEDERAL MINIMUM WAGE INCREASES AND POVERTY

A byproduct of the aforementioned changes in the composition of family incomes is that the poor make up a small percentage of beneficiaries from a wage hike. Contrary to popular perception, the average minimum wage employee is not in poverty or raising a family on a minimum wage income. Analyzing Census data, the authors found that a beneficiary from a proposed federal minimum wage hike to \$7.25 an hour is far more likely to be in a family earning more than three times the poverty line than in a poor family. In total, only 12.7 percent of the benefits from a federal minimum wage increase to \$7.25 an hour would go to poor families. In contrast, 63 percent of benefits would go to families earning more than twice the poverty line and 42 percent would go to families earning more than three times the poverty line. The average benefit per household is approximately the same, with poor families receiving a benefit of \$1,110 and families earning three times the poverty line earning \$1,090—nearly the same benefit, despite a vast difference in family incomes.

While there is strong empirical evidence to suggest that increasing the minimum wage will have adverse employment effects—particularly among young African Americans, young non-high school graduates, and teenagers—the authors assume no disemployment effects associated with the minimum wage hike so as to allow the policy its best chance to achieve the poverty-reducing goals promised by its proponents. While the minimum wage is often promoted as a policy designed to help the poor, minorities, and single mothers, this analysis reveals that only 3.7 percent of the benefits from a \$7.25 an hour federal minimum wage would go to poor African-American families. Only 3.8 percent would go to poor single mother households. Even more troubling, the majority of “working poor” families—families who are working but remain in poverty—receive no benefit from an increase to \$7.25 an hour. These families don’t benefit because they already earn more than the new federal minimum wage and remain in poverty either because of a low number of hours worked or a large family size. Many of these individuals would benefit far more from an increase in the generosity of federal and state EITC programs.

#### WORK EFFORT AND POVERTY

Examining the hours worked by poor employees reveals that increases in work effort could have a significant effect on income. The authors found that the median wage of

the highest earner in a poor household was much higher than the proposed federal minimum wage—\$9.25 for poor households and \$9.60 for poor and near-poor households (up to 150 percent of the poverty line). While this wage should be sufficient to put a family of four out of poverty (even without a second or even third earner), the data reveal that the majority of these individuals are not working full-time.

The median hours worked for the highest earner in a poor family in 2003 was 1,720—significantly less than full time (2,080 hours a year). While including near-poor families in the calculation brings this number up to 1,872 hours, the majority of these individuals are still working less than full time at their current wage. These individuals would receive significantly more benefit from programs that promote increased work effort than they ever would from a minimum wage increase.

#### SINGLE MOTHERS AND THE MINIMUM WAGE

Advocates of increasing the federal minimum wage often insinuate that primary beneficiaries will be single mothers raising a family on a minimum wage income. As was mentioned above, only 3.8 percent of the benefits from an increase to \$7.25 an hour accrue to poor single mothers. One of the factors causing this low percentage of benefits is the fact that the majority of poor single mothers (58%) have hourly wages above this level. In addition, only 18.5 percent of the benefits going to single mothers will go to those in poverty. The majority of benefits going to single mothers will go to those earning more than twice the poverty line.

Senator Edward Kennedy (D-MA), the primary sponsor of a federal minimum wage increase to \$7.25 an hour, recently stated in support of an increase that “the jobs available to women leaving welfare are often minimum wage jobs.” Census data, however, shows this is not the case. From 1995–2000, the time period following welfare reform, the employment rate of single mothers increased by 10.8 percentage points. Many of these single mothers were undoubtedly leaving the welfare rolls and joining the workforce. If Sen. Kennedy’s claim is correct, one would expect a significant increase in the number of single mothers holding low-wage or federal minimum wage jobs. In reality, 77 percent of the increase in employment was accounted for by single mothers holding jobs paying more than low wages (50 percent of the average private sector hourly wage rate).

Examining the period over the 1990’s business cycle produces similar results. The employment rate of single mothers increased by 14 percentage points, with 64 percent of this increase accounted for by single mothers earning more than low wages. Only 24 percent of the increase can be accounted for by those who held jobs at the prevailing federal minimum wage rate.

#### CONCLUSION

The authors calculate that, absent any employment loss, the cost to employers of the proposed increase in the federal minimum wage to \$7.25 an hour will be \$18.26 billion. Only 12.7 percent (\$2.3 billion) of this cost will actually go to poor families, with only 3.7 percent going to poor African-American families. The ability of the minimum wage to target poor families is weaker and decreasing over time. Contrary to the statements of its advocates, fewer and fewer low-wage employees are supporting a family on the minimum wage, with only 9 percent of low-wage employees actually supporting a poor family.

Therefore, effective anti-poverty programs must concentrate on family income and not wages. While most working poor families will not receive any benefit from an increase

in the federal minimum wage to \$7.25 an hour, the vast majority would receive a benefit from increases in the generosity of federal and state EITC programs. These programs provide targeted assistance to the low-income working families so often cited in support of minimum wage increases—the same families that receive a minority of the benefits from a wage increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand Senator LAUTENBERG will be recognized next. I don’t see him in the Senate. I will yield to him when he comes.

I say to my colleague from Tennessee, Senator ALEXANDER, how much I appreciate his fabulous remarks and analysis.

#### AMENDMENTS NOS. 209 AND 210 EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and I call up amendments Nos. 209 and 210 en bloc on behalf of Senator KYL.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. KYL, proposes amendments numbered 209 and 210 en bloc.

The amendments are as follows:

Mr. SESSIONS. Senator ALEXANDER, I was going to talk about the earned-income tax credit in some detail, about how we work it in America today. An amendment I filed has been accepted, and I do think the earned-income tax credit, as the Senator most cogently stated, has greater potential to help the working poor in America than the minimum wage increase. I knew that was so. But after the Senator’s speech I know it is much more so than I thought. It is important we hear about this. I thank the Senator.

The amendment that I offered that was accepted will ask the Treasury Department within 6 months to report to us what can be done to allow working Americans to get their earned-income tax credit as part of their paycheck. I have been talking about this for several years. It is time to get serious about it. I found most people get their earned-income tax credit when they file their tax return the next year.

They work all year. As a result of that income history and the number of children they have, they qualify for the earned-income tax credit, and they get a big refund. On average it is \$1,700 to \$2,400, depending on the size of the family. That is a lot of money. It is almost \$1 per hour worked.

Now, one of the key purposes of the earned-income tax credit was to help the working poor. The working poor are trying to make decisions about jobs, how to take care of their families, and we wanted to incentivize them to work and to not take welfare or other benefits, but over the years, the way it has worked out, the tax credit comes in one lump sum—not when a person is



making a decision about whether to go to work. And they don't get it then, so they still are paid whatever the minimum wage is.

I feel strongly about this. It is contrary to the policy that Milton Friedman and others thought about when they were talking about earning tax credits by working because, in the mind of the employee, the worker, there is no connection between that big tax return and their work. The tax credit needs to be tied to the work. It can be done now. A small number of businesses provide that tax credit today on the paycheck. It would, in fact, amount to almost \$1 an hour for lower income workers as an increase in their pay if we can make this happen.

Remember, we do not have withholdings from this tax credit. There are no deductions from it. It is \$1 they can take home, keep, and use for their family—to fix the tires on the car, the brakes, buy something their children need at school.

It is bad public policy to have the earned income tax credit to be distributed as it is. It is contrary to, I think, the impetus behind it. I believe we can fix it.

I know a lot of people, as the Senator said, think the earned income tax credit is rife with fraud. There is some evidence to suggest there is a substantial amount of fraud in this program. I do not think it would increase if it were paid on the paycheck.

I think more people, perhaps, would find themselves eligible if it were brought up at the workplace with them when they started to work and they made claim to it, who otherwise would not know they are eligible for it and might not even file a tax return, or if they do, they may not even claim the earned income tax credit. So I think we might have some more people claim the benefit, but it would have the public policy benefit of encouraging work and helping people while they work.

I think it is the right thing to do. I have talked with the Treasury Department about it several times. They fiddle around, and they talk to you, and they give an excuse, and they say: There is this problem and that problem. But from the beginning, this has been talked about. When they got right down to it, they could not obtain a consensus on how to do it, and they did not require it to be made part of the paycheck. They allowed it to be done differently. And most people are taking it otherwise than in their paycheck.

So, Mr. President, I am excited that this has been accepted. I hope the Treasury Department will respond in good faith to help us analyze this problem. And if they do, I think we can do a lot for working Americans.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I compliment the Senator from Alabama and ask unanimous consent to be added as a cosponsor to his legislation.

Mr. SESSIONS. Thank you, Mr. President. We would be pleased to have that happen.

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

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

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

#### HEALTH CARE

Mr. BOND. Madam President, yesterday, I had the pleasure of traveling to Lee's Summit, MO, to talk about the problem of health care. Right now, we know about 47 million Americans do not have health insurance. That is a huge burden for those families. It is a big problem for all of us as policymakers who need to be addressing this issue.

I went with the President and HHS Secretary Mike Leavitt. We toured the Saint Luke's Health System Hospital in Lee's Summit, which represents a very important next step in information technology for health care.

The information on patients coming in—from the diagnosis to the x rays—is all included on a basic computer format, which makes it available to any physician or nurse or other health care provider working with that patient. Even the radiologist does a description of what the x ray means, which is included by voice transcription directly into the program that is on the computer. It is linked through each room, so at a distance, for smaller rural hospitals, experts can do as thorough a diagnosis as they could in the room, with the exception they cannot physically put their hands on the patient.

But this has brought this hospital into a state where more and more hospitals want to go. We have the best technology. We have the best health care providers. We have the finest new medications, prescription drugs, that have dealt with many of the illnesses. But we have a much more expensive system because we have such quality care. The President has outlined a proposal on how we can incentivize Americans to buy insurance, keep health care costs under control, and maintain private control of health care decisions, leaving it in the hands of the patients and the providers.

Well, I believe the President has said the best way to do that is through private health insurance. He says that is a debate we ought to have in Washington. We believe the private sector is the best delivery vehicle of health care. We know there is a role for the Federal Government, but it is not to dictate, it is not to be the decisionmaker.

As he suggested, I think it makes sense to look at the Tax Code as part of the solution to the problem. Right

now, if you pay your own health insurance, you pay taxes on the entire cost. If you are an individual, you get no benefit from paying your health insurance. But if you have an employer who pays for your health insurance, either all or part of it, you get that tax free.

I think that creates a very unlevel playing field. The President's proposal would establish a more equitable system, one I hope this body will carefully consider through the HELP Committee—to look at it, look at the details, criticize it, change it, but at least give it a full hearing.

I was rather disappointed, yesterday, before we even went out, to see some leaders of the majority party saying, oh, it is dead on arrival. Well, we are in such need of having real solutions to health care, I suggest this is a serious proposal that warrants serious discussion. I do not know all the details of it. But I had an opportunity to ask questions of staffers. I listened intently as the program was presented to a number of small business owners and small business employees who were very excited about the prospect of getting a tax break at a minimum of maybe some \$2,200 a year if they bought health care—whatever minimum program their States would provide—if they were a single person, they would get \$7,500 off of their tax bill; if they are a married couple, filing jointly, they would get \$15,000.

Now, you may ask the question: Well, if they are low income and do not have to pay any income tax, where would the benefit come from? Well, by lowering their AGI, or the adjusted gross income, they would not be subject to Social Security and Medicare costs. So at the \$15,000 level, that would exempt \$15,000 from payroll taxes for FICA and Medicare.

So they were very encouraged that they would, for the first time, be able to afford health care. The small business owners were anxious to provide it for their employees or see their employees have access to it.

There are lots of questions about how it works. But from what I understood, you have to determine what is it you have to buy to qualify. I think at this point the thinking is that the States would determine what that base program is. It would obviously have to have some kind of catastrophic care.

It is my hope that it would also include preventive care to make sure people stay healthy. It is particularly important for children. We are going to be renewing the SCHIP program to make sure children in poor families have that kind of coverage. The best investment we can make in the future is assuring that our youngest citizens get off to a good start with good health care, identifying potential problems and treating them early and getting them off to a start in their education, giving them the opportunity to begin life with good health. And a good education is No. 1. SCHIP would be available for the children of families who

are at the bottom of the income ladder. But for all children, I hope they will be buying a health plan that focuses on preventive care, making sure people know what they have to do to stay healthy, and identifying problems before they become serious.

The States would be given flexibility to use additional funds which the Federal Government makes available to the States to implement their programs. Some States already have ways of assisting their lower income people, not the poorest but the lower income workers, providing the assistance for payments of premiums, if that is what the State wishes to do. So there is a lot of room for innovative programs at the State level.

The night before, the Governor of Missouri, Matt Blunt, offered another program, for example, and that is to say to all businesses: If you offer a health care plan to your employees that meets basic minimum State standards, you will be exempted from the franchise tax—a great boon to encourage Missouri businesses to offer all of their employees at least a basic health care plan. Proposals like that would be encouraged, and the great laboratories of the States could move forward to determine what kinds of things work best.

There was some question—I don't know where it came from—that this might cut back on our support of FQACs, federally qualified health centers, what we call community health centers. There is no truth to that. The President is a big supporter—as is, of course, his Secretary of Health and Human Services Mike Leavitt—of making sure there are health care clinics available in every area of the country. They have been on a vigorous expansion program and intend to continue that. I have visited health care clinics, over 50 of them, in different parts of our State, from the center cities to the suburban areas to the larger communities in rural areas to the most economically challenged, lowest population areas of the State. Those are absolutely the most critical safety net we have. I believe strongly in them. I have worked with my colleagues on a bipartisan basis to support them. They must continue to be there.

We are talking in this plan about using the Tax Code to make health insurance more available, but community health centers have the important challenge of making sure it is accessible. In many places, the only place you can find a doctor who will deliver babies is in a community health center or through a community health center, or find a dentist who will take care of dental problems. A shocking statistic we heard: 80 percent of 17-year-olds have serious dental problems in the United States. We have made dental care part of it. But these people who work in the community health centers are a vital part of our health care network.

The President's plan envisions strengthening that safety net. In addition,

he remains committed to allowing small businesses to go together in pools to purchase health insurance and avoid the high premiums often charged to individual small businesses and the cost of administering those plans, which becomes extremely burdensome for many small businesses. I hope this year we can also pass association health plans.

Finally, the President spoke very forcefully about the need to continue the effort for medical malpractice reform. We saw the need for it in Missouri. Missouri passed a bill, and we started getting much better health care. In the western part of the State, until Missouri passed its medical malpractice reform, there were no doctors, outside of government hospitals, who could afford to be in the business of delivering babies. This is a problem which translates into higher costs of medicine because with unrestrained medical malpractice lawsuits being filed, there is a real danger that a great deal of time and effort will be wasted on unnecessary procedures for fear of the impact of a malpractice lawsuit. Many times, even the best doctors have maloutcomes. People don't live forever. We are all going to die from something. If there is a lawsuit filed against a doctor every time there is a bad outcome, they are going to be faced with insurance costs that go through the roof or health care that is not available.

I go back to the point that this is a concept, the outlines of which I think I know but which I think deserve a fair hearing. I hope that as we take a look at the many challenges facing us, our HELP Committee and our Finance Committee will look at the President's program to determine whether it may be one way of assuring we get health care insurance to many of the 47 million Americans who don't have it. I urge that they do so. I am sure there will be changes all of us would like to make, but I believe the concept merits a hearing. I urge my colleagues to give it that chance.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, to follow up briefly on the last item my colleague from Missouri was discussing, health care, the President in his State of the Union addressed it and laid out one approach which was certainly different from anything I had heard before, a tax approach that would call for some people to have to pay some taxes on Cadillac plans that they enjoy today and to use the money generated to help folks who don't enjoy that kind of health coverage. Some people immediately rejected it out of hand. I have not done that. I think we need to study it more closely and understand the ramifications. In the end, whether we agree that is a good idea or not, most of us will agree that it is a good idea to figure out how to harness information technology in the delivery

of health care in our own States and in the country, much as the VA has done for veterans who go there for service at their facilities.

Delaware is endeavoring to become the first State to put in place a statewide Delaware Health Information Network which links our hospitals to our doctors' offices to our labs in a free-flowing electronic exchange of information. It will allow the exchange of electronic health records and lead the way, as a little State, to show what we can do for our country to save money and to save lives and improve outcomes and, frankly, to improve the quality of life for the providers as well and the satisfaction they derive from their work.

#### CLIMATE CHANGE

The second thing I wish to mention is this document which was released earlier this week. It is called "A Call For Action." It was released on Monday by an interesting coalition of business leaders, manufacturers, utility companies, and environmental leaders. The folks who released it are called the United States Climate Action Partnership. I wish to briefly mention the charter members of the group who were here in the Capitol, just down the hall in the LBJ Room, on Monday morning. They include DuPont, a 200-year-old company headquartered in Delaware; Alcoa; BP—used to be called British Petroleum, now they are "beyond petroleum"; Caterpillar; Duke Energy; the Environmental Defense folks; Florida Power & Light; GE; the NRDC, National Resources Defense Council; Pew Institute; PG&E Corporation, a big utility on the west coast; PNM, which is New Mexico power; and the World Resources Institute. What they have done is said: Climate change is real. Our Earth is becoming warmer. We have something to do with it. They call on us to do something about it—not just us in the Senate but as a nation to do something about it. They have laid out here a series of findings, of principles, and of recommendations.

One of the things I am doing is sharing with each of my colleagues a copy of this document. If we can get the utilities, manufacturers, and a number of our leading environmental groups to agree on a path forward on the principles and the recommendations, that is an important step for our country.

I shared this with the President on Wednesday. He was in Delaware to look at the work going on at the DuPont Company with respect to biofuels, bio-butanol, making ethanol out of cellulosic ethanol, out of cornstalks, looking at work being done on fuel cells. I shared with him a copy of this document.

The President had in his speech the other night about one sentence where he talked about global warming and acknowledged that it was real. Then he moved on. But I said to the President during a chance I had to chat with him that there is a parade that is beginning to form, a realization that something

is happening to our planet, that we have something to do with creating this warming, and that we have an obligation to do something about it. I applaud the leaders from the environmental and business communities who have joined forces to say: This is an approach which makes sense. They take what we call a market approach and use in their approach the idea that while we are putting in place a cap-and-trade system to reduce CO<sub>2</sub> emissions, why don't we do so in a way that incentivizes clean coal technology with carbon recapture, that incentivizes things such as wind power, maybe incentivizes the next generation of nuclear energy as well.

I commend them. I understand from folks who are involved in this original partnership, they are getting a lot of calls from around the country, from other business leaders, and some from the environmental community who want to know more about it and, frankly, want to join. My message to the President on Wednesday was, a parade is forming. We can watch the parade. We can be a part of that parade or we can lead that parade. We need to lead the parade. President Bush is our President, and he needs to be leading that parade as well.

I wanted to share that.

The third thing I wish to do is comment on the legislation before us and to applaud the efforts of several of our colleagues, including Senator BAUCUS and Senator GRASSLEY, as we have brought this minimum wage bill to the floor and coupled it with small business tax cuts. The President signalled early on that he would be willing to sign the minimum wage bill, after having not supported it for a number of years. It has been a long time. We have heard plenty of speeches in the last week about this issue. It has been a long time since we raised the minimum wage.

As Governor of my State, we raised the minimum wage a time or two. I always contended that if we wanted people to get off welfare, to go to work and to be successful, work has to pay more than welfare. If you take a minimum wage job and you enhance that with an income tax credit and add to that Medicaid benefits, add to that food stamps and food supplement benefits, people aren't going to get rich—help them with assisted housing—but if we do it right, people can actually be better off working than they would be receiving the welfare. An increase in the minimum wage is part and parcel of that.

I am pleased to support this increase, even if it is coupled with increases or changes and modifications to small business tax credits.

We all know—in fact, everybody in the Senate has given speeches, I am sure, saying this—that small businesses are the engine of job creation in this country. I have, and I suspect the Presiding Officer has, as have the Senator from New Jersey and the Senator from North Carolina, we have all given

speeches saying how important the small business community is. Small business generates new jobs. One of our important jobs in government—Federal, State, and local—is to create a nurturing environment for job creation and preservation. Some of the ways to do that are a well-trained workforce, reasonable tax burdens, reasonable regulations, safer communities, transportation, good infrastructure, and affordable health care. But taxes are important.

What I commend Senator BAUCUS and Senator GRASSLEY in doing is crafting a series of tax credits for small business that incentivizes them to hire people, some of whom are coming off of welfare and disability, and veterans coming back from Afghanistan and Iraq. They have done good work, and I look forward to supporting adoption of the legislation and working out a compromise with the House that includes both the increase in the minimum wage and the tax cuts and, in some cases, credits for small businesses, and then get the President to sign that compromise.

#### HONORING OUR ARMED FORCES

SENIOR AIRMAN ELIZABETH A. LONCKI

Mr. CARPER. Madam President, I want to mention today the death of a Delawarean—our 15th Delawarean—whose life has been lost in Iraq. She was the first female whose life has been lost in Iraq and whose funeral I attended a week or two ago. I want to reflect on the life and service of Air Force SrA Elizabeth Loncki.

She was the first female Delawarean to be killed in the line of duty in Iraq. As a bomb disposal technician, Elizabeth performed one of the most dangerous tasks assigned to Armed Forces personnel. She routinely put herself in harm's way with the hope and knowledge that her actions would save the lives of others. I daresay they have saved the lives of hundreds of other people. The steel nerve and extreme bravery required to locate and disarm explosive devices are not traits too many people possess, including us. Only the bravest of our soldiers and military personnel carry out this responsibility, and her ability to perform and carry out this difficult work speaks volumes about her character and sense of duty to her colleagues, comrades, our country, and to the Iraqi people.

Elizabeth epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. She exhibited unwavering courage, dutiful service to her country, and above all else, honor. In the way she lived her life—and how we remember her—Elizabeth reminds each of us just how good we can be.

Elizabeth was only 23 years old but her competitive spirit and kind-hearted ways touched the lives of all that knew her. She was blessed with a wonderful family—younger sister, Olivia, loving parents, stepparents, grand-

parents, great-grandparents and many aunts, uncles, and cousins—and countless numbers of friends and comrades.

She was also loved by SGT Jayson Johnson, who was stationed with Elizabeth at Hill Air Force Base in Utah. They had recently purchased a house together and Jayson had made plans to visit Elizabeth's father to seek his permission to ask for Elizabeth's hand in marriage. The sadness of his loss cannot be overstated.

Elizabeth was a 2001 graduate of Padua Academy in Wilmington. She was a natural athlete with a competitive spirit and she excelled at volleyball, basketball and softball. She briefly attended the University of Arizona before enlisting in the Air Force in March of 2003. On February 24, 2004, she graduated from Eglin AFB-Naval Tech Explosive Ordinance Disposal School. She was proud of her training and gladly told inquiring strangers that the "Bomb Squad" sweatshirt she often wore was indeed the real thing.

Elizabeth volunteered to go to Iraq before she was officially called and was deployed on September 27, 2006. Her grandfather recalled her saying, "If I saved one life, it was worth it." An Air Force official told the Loncki family that each day her team went out, they probably saved scores of lives. She will always be remembered as a hero who put the safety of others before herself.

On January 7, 2007, Elizabeth made the ultimate sacrifice near Al Mahmudiyah, Iraq, when a car bomb her team was working on exploded while they were trying to disarm it. TSgt Timothy Weiner of Tamarac, FL, and SrA Daniel B. Miller, Jr., of Galesburg, IL also gave their lives while trying to save others on that fateful day. All three were members of the 775th Civil Engineer Squadron at Hill Air Force Base.

Elizabeth was one of the few women who dared to serve as a bomb disposal technician. Her family recently shared a story from a sergeant major who had helped train Elizabeth. I think this goes to the heart of the person she was and what she believed in. I'd like to share a bit of that. He said, "Elizabeth was an ultimate troop. I am an old Special Forces guy and have been through a lot of action. I have served in three wars. I had the privilege of being in Elizabeth's company. She was involved in extreme combat training and the highest danger. She saved a lot—I repeat—a lot of lives. . . . Bar none, she was one of the finest people I have ever trained. I have two boys in the military and have lost troops under my command in the Special Forces and I have never worked with a finer person."

On January 13, 2007, I attended Senior Airman Loncki's funeral at St. Peter the Apostle Church in New Castle where Elizabeth had been an active member.

Following the service, Elizabeth was laid to rest with full military honors in

the Delaware Veterans Memorial Cemetery. The outpouring of love and support from the many people who gathered for her burial serve as a testament to the positive impact that Elizabeth had on all of those who were blessed to know her.

For her service, Airman Loncki received numerous recognitions during her Air Force career: Air Force Training Ribbon, Global War on Terrorism Service Medal, Iraq Campaign Medal, National Defense Service Medal, Air Force Good Conduct Medal, and the Air Force Outstanding Unit Award. The Purple Heart and the Bronze Star with Valor Device were awarded posthumously on January 9, 2007.

As I listened to Elizabeth's friends and family speak about the type of person she was, I couldn't help but think about the heavy toll that this conflict has taken on our country. Elizabeth had originally planned for a career in the Air Force but she had begun to express doubts about our role in Iraq. She told her grandmother that the people of Iraq "don't want us over there" and had asked her father, "if people don't want us to help, what do we do?"

If I could talk to Elizabeth, I would tell her that she epitomized what is best in this world. I would tell her that if the day ever comes when the Iraqi people decide to put aside their hatred and come together as a nation—and that day cannot come soon enough—it will be the heroic actions of people like her that made this possible.

Next week in this Chamber I believe we are going to debate a resolution, and the resolution is about what course we should take in Iraq. I think the President and those who don't share his proposal for a surge of our troops share the same goal. The goal is this: How do we convince the Iraqi people to take charge of their lives? How do we convince them to assume responsibility for their country? How do we and others help to convince them to find a way to share power, share the wealth of their country, and to stop killing each other?

The President believes the best way to do it is to send more troops to Baghdad and to other parts of the country. Those of us who disagree, including some of the President's own military leaders with whom I met in Iraq last year, think that maybe the best way to convince them to make the tough choices in Iraq is to make it clear that we are not there forever, that this is not an engagement without an end in sight, and that we have expectations for them to stand and deliver for their own country.

I close simply by saying that sometimes we think these debates are just debates that we have in our Nation's Capitol, and there is a country on the other side of the world, with people we don't know, who are doing things we, frankly, don't understand. But it is also important for us to remember people such as Elizabeth Loncki who are willing to risk it all to try to help

them, and our obligation is to do our dead level best to make sure they and we get to the right place.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

IRAQ

Mr. LAUTENBERG. Madam President, these have been some terrible days for our country. Last Saturday, we lost 27 American men and women in Iraq, making it the third deadliest day for our country and our forces since this war began. A Blackhawk went down northeast of Baghdad; all 12 of the troops aboard were killed. Men with grenades, mortars, and assault rifles attacked a building guarded by American and Iraqi forces in Karbala. Five American troops were killed that day. Coalition forces made a push against insurgents. Five more troops were killed and 59 Iraqis along with them. In Anbar Province, four soldiers and a marine were killed.

Despite the President's handpicked Iraqi Study Group's bipartisan call for a new course, he has not listened. Despite the advice of GEN John Abizaid, a distinguished military leader and former Chief of Staff to Colin Powell, who called for a new course, despite the bipartisan calls of my colleagues who have called for a new course, despite the American people who last November called for a new course, and despite the rising death toll, the President has decided to escalate this conflict. He wants to send 21,500 more troops into the crossfire of a civil war.

Even more disturbing is the behavior and the rhetoric of the Vice President. I don't know how many of my colleagues had a chance to watch the Vice President's interview with Wolf Blitzer this week on CNN's "The Situation Room." But I encourage my colleagues who have not seen it to watch it. It is up on Youtube. You have to see it to believe it. In that interview, Vice President CHENEY boasted of "enormous successes in Iraq." He also rejected the idea that Iraq is in a "terrible situation." Imagine him dismissing that.

The interview was so incredible that the Washington Post discussed it on its front page on Thursday. The Vice President blamed everybody but himself for any troubles in Iraq.

As far as the Vice President was concerned, it was all the media's fault. What did he say of us, the Congress? He said we were helping the terrorists. Vice President CHENEY's boasting of the Iraq successes was on the front page of the Washington Post that day. The story is incredible. It says on the front page of Thursday's paper: "Defending Iraq war, defiant Cheney cites enormous successes." He says that the media is so eager to write off this effort or to declare it a failure. It goes on to say that there are problems in Iraq, but he said it's not a terrible situation.

Not a terrible situation. Describe that to the families who lost someone in the last few weeks in Iraq.

He said—this is the Vice President of the United States—he has a responsibility to help the President and to help communicate with the Congress. He doesn't. He sits here often, but he doesn't. He said that despite that, the congressional opposition won't stop us from sending 20,500 more troops; it will only validate the course we are on.

Imagine. The story inside the paper was a very different one. The story told in these two pages in Thursday's Washington Post is 99 faces, 99 more families who are going to mourn, 99 more children who will not see their father or their mother again, 99 parents who lost a child. And he says it is not a terrible situation? It is a disgrace.

This doesn't look like the face of enormous success. No, it doesn't. On those two pages alone is a total of 99 men and women who will never see their friends and family on American soil again. Madam President, 3,063 American troops have died in Iraq; 74 of them had ties to my State of New Jersey. And we have seen over 23,000 with injuries, many severe, over 700 have lost limbs and many suffering from traumatic brain injury.

Of the almost 600,000 people—584,000 to be precise—who have served in Iraq and Afghanistan, over 30,000 of them have PTSD, post-traumatic stress syndrome; 30,000 countless brain injuries besides that.

The administration's troop increase is not simply a surge. What they did is they searched the word files, probably went to the computer and to the dictionaries to try to find a word that would evade the truth of what this is about. Surge is a euphemism for escalation of our involvement in this war.

When we hear the Vice President talking about enormous successes, it makes one wonder if the President and Vice President have been shielded from reality by their handlers. We see it in the continuation of the policy that says don't take any pictures of the flag-draped coffins when the remains of our soldiers are returned to the United States of America; don't do that. It is against the rules. Can you imagine that? That sign of honor to the deceased shielded from the view of the public because underneath that flag lies the remains of some young person.

That is the way they see things, and now we are told to expect another \$100 billion request from the administration to fund this war. When does it end?

I am a proud cosponsor of legislation that is authored by my colleague Senator BIDEN. Senator HAGEL served valiantly in Vietnam. He knows what war is like. Senator LEVIN and Senator SNOWE—all denounce this dangerous increase. This resolution, which easily passed the Foreign Relations Committee, is clear in stating that the Bush surge is not in the national interests. It is certainly not in the interests of the families who have sons or daughters serving there. It puts the Senate on record as being against a growing military conflict that will hurt our

long-term goals abroad and our security at home.

Similar to the young men and women serving today, I was proud to wear the uniform of my country in World War II in Europe. Those who are serving are obeying the orders of their Commander in Chief, and they do it fully and bravely.

In that war, World War II, the mission was clear: Defeat the enemies who attacked us. While the battles and the casualties were in far-off places, the brunt of the war's burden was borne by the families at home.

We started this fight because we were told things that proved not to be true. We believed in our leaders, and we thought they were telling us the truth. What else would we think? The President, the Vice President, then the chief of the military, Colin Powell, and others—we had faith in their belief. We had faith in the mission. Many of us doubted. I was out of the Senate for a 2-year period, and that is when that decision was made, but I would have believed it, coming from those illustrious positions with people who were known for substance because of the fact that they had achieved those positions. We had faith, but the mission in Iraq was surrounded in a fog.

It is time to redefine this mission in Iraq, a mission that includes bringing our troops home. The Iraqis say they want us to leave. Members of Congress and military leaders want us to leave, and the American people, in a broad consensus, want us to leave. Bring home those troops, they say.

Outside my office, I continue to pay my respects to these soldiers. I have a display called The Faces of the Fallen, all who have perished in this war up to a date that we can get the latest pictures, such as those we see displayed in the Washington Post. The display gives us a face to the names of the soldiers who have lost their lives in Iraq and Afghanistan. Visitors come by. Some of them are families and friends. Visitors search the photos daily for people they know, love and miss and they write notes in a book we have provided. Everyone who signs that book "God bless these people," honors them for their service, even though there is a question about whether they ought to be serving there now.

Until President Bush listens, until Vice President CHENEY realizes this is more than a bunch of victories, that successes are there, until that language is wiped out of their daily statements, we are going to have to keep adding faces to that display of fallen heroes memorial. And I am going to have to say to people who come into my office in New Jersey, particularly, who have sons and daughters serving there—one woman tells me about her son who was wounded, got the Purple Heart, and they are sending him back to combat or the woman who comes in crying so bitterly that you can barely hear her talk. She screamed at me at first when I called her when the notice

of her son's death was given. She asked the question: My son was a second lieutenant. He loved being in the military. He was a trained artillery officer. What in the world were they asking him to do when they asked him to defuse roadside bombs? He lost his life defusing a bomb.

No, Madam President, if the message can't get through to the White House and the leadership, what faith can we have in the decisions made in this country today? It is discouraging. The world doesn't believe us. The people in our country don't believe us, in huge numbers. Yes, there are those who serve bravely and constantly. They do what they are told. That is what one does in the military. But while we think of sending people there who have already had, some of them, two tours of duty and they are being sent for a third tour of duty, it is impossible to imagine that their consciences don't keep them awake at night, but apparently they don't.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, today is the fifth day of the debate on the minimum wage. Some of the days have been days that people have not talked a lot or offered a lot of amendments, but that is not the fault of the majority. It is not the fault of the minority. For whatever reason, they didn't offer them.

The question always arises as to when enough is enough. Have there been opportunities in this legislation before the Senate dealing with minimum wage, raising the minimum wage for the first time in 10 years? I know the Senate is not accustomed to the open process we have had on this legislation and on the legislation dealing with ethics in lobbying, but this is something we are going to get used to. My Members would rather not have had the votes we had this past week. They were tough votes. None of them related to minimum wage. That is the Senate, an open process. But someone has to make a decision at some time that enough is enough, and I think I have made that decision. I am going to file a motion to stop debate on this issue and move forward on this much needed legislation.

Ten years was a long time ago. During that period of time, the cost of food has gone up about 25 percent, the cost of health care about 45 percent, housing about 30 percent, gasoline about 135 percent, congressional pay during that same period of time has increased by \$30,000. Ten years ago, Newt Gingrich was Speaker of the House, not NANCY PELOSI; Bill Clinton was starting his second term as President of the United States; the old movie "Titanic" was being released; a stamp to mail a letter was 32 cents.

Today, different than 10 years ago, the pay of the average chief executive is 821 times that of a minimum wage worker. The chief executive officer for

one of these companies could go to work on Monday and by noon have made as much money as minimum wage workers, working their hearts out for a year, would get.

Yesterday and the day before, we voted on all kinds of amendments, amendments that totaled—I roughed them out—calling for tax cuts of about \$350 billion. Madam President, how much more is it going to take in the way of tax cuts to get the minority to vote for a minimum wage bill? None of the tax cuts are paid for—\$350 billion. That is a lot of money. If you took one-dollar bills and laid them end to end from my home in Searchlight, NV, to Washington, DC, it would take 14,000 lines of dollar bills to amount to \$350 billion—14,000.

We have voted on health savings accounts, tax breaks for teachers, and Social Security tax breaks. My favorite was a \$2.10 suggestion in legislation offered by one of the Republican Senators. You don't use the \$2.10 to increase the wages of a minimum wage worker, but they could do other things with it—buy health care, for example. But it is so interesting; every one of these amendments that were offered were offered by someone who has no desire of voting for a minimum wage. It is an effort to divert attention from the real issue before this body, which is raising the minimum wage.

Every one of these amendments we voted on is important. I am not, in any way, indicating that people do not have the right to offer amendments. They can offer them on any subject they wish. That is what this Senate is all about. But I think it is about time a decision is made whether we are going to give the poorest of the poor who are working, not on welfare, the opportunity to keep working and not have to go to welfare.

Sixty percent of the people who draw minimum wage are women, and for over half of those women, that is the only money they get for themselves and their families. People think that minimum wage is for a bunch of kids flipping hamburgers at McDonald's, but that is not the way it is. About 3 weeks ago, Business Week had a very good piece on the minimum wage. What this piece said is that raising the minimum wage raises the boat for everybody.

I hope my friends on the other side of the aisle will allow this legislation to go forward, to stop talking about it and vote on it. It is important that we do that. Ten years is too long.

We have had a lot of amendments. Is this enough? When is enough? Could we have worked longer hours? Perhaps so. All I know is Wednesday we worked very hard to try to get some of the people in the minority to agree to votes—and we couldn't get that done—on their amendments, not our amendments their amendments.

We have a lot of important things to do and I understand that. I sure hope we can move beyond minimum wage to other issues.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid (for Baucus) substitute amendment No. 100 to Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, as amended, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

Mr. REID. Madam President, I have other business to conduct on another matter. It is my understanding the distinguished Republican leader wishes to speak at this time.

The PRESIDING OFFICER. The minority leader is recognized.

## AMENDMENT NO. 210

Mr. MCCONNELL. I call for the regular order with respect to the Kyl amendment No. 210.

The PRESIDING OFFICER. That amendment is pending.

Mr. MCCONNELL. I ask the amendment be divided as indicated by the copy at the desk.

The PRESIDING OFFICER. The amendment will be divided.

Mr. MCCONNELL. Madam President, the Republican majority in the previous Congress was prepared to raise the minimum wage. In fact, the House of Representatives passed an increase in the minimum wage and the Senate tried to pass an increase in the minimum wage. The difficulty was that Democrats ended up blocking passage because they did not like the fact that the minimum wage was attached to other provisions last year. The minimum wage was attached to some very significant provisions—tax extenders, modification of the death tax—and our

good friends on the other side didn't like the way it was packaged and therefore prevented its passage.

The last time the minimum wage passed, back in 1996, and President Clinton signed it, he praised the minimum wage, particularly because it was packaged with tax relief and regulatory relief for small businesses. So it has been the practice of the Congress, under both Republicans and Democrats, for a minimum wage to be passed in conjunction with other matters. In fact, my good friend, the majority leader, has advocated that and supported the package that came out of the Finance Committee, even though every Member on the other side of the aisle voted, in effect—by voting to invoke cloture—voted in effect for a clean minimum wage yesterday.

With regard to how much time we have taken on this bill, we didn't have any votes last Monday, and we are not having any votes today on minimum wage, even though we did vote to confirm General Petraeus, which we certainly should have done. We have not had that much time on the bill.

I think my good friends on the other side of the aisle are having a hard time adjusting to being in the majority in the Senate. The price you pay for being in the majority in the Senate is, in order to complete bills, the minority gets votes. I remember my good friend and colleague, the Democratic whip, saying the Senate is not the House. Our new occupant of the chair, in his first couple of weeks in the Senate, is learning already that the Senate is not the House.

In the Senate, virtually every bill has numerous amendments. The majorities are always frustrated because minorities get their votes before moving to final passage. I have said to my friend the majority leader on several occasions over the last few hours that I was hoping that we could have some more amendments on this minimum wage bill before moving to its inevitable conclusion. It will end up similar to the ethics bill last year, passing with an overwhelming bipartisan majority. But there are still some other important amendments that our side would like to offer, and we will be discussing those amendments and how our Members feel about that in the next few days.

At some point in the not too distant future, an increase in the minimum wage, in conjunction with tax relief for small business, will pass the Senate on a very large bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. (Mr. CARDIN). The majority leader is recognized.

Mr. REID. Mr. President, we all have memories. My memory is that during the time that Senator LOTT was the majority leader we had very few opportunities to amend bills because he, in the vernacular in the Senate, filled the tree and there weren't opportunities to do that. Senator Frist did not do that

nearly as much as Senator LOTT when he was the leader, but certainly it was done a lot of times. We have chosen not to do that. We have chosen the amendment process. That is why I said earlier today: When is enough enough?

I have sent the cloture motions to the desk, and we will make that decision at noon on Tuesday.

While the distinguished Republican leader is on the floor, I will say a few more words on another subject.

The Republican leader and I have talked on several occasions about this Iraq situation. Anyone who reads the newspaper, listens to the radio or watches TV—we all know there are a number of resolutions around the Senate dealing with the escalation of the war in Iraq. The leader and I have talked about them.

We have pending in the Senate now, S. Con. Res. 2, which is a bipartisan resolution. Upon disposition of the minimum wage bill—and I have spoken to the leader, Senator MCCONNELL—he is unable to clear consent to move S. Con. Res. 2 now. Members may not be available to clear it at the moment, and I understand that, so I am not going to put any unanimous consent request before the Senate because the distinguished Republican Senate leader has told me he is not able to do that. But in an effort to save time, I intend to move to proceed to the concurrent resolution today and file cloture on that motion. If on Monday the Republican leader is still not able to grant consent to proceed to it, we will be in a position, then, to look forward to the Tuesday vote. If he is able to give me consent to move forward to that, then we can vitiate the cloture motion.

Mr. President, I will be filing that motion on cloture today to proceed to a bipartisan resolution reported out by the Foreign Relations Committee earlier this week. We are moving forward to demand a new direction in Iraq, as we have spoken about a number of times. Senator LAUTENBERG finished a speech on that today. We hope Republican leadership will join with us to fully debate this issue, permit votes on amendments, and ensure an up-or-down vote on the President's plan. Our troops and the American people deserve no less.

## BIPARTISAN CONCURRENT RESOLUTION ON IRAQ—MOTION TO PROCEED

## CLOTURE MOTION

Mr. REID. Mr. President, at this time, I move to proceed to consideration of S. Con. Res. 2. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII of the Standing Rules of the Senate, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby



move to bring to a close the debate on the motion to proceed to Calendar No. 12, S. Con. Res. 2, a bipartisan concurrent resolution on Iraq.

Harry Reid, Patty Murray, Herb Kohl, Jeff Bingaman, Benjamin L. Cardin, Frank R. Lautenberg, Chuck Schumer, Dick Durbin, Christopher Dodd, Bernard Sanders, Jack Reed, Joe Biden, Chuck Hagel, Robert Menendez, Olympia J. Snowe, Ron Wyden, Debbie Stabenow.

Mr. REID. Mr. President, I have filed this bipartisan cloture motion. Because of that, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, in terms of the process by which we go forward next week to discuss the Iraq situation, as the majority leader indicated, we have been in discussions over the last couple of days about how that might go forward. We are still in the process of consulting with our Members. I have indicated to the majority leader that there is likely to be one or more additional resolutions offered by this side, and as we begin the week, I will have a clearer picture of just how many that might be, and then we can begin to sit down and structure the process by which those will be considered in the Senate. I look forward to working with the majority leader next week in that regard.

#### MORNING BUSINESS

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

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

#### HONORING OUR ARMED FORCES

FIRST LIEUTENANT JACOB N. FRITZ

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army 1LT Jacob N. Fritz of Verdon, NE.

Lieutenant Fritz graduated from Dawson-Verdon High School in 2000. His peers and teachers recognized him as a natural leader. He was active in every extracurricular activity his school offered: speech, drama, basketball, football, track, and band. He organized drug-free parties and dances.

After high school, Lieutenant Fritz followed his dream of serving in the Armed Forces by enrolling in the Military Academy at West Point, graduating in 2005. His younger brother, Daniel, followed in his footsteps and is currently a third-year cadet at West Point.

Lieutenant Fritz had been serving in support of Operation Iraqi Freedom, assigned to A Battery, 2nd Battalion, 377th Parachute Field Artillery Regiment, 25th Infantry Division, based in Fort Richardson, AK. On Saturday, January 20, 2007, Lieutenant Fritz

passed away when his dismounted patrol received indirect fire followed by small arms fire in Karbala, Iraq. He was 25 years old.

1LT Jacob Fritz is survived by his parents, Lyle and Noala Fritz of Verdon, NE, and his two younger brothers, Daniel and Ethan. I offer my sincere condolences to the family and friends of Lieutenant Fritz. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Lieutenant Fritz's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

SERGEANT MAJOR MARILYN GABBARD

Mr. GRASSLEY. Mr. President, I rise today to honor SMA Marilyn Gabbard of the Iowa Army National Guard. The first woman ever promoted to the rank of Command Sergeant Major in the Iowa Army National Guard, Sergeant Major Gabbard was deployed to Iraq on December 16, 2006, and died in a UH-60 Blackhawk helicopter crash on January 20, 2007, at 2:45 pm local Iraq time. Her colleagues said of her that she was a role model for other women in the Iowa National Guard, and her rise through the enlisted ranks was inspirational. She is remembered as a respected soldier and caring leader who always put her soldiers first. Her military decorations include three awards of the Meritorious Service Medal. My prayers go out to Marilyn's husband Edward and her seven children and stepchildren, her mother Mary Van Cannon, as well as her grandchildren and all her family and friends. SMA Marilyn Gabbard will be greatly missed. She leaves behind her a legacy of military achievement, immense compassion, and patriotic service. I hope that those who have been touched by her loss will find some comfort in the knowledge that her memory will live on like those countless other heroes throughout American history who have given their lives for our country.

SERGEANT TOMMY RIEMAN

Mr. BUNNING. Mr. President, today I rise to pay tribute to Army SGT Tommy Rieman, a native of Independence, KY, who received the military Silver Star for exceptional courage. He exhibited this courage when insurgents attacked his reconnaissance squad near the Abu Ghraib prison in Iraq on December 3, 2003. His selfless act of bravery and unwillingness to fail exemplify the true definition of a soldier.

Sergeant Rieman grew up in Independence, a small town in northern Kentucky. While at Simon Kenton High School, he was captain of the football team and was a member of the wrestling team, before he graduated in 1999. Sergeant Rieman was a teenager, pumping gas at a local gas station when he decided to enlist in the Army. This monumental decision he made to begin his exceptional military career would go on to shape his destiny.

While serving in Iraq, Sergeant Rieman showcased immense calm

under pressure, when his squad came under attack by insurgents. With the convoy under heavy fire from rocket-propelled grenades and explosive devices, he used his own body as a shield to protect his squad gunman and returned fire to the enemy. The humvees that the squad was traveling in did not have any doors, so as a result Sergeant Rieman suffered two bullet wounds and multiple shrapnel injuries. Despite these injuries, he was still able to direct the convoy off the road and away from the live fire combat, only to be attacked by another smaller group of insurgents. Sergeant Rieman commanded and led his squad to return fire, and the enemy's weapons were silenced. At this point, the situation was calm and he was able to call a medical helicopter to treat the injuries of these brave soldiers.

After returning from Iraq, in August 2004 Sergeant Rieman was awarded a Silver Star for his brave actions that day in Fort Bragg, NC. He is now employed as an administrative assistant for the Army personnel office in the Pentagon. In May 2006, he was selected to be a participant in the "America's Army: Real Heroes" video game program, which recounts the lives of military soldiers who have shown heroism and bravery in the war on terror. Sergeant Rieman will have his military history and motivational story told through this game, with the hope of inspiring others to greatness.

On January 23, 2007, Sergeant Rieman was a guest of the First Lady and was formally recognized by President Bush, who discussed his bravery in the annual State of the Union Address to Congress. He stated that Sergeant Rieman, like so many other Americans who have volunteered to defend us, had earned the respect of the Nation. I cannot agree with this statement more. It brings me great pride to see a soldier of the caliber of Sergeant Rieman represent Kentucky in such a courageous and selfless way. He is an inspirational example to me and to the entire Commonwealth.

#### TRIBUTE TO DR. RONALD S. BOWEN

Mr. HATCH. Mr. President, I rise today to pay tribute to Dr. Ronald S. Bowen, who has diligently served as the president of the Utah Dental Association, UDA. As president, Dr. Bowen has devoted his professional and leadership skills to serving Utah's 1,530 member dental organization.

The UDA is committed to the public's oral health, ethics, science, and professional development. I am proud of our dental health professionals who skillfully provide quality health care to thousands of Utahns. I am also proud of Dr. Ron Bowen, who as the president of the UDA has provided outstanding leadership among his colleagues as he represented the association on a national, state, and local level. He has extensively traveled the

State meeting with members to address their concerns and listen to their suggestions. In addition, he has a keen sense of the legislative process and has been able to use this knowledge to accomplish great things for the association.

Throughout his career, Dr. Bowen has garnered deep respect among his colleagues. He has an ability to listen to others, determine a course of action, and implement his ideas in an effective way.

Dr. Bowen is a practicing dentist and has had an established practice in the Salt Lake Valley for the past 22 years. He graduated with honors from the University of the Pacific, UOP, Dental School in San Francisco, CA. While at UOP, Ron served as student body and junior class presidents—demonstrating strong leadership skills at a young age.

During his longtime service to the dental community, Dr. Bowen has served on the UDA board of directors, where he has chaired the Government and Political Action Committees. Dr. Bowen has also served as the president of the Salt Lake District Dental Society and the Great Basin Academy. He was inducted into the International College of Dentists in 2003 and is a member of the Pierre Fuchard Society.

In addition, he is married to Melanie Hamilton Bowen and is the caring father of two daughters, Elysa and Lindsey.

Mr. President, the UDA has been greatly served this past year with Dr. Ron Bowen at the helm. His enthusiasm for the practice of dentistry and good dental health has been felt by many, and his colleagues have appreciated his efforts. I wish him many more happy, successful years of dentistry in Utah and join with many satisfied patients in thanking him for his tremendous service.

#### TRIBUTE TO JO ANNE BARNHART

Mr. BAUCUS. Mr. President, I want to commend someone who represents the very best of citizens in public service. I am speaking of Jo Anne Barnhart, the Commissioner of Social Security. Unfortunately, her term ended last Friday. I say “unfortunately” because she has done a superb job.

Jo Anne Barnhart did not need to take this job. She was doing very well running her own consulting firm. But she took the job for one reason: She wanted to improve the way that the Social Security Administration performs its duties. And SSA is a significantly better agency when Jo Anne left than when she first came on board.

That is not all. Many long-term career employees at SSA have said that she is the best Social Security Commissioner for whom they have worked. And a number of veteran Social Security observers and advocates have said the same thing. She has made a remarkable contribution to that agency.

What has Jo Anne accomplished? Everyone knows that the Social Security

Program provides benefits to workers who have retired. And the Social Security Program also provides benefits to the families of workers who have died. What is less well known is that Social Security provides benefits to workers who become disabled and to the families of those workers. This is one of Social Security's major functions.

Determining the benefits that retirees and survivors get is a relatively straightforward process, even where the eligibility rules are very detailed. But the same is not true for benefits for disabled workers.

There, SSA has to determine whether the applicant is permanently and totally disabled. This determination requires a lot of difficult work. For many applicants, the answer is not readily apparent. And the applicant can use several layers of appeals, if denied benefits. These additional layers add to the time that an applicant may have to wait before receiving benefits.

When Jo Anne took over the agency, it could take as much as 4 years for an applicant to be approved for benefits, if the applicant succeeded at the last layer of appeal. A disabled worker waiting for a decision is not earning any money. This can put enormous pressures on the worker and the worker's family.

My case workers in Montana have heard from some of the applicants who have been waiting incredibly long times for a decision. And their stories are harrowing. And the same was true for one Montana applicant who had to wait 4 years to get his disability benefits and who was kind enough to testify before the Finance Committee last year.

Jo Anne was fully aware of this problem when she took over the agency. And she was determined to do something about it.

The first step was to determine why it took so long for applicants to be approved. At her confirmation hearing, Jo Anne indicated that she would study this issue immediately. And she and I agreed that she would report back to me in 6 months.

Jo Anne completed that study and briefed me 6 months later, just as she had promised. Amazingly, this was the first comprehensive study SSA had ever done to determine why it took so long for disability applicants to be approved for benefits.

Jo Anne and her staff put every step involved in the disability application process on one chart. When she completed it, that chart was 25 feet long. Jo Anne deserves great credit for initiating and executing this pioneering study.

The study found that there were two causes of the long waiting times for approval of disability benefits, and Jo Anne set out to tackle each of them. About half of the delays occurred because of huge backlogs of cases. The principal cause of these backlogs is inadequate staffing, and the principal cause of inadequate staffing is lack of

budgetary resources. The other half of the waiting times was due to huge inefficiencies in the processing of disability claims.

Jo Anne responded to these challenges. First, she set out to reduce as much of the inefficiency in the disability adjudication process as possible.

She initiated the conversion of the application process from a paper-driven process to a completely electronic process. And she aggressively accelerated this conversion, completing the transformation in record time.

As a result, SSA now has the largest repository of medical evidence in the world. And the new system works. Previously, all evidence and records used during the adjudication process had to be mailed from one SSA office to another and from doctors' offices to SSA offices. This was inefficient, time-consuming, and expensive. Now all of this is accomplished electronically. Jo Anne deserves great credit for these changes.

And Jo Anne initiated a Disability Service initiative. This was a major overhaul of the multiple steps in the disability adjudication process. This initiative brought many improvements.

First, quick decisions are made in cases where the disability is obvious. Second, redundant appeal processes were eliminated. Third, huge amounts of time were saved for some appeals that would normally go to a hearing before an administrative law judge. That is a process that can take well over a year to occur. A new type of legal official was created in the system. This lawyer is given authority to award benefits before the case ever proceeds to a hearing. This dramatically reduces the time for the applicant to get benefits. Many other changes were made as well.

All of these changes are being piloted. It is hoped that these new processes will greatly increase the efficiency by which disability claims are adjudicated. If they do, Jo Anne will have accomplished something truly great.

Jo Anne also initiated action to deal with scarce budgetary resources, the second cause of long delays. She provided detailed and cogent briefings to the Directors of the Office of Management and Budget.

As a result, the President's budgets have requested a significant increase for SSA's administrative costs each year. This occurred at a time when the President's budgets contained little or no increases or even decreases in funding for most appropriated programs.

Unfortunately, through no lack of effort on Jo Anne's part, the amount of money ultimately appropriated for SSA's administrative costs has been substantially below the amount requested by the President each year. This is a problem that needs to be rectified in the future.

One of Jo Anne's finest moments came after the terrible hurricanes,

Katrina, Rita, and Wilma, decimated whole areas of the gulf coast and Florida. GAO reported: "The Social Security Administration had enhanced planning and pre-established procedures in place to provide immediate emergency payments to the significant number of beneficiaries who evacuated and did not receive their monthly checks. With these procedures in place, the Social Security Administration had the capability to deploy staff and equipment from its 1,300 offices across the Nation to address the increased workload."

Under Jo Anne's guidance, SSA also successfully implemented some brand new permanent responsibilities without a hitch. For example, SSA was asked to take applications for the low-income subsidy portion of the Medicare prescription drug program. This subsidy allows low-income Medicare beneficiaries to participate in the prescription drug program at no or reduced cost. SSA was also asked to do massive amounts of outreach to find the people who qualified for the subsidies, and it did so.

Jo Anne also guided the implementation of some brand new systems projects. For example, she oversaw the digital recording of hearings. SSA used to record all hearings before its administrative law judges with regular cassette tapes. These tapes were difficult to ship and were often lost during transit. Jo Anne and her team spearheaded the effort to have hearings recorded digitally.

It is clear that Commissioner Barnhart accomplished an extraordinary number of achievements for SSA. She has reason to be proud, and the country owes her a huge debt of gratitude.

I wish her the very best in whatever endeavors she takes on after she leaves SSA. But we will sorely miss her.

#### CRACKING DOWN ON SWEATSHOP ABUSES

• Mr. DORGAN. Mr. President, this week I am introducing a bipartisan piece of legislation that every Member of the Senate should support. The legislation aims to crack down on sweatshop abuses taking place in overseas factories that produce merchandise for sale in the American marketplace.

The United States currently prohibits the importation of products made with prison labor but does not similarly prohibit the importation of products made in sweatshops under slave-like conditions. What is more, if a U.S. retailer finds that one of its competitors is importing products made in a foreign sweatshop, it has no recourse in U.S. courts and is placed at a competitive disadvantage.

I am certain that if Members of the Senate were asked to raise their hand if they support abusive sweatshop conditions at foreign factories producing for the United States, not one hand would go up. Yet, as the media and

watchdog groups have documented all too well, these conditions are prevalent in a number of our major trading partners.

We have to put a stop to this. Sweatshop factories undermine the foreign workers who work in them, and they undermine U.S. workers who are asked to compete with them.

The bill I am introducing is called the Decent Working Conditions and Fair Competition Act, and it is really very simple.

First, the bill says that it is illegal to bring the product of sweatshop factories to this country. In this bill, a "sweatshop factory" is one where workers are abused in violation of that country's labor laws.

Second, the bill allows U.S. retailers the right to sue their competitors for damages in U.S. court if their competitors are sourcing their merchandise from sweatshop factories.

Let me give you an example of why such legislation is essential, involving the country of Jordan.

Our trade negotiators signed the Jordan Free Trade Agreement in October of 2000. The agreement was negotiated under the Clinton administration, and it was supposed to be a model trade agreement. I give the Clinton administration credit for at least giving some thought to putting labor provisions in the trade deal with Jordan.

But those labor provisions were not enforced, and the result has been the proliferation of sweatshops in Jordan. In May of last year, the New York Times described this trend.

It turned out that when the agreement was signed in 1999, Jordan began to fly in so-called guest workers from countries like Bangladesh and China to make products in Jordan for sale at stores like Wal-Mart and Target. The conditions for these so-called guest workers in Jordan were slave-like.

This is how the New York Times described it: "Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twenty fold in the last five years. But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart and other retailers are complaining of dismal conditions—of 20-hour days, of not being paid for months and of being hit by supervisors and jailed when they complain."

These were some of the other conditions documented at these factories. Workers were promised \$120 a month but in some cases were hardly paid at all. One worker was paid only \$50 for 5 months of work. And 40-hour shifts were common. Incredibly, the 40-hour shift apparently had replaced the 40-hour workweek.

To its credit, Wal-Mart admitted to the New York Times that it had found "serious problems with the conditions at several major Jordanian factories." But it should not have taken a New York Times investigation to uncover these abuses.

Here is another instance of sweatshop conditions. In November 2006, BusinessWeek had a cover story on sweatshop abuses entitled "Secrets, Lies, and Sweatshops." The article begins with the description of a Chinese company called the Ningbo Beifa Group. This company has made a lot of money as a top supplier of pens, mechanical pencils, and highlighters to Wal-Mart Stores and other major retailers.

In 2005, Wal-Mart inspected this company's factories. It found that the company was paying its 3,000 workers less than China's minimum wage and violating overtime rules. So Wal-Mart asked the company to fix these serious problems.

The Chinese company failed to do so. Wal-Mart then returned to the company, found the same problems, and told the company to shape up. Again, the Chinese company failed to do so and happily continued making pens and highlighters for Wal-Mart. Wal-Mart returned a third time and gave the Chinese company its third warning. Once again, the Chinese company failed to treat its workers according to Chinese law.

So finally, even Wal-Mart had had enough, and they issued a fourth warning—comply with the law or we will stop doing business with you. What did the Chinese company do? It turned to another Chinese company called the Shanghai Corporate Responsibility Management & Consulting Co. For a \$5,000 fee, the company promised to send a consultant to take care of the Wal-Mart problem.

The consultant provided advice on how to create fake but authentic-looking payroll records. The consultant also told the company that, on the day of the fourth Wal-Mart audit, they should give the day off to any workers with grievances, so that they would not tell any inconvenient stories. After following the consultant's advice, the Chinese factory passed the Wal-Mart audit—even though the Chinese company later admitted that it didn't change any of its practices.

Now, I am not suggesting that Wal-Mart deliberately turned a blind eye in this case. And there are certainly documented cases of other companies selling sweatshop products in the United States.

But I do think that companies that decide to import products for sale in this country should not be allowed to gain an unfair competitive advantage by deliberately sourcing from sweatshop factories. And the bill that I am introducing would address such abuses by banning the importation or sale of products made in factories under sweatshop conditions.

For purposes of the bill, "sweatshop conditions" are gross violations of the labor, health, and safety laws of the country where the labor is performed. Enforcement would be divided between the Customs Service and the Federal Trade Commission. If the Federal

Trade Commission determined that a factory was operating under sweatshop conditions, it would issue an order prohibiting the sale of products from that factory. Violations of those orders would then carry a civil penalty of up to \$10,000 for each individual violation.

The import ban deals only with goods that can be proven to have been made with sweatshop labor and is not a ban of products based on the country of origin. In order to comply with non-discrimination provisions of the WTO, the sales ban would apply to both domestic and imported goods. The President could waive the application of this section to particular goods, but the Congress would also be able to pass a joint resolution rejecting a Presidential waiver.

The legislation also creates a private right of action for U.S. retailers and their investors to bring a civil action against competitors who import or sell sweatshop goods. For each offense, plaintiffs can sue for damages of the higher of \$10,000 or the actual value of the goods. They can also sue for injunctive relief, to prevent the further entry of these goods into the U.S. marketplace.

This legislation is similar to S. 3485, a bill that I introduced late in the last Congress. I am happy that, in introducing the legislation in the 110th Congress, I am being joined by Senator GRAHAM of South Carolina, who has agreed to lead the effort to advance it from the other side of the aisle. The legislation is also cosponsored by Senator SHERROD BROWN, who last year introduced a companion piece of legislation in the House of Representatives. And I would also like to thank the other original cosponsors of the bill, Senators BYRD, FEINGOLD, AND SANDERS.

I believe that one of the messages the American people sent to Congress in the November elections is that they demand fair trade. The legislation I am introducing is a way for Congress to show that the message has been heard.●

#### ADDITIONAL STATEMENTS

##### HONORING SHARON RICHIE

● Mr. THUNE. Mr. President, today I honor Sharon Richie of Watertown, SD. This month Sharon retired from the U.S. Department of Agriculture after 17 years of dedicated Federal service.

Sharon has worked in the multi-family housing program in Watertown for the past 15 years and is well-known and appreciated by the managers of the housing projects. She has been a dedicated employee and is well-respected for her knowledge of the program and her willingness to go the extra mile to assist her clients. Sharon has played an integral role in providing housing for low-income tenants in South Dakota throughout her career.

Sharon has also been an active member of the Watertown community.

Prior to working for the Department of Agriculture, Sharon was a hairdresser for 25 years, as well as being a teacher's aid and substitute teacher for the Deuel School System. She also managed a supper club in Clear Lake and Altamont.

In addition, Sharon has been a valuable asset to South Dakota's agricultural community. Over the past years, she has worked facilitating several rodeos throughout the region. She has organized and judged several rodeo queen contests for groups including the PRCA, local high school and 4-H rodeos. Sharon also enjoys helping out her husband Cork with their livestock handling equipment business. She is also a mother of 9 children, a grandmother to 23 grandchildren, and a great-grandmother to 2 great-grandchildren.

It is with great honor that I rise today to remember and recognize the service provided by Sharon Richie. On behalf of the citizens of South Dakota, I wish Sharon Richie all the best in her retirement.●

##### RECOGNIZING FLOWERS FOODS

● Mr. CHAMBLISS. Mr. President, today I wish to honor the recent accomplishments of a successful business that is headquartered and was founded in my home State of Georgia, Flowers Foods. Flowers Foods is a leader in the baking industry with fresh products distributed throughout the Southeast, Southwest, and Mid-Atlantic States. Flowers Foods frozen products can be found nationwide.

Forbes magazine recently named Flowers Foods to its prestigious list of the 400 Best Big Companies in America. In addition Flowers Foods was also named the best-managed food company among the list of 400 Best Big Companies. It should also be noted that this is the third time that Flowers Foods has been named to Forbes' prestigious list.

In creating the most recent list, Forbes reviewed the financial metrics, Wall Street forecast, corporate governance ratings and other public information of over 1,000 of the largest publicly traded companies in America. Once Forbes narrows this list down to 400 then they select a best-managed company from each of the 26 industry areas that are represented in the Best Big Companies list. The selection of the best-managed company for each represented industry is based on financial performance, leadership, innovation and execution.

Flowers Foods has continued to be on the cutting edge of bakery products and technology since William Howard and Joseph Hampton Flowers opened Flowers Baking Company in Fitzgerald, Georgia in 1933. When the company first opened in 1933 they had the capacity to produce 30,000 loaves of bread each day. In 1999, Flowers Foods became the first wholesale baker to offer a sugar-free bread and they later

became the first commercial baker to introduce a low-carb bread selection.

Through the years Flowers Foods has produced and marketed a variety of fresh and frozen bakery foods under name brands such as Nature's Own, Cobblestone Mill, Sunbeam Bread, ButterKrust, Whitewheat, Bunny Bread, BlueBird, Mrs. Freshley's, European Bakers, Mi Casa and Tesoritos. It is no wonder that they are a market leader with this varied mix of brands and products that ensures that there is something tasty for everyone.

Not only has Flowers Foods product line grown since its founding in 1933 but their expansive operation has also grown. Their operations now include thirty-six bakeries that stretch from the Southwest to the Mid-Atlantic regions. These efficient and technologically advanced bakeries allow Flowers Foods to supply retailers throughout a large portion of the United States with a constant supply of fresh products.

I am extremely proud of the recognition that Flowers Foods has received from Forbes magazine. I thank my colleagues for giving me the opportunity to recognize Flowers Foods.●

##### RECOGNIZING LESTER KARAS

● Mr. THUNE. Mr. President, today I recognize Lester Karas who was honored by the community of Deadwood for his dedicated service to the community's young people. The Deadwood mayor declared December 5, 2006, Les Karas Day in honor of his outstanding commitment and dedication to the safety of the community's elementary school students.

Mr. Karas serves as a volunteer crossing-guard for the students of Lead-Deadwood Elementary school. He plays an important role in keeping these students safe as they travel back and forth from school. In addition, Mr. Karas teaches the children good safety habits that they will use throughout their lives.

South Dakota's communities are held together by volunteers like Mr. Karas who dedicate their time and energy to helping those around them. It gives me great pleasure to commemorate Lester Karas on this special occasion and to wish him continued success in the years to come.●

##### MEASURES DISCHARGED

The following measure was discharged from the Committee on the Banking, Housing, and Urban Affairs by unanimous consent, and referred as indicated:

S. 172. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Foreign Relations.

##### 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. FEINGOLD:

S. 403. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. BAUCUS, Mr. THUNE, Mr. GRASSLEY, Mr. TESTER, Mr. BINGAMAN, Mr. DORGAN, Mr. ENZI, and Mr. CONRAD):

S. 404. A bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN):

S. 405. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. SPECTER, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BOND, Mr. BURR, Mr. KERRY, Mr. LEVIN, Mrs. DOLE, Mr. GRAHAM, Mr. CORNYN, Mr. PRYOR, and Mrs. LINCOLN):

S. 406. A bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 407. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. STEVENS, Mr. INHOFE, Mr. SUNUNU, and Mr. BUNNING):

S. 408. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 409. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 410. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

By Mr. SMITH:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON (for herself, Mr. ALLARD, Mr. BINGAMAN, Mr. FEINGOLD,

Ms. CANTWELL, Mr. BROWN, Mr. SANDERS, Mr. ENSIGN, Mr. HARKIN, Mr. LIEBERMAN, Mr. SHELBY, Mr. BURR, and Ms. SNOWE):

S. 413. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S. 414. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 280

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 354

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 354, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 357

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from West Vir-

ginia (Mr. BYRD) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 374

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 387

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 387, a bill to prohibit the sale by the Department of Defense of parts for F-14 fighter aircraft.

S. 388

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. RES. 24

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 24, a resolution designating January 2007 as "National Stalking Awareness Month".

S. RES. 29

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Res. 29, a resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

AMENDMENT NO. 108

At the request of Mr. ALEXANDER, his name was added as a cosponsor of amendment No. 108 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 184

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 184 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 198

At the request of Mr. COLEMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 198 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to

provide for an increase in the Federal minimum wage.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 403. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation today that would increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, for 2007, the mileage reimbursement level permitted for businesses is 48.5 cents per mile, nearly three and a half times the volunteer rate.

While we are asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is imposing a very real hardship for charitable organizations and other non-profit groups.

I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit. One of the first organizations that brought this issue to my attention was the Portage County Department on Aging. Volunteer drivers are critical to their ability to provide services to seniors in Portage County, and the Department on Aging depends on dozens of volunteer drivers to deliver meals to homes and transport people to their medical appointments, meal sites, and other essential services.

Many of my colleagues know the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. In fact, it is often the case that the senior meals program is the point at which many frail elderly first come into contact with the network of services that can help them. For that reason, these programs are important not only for the essential nutrition services they provide, but also for the many other critical services that the frail elderly may need.

Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years, increasing pressure on local programs to leverage more volunteer services to make up for

that lagging Federal support. Regrettably, the 14 cents per mile reimbursement limit has made it far more difficult to obtain those volunteer services. Portage County reported that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

The same is true for thousands of other non-profit and charitable organizations that provide essential services to communities across our Nation.

By contrast, businesses do not face this restrictive mileage reimbursement limit. As I noted earlier, for 2007 the comparable mileage rate for someone who works for a business is 48.5 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees nearly three and a half times the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today is identical to a measure I introduced in the 109th Congress, and largely the same as the version I introduced in the 107th and 108th Congresses. It raises the limit on volunteer mileage reimbursement to the level permitted to businesses, and provides an offset to ensure that the measure does not aggravate the budget deficit. The most recent estimate of the cost to increase the reimbursement for volunteer drivers is about \$1 million over 5 years. Though the revenue loss is small, it is vital that we do everything we can to move toward a balanced budget, and to that end I have included a provision to fully offset the cost of the measure and make it deficit neutral. That provision increases the criminal monetary penalties for individuals and corporations convicted of tax fraud. The provision passed the Senate in the 108th Congress as part of the JOBS bill, but was later dropped in conference and was not included in the final version of that bill.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers that play such a critical role in helping to deliver services and it will simplify the Tax Code both for nonprofit groups and the volunteers themselves.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 403

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

#### SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

#### “SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

“(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

“(1) by using the standard business mileage rate established under such section, and

“(2) as if the individual were an employee of an organization not described in section 170(c).

“(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

“(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A and inserting the following new item:

“Sec. 139B. Reimbursement for use of passenger automobile for charity.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SEC. 2. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 of the Internal Revenue Code of 1986 (relating to fraud and false statements) is amended—

(1) by striking “Any person who—” and inserting “(a) IN GENERAL.—Any person who—”, and

(2) by adding at the end the following new subsection:

“(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.”.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” and inserting “\$250,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and



(C) by striking “5 years” and inserting “10 years”.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 of such Code is amended—

(A) in the first sentence—

(i) by striking “misdemeanor” and inserting “felony”, and

(ii) by striking “1 year” and inserting “10 years”, and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) of such Code (as redesignated by subsection (a)) is amended—

(A) by striking “\$100,000” and inserting “\$250,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and

(C) by striking “3 years” and inserting “5 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

By Mr. THOMAS (for himself, Mr. BAUCUS, Mr. THUNE, Mr. GRASSLEY, Mr. TESTER, Mr. BINGAMAN, Mr. DORGAN, Mr. ENZI, and Mr. CONRAD):

S. 404. A bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THOMAS. Mr. President, I rise to introduce a bill that is of great importance to livestock producers and consumers in my home State of Wyoming, and to people across the Nation. My bill would expedite the implementation of mandatory country of origin labeling, or COOL, for beef and other agricultural products, and set that date at September 30, 2007. I am pleased that Senator BAUCUS joins me in this effort, as does Senator THUNE, Senator GRASSLEY, Senator TESTER, Senator BINGAMAN, Senator DORGAN, Senator ENZI, and Senator CONRAD.

Consumers drive our economy, and it is important that we provide them relevant information about the products they are purchasing. U.S. consumers overwhelmingly support mandatory COOL. They have a right to know where their food comes from. Labeling provides more product information, increased consumer choice, and the chance to support American agriculture. Labeling also allows our producers to distinguish their superior products. Trade is not going away. With increased trade comes an increase in the importance of country of origin labeling. Many nations already label food and other products—including the United States. If it is good enough for T-shirts, it ought to be good enough for T-bones.

Mandatory COOL was signed into law with the 2002 Farm Bill. I was an original supporter of COOL during the Farm Bill debate, and I have become increasingly frustrated with efforts to delay its implementation. The latest delay was inserted into the Fiscal Year 2006 Agriculture Appropriations bill, and I voted against the bill for that reason.

Producers and consumers have waited long enough for country of origin labeling. It is high time we make it happen.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 704

*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 “Country of Origin Labeling Act of 2007”.

#### SEC. 2. APPLICABILITY OF COUNTRY OF ORIGIN LABELING REQUIREMENTS.

Section 285 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking “September 30, 2008” and inserting “September 30, 2007”.

Mr. TESTER. Mr. Chairman, I rise today to join my colleagues in cosponsoring the implementation of country of origin labeling requirements for food sold in the United States. Congress originally passed country of origin labeling in the 2002 farm bill, but has twice voted to delay its implementation. Country-of-origin labeling is good for American consumers; it is good for our farmers and ranchers, and the time to implement it is now.

American farmers and ranchers raise the highest quality agricultural goods in the world. Country of origin labeling benefits farmers and ranchers by allowing them to market their world-famous products and consumers who deserve to know where their food comes from.

Any American consumer can look at the tag on their shirt or under the hood of their car and know where it was made. But when meats and produce move into the market place, their origin often becomes a mystery. Considering the importance of food to our health and safety, the growth of our children, and the livelihood of our farmers and ranchers, we should have as much information about the origin of our food as possible.

When I was president of the Montana Senate in 2005, I helped lead the fight to pass and implement country of origin labeling because Congress had failed to act. In Montana we are particularly proud of the quality of our agricultural products, and of the people who raise them. Our clean air and water, well preserved natural environment, and modern agricultural practices make consumers want to buy Montana meats, fruits and vegetables. Our State government has given consumers the information and the choice to purchase American raised products through country of origin labeling.

As a dry land farmer from Big Sandy, Montana I know how challenging it is to be successful in agriculture. American farmers and ranchers need all the tools they can get. We no longer compete only with our local neighbors. We compete internationally with South America, Asia, Australia and New Zea-

land. Country of origin labeling adds value in the market place that was already added by being grown on American farms and ranches.

American consumers will make choices to support our domestic industry and sometimes pay a premium to know that their food comes from the United States. They support American agriculture with its high-quality standards, where money made stays in our rural communities and in the hands of American farmers and ranchers instead of going overseas. The benefits of country of origin labeling are great, the costs are little and consumers have demanded it. Congress needs to take the next step and implement the program.

By Mrs. FEINSTEIN (for herself and Mr. ENSIGN)

S. 405. A bill to amend the Elementary and Secondary Education Act of 1965 to specify the purposes for which funds provided under part A of title I may be used; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator ENSIGN to introduce legislation to ensure that Title I funds are directed towards instructional services to teach our Nation's neediest students.

Title I provides assistance to almost every school district in the country to serve children attending schools with high numbers of low-income students, from preschool to high school.

Although it has always been the intent of Congress for Title I funds to be used for instruction and instructional services, the Federal Government has never provided a clear definition of what instructional services should entail.

This lack of Federal guidance has become especially clear now, as States are struggling to comply with the Title I accountability standards established under “No Child Left Behind.”

While State Administrators of Title I are directed by law to meet these specific requirements, they have been given little guidance as to how to ensure that they are in compliance with the law.

I believe that the Federal Government is responsible for making this process as clear to States as possible.

During consideration of “No Child Left Behind,” I worked hard to get my bill defining appropriate Title I uses included in the Senate version of the bill.

Unfortunately, during conference consideration, that language was stripped out and in its place language was inserted directing the General Accounting Office (GAO) to report on how states use their Title I funds.

In April 2003, GAO released the report that Congress directed them to submit on Title I Administrative Expenditures.

What GAO found is that while districts spent no more than 13 percent of Title I funds on administrative services, these findings were based on their

own definition “because there is no common definition on what constitutes administrative expenditures.”

Therefore, the accounting office could not precisely measure how much of schools’ Title I funds were used for administration.

Because uses of Title I funds are not defined consistently throughout the states, the accounting office created their own definition by compiling aspects of state priorities to complete the report.

The very reason I worked to define how Title I funds should be used—to create consistency and distribution priority nationwide—became the definitive aspect preventing GAO from effectively drawing conclusions to their report.

The report highlights two concerns that I have with the lack of universal definitions in the Title I program: The lack of Federal guidance on effective uses of Title I funds and the government’s inability to accurately measure whether the academic needs of low-income students are being met.

This bill takes some strong steps by balancing the needs for states to retain Title I flexibility and providing them with the guidance needed to administer the program uniformly throughout the country.

Current law on Title I is much too vague.

It says, “a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.”

Basically, it says that Title I funds are to be used for the “education of pupils.” This is too ambiguous.

The U.S. Department of Education has given states a guidance document that explains how Title I funds can be used.

Under this guidance document, only two uses are specifically prohibited: 1. construction or acquisition of real property; and 2. payment to parents to attend a meeting or training session or to reimburse a parent for a salary lost due to attendance at a “parental involvement” meeting.

I believe we should give the Department, States and districts a clearer guidance in law.

This legislation would: Define Title I direct and indirect instructional services. Set a standard for the amount of Title I funds that can be used to achieve the academic and administrative objectives of this program. Ensure that the majority of Title I funds are used to improve academic achievement by stipulating that “a local educational agency may use not more than 10 percent of [Title I] funds received . . . for indirect instructional services.”

By limiting the amount of funds that schools can spend on administrative or

indirect services, school districts are restricted from shuffling the majority of Title I to pay for non-academic services, but it also gives the districts flexibility to use the remaining funds for the indirect costs administering Title I distribution.

Furthermore, by defining direct and indirect services, all States can apply the same standards for how Title I funds are used nationwide.

Examples of permissible Direct Services are: Employing teachers and other instructional personnel, including employee benefits. Intervening and taking corrective actions to improve student achievement. Purchasing instructional resources such as books, materials, computers, and other instructional equipment. Developing and administering curriculum, educational materials and assessments.

Examples of Indirect Services limited to no more than 10 percent of Title I expenditures are: Business services relating to administering the program. Purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services or the payment of utility costs. Buying food and paying for travel to and attendance at conferences or meetings, except if necessary for professional development.

My reasons for introducing this bill are two-fold: first, I believe that states must use their limited Federal dollars for the fundamental purpose of providing academic instruction to help students learn. Secondly, I believe that it is nearly impossible to do so without providing a clear definition of what is considered an instructional service.

I am not suggesting that it is the fault of the school districts for not focusing their Title I funds on academic instruction. They are simply exercising the flexibility that Congress has given them.

If Congress also intended for those funds to educate our neediest children, federal guidance must be given to ensure that it happens.

It is my view that Title I cannot do everything. Federal funding is only about 9 percent of the total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools.

That is why it is imperative to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

Schools must focus their general administrative budget to pay for expenses that fall outside of the realm of direct educational services and retain the majority of federal funds to improve academic achievement.

It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step towards that important goal.

I urge my colleagues to support this legislation. I ask for unanimous consent that the text of the legislation directly follow this statement in the record.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 405

*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 “Title I Integrity Act of 2007”.

#### SEC. 2. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

##### “SEC. 1120C. DIRECT AND INDIRECT INSTRUCTIONAL SERVICES.

“(a) IN GENERAL.—

“(1) USE OF FUNDS.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this part only for direct instructional services and indirect instructional services.

“(2) LIMITATION ON INDIRECT INSTRUCTIONAL SERVICES.—A local educational agency may use not more than 10 percent of funds received under this part for indirect instructional services.

“(b) INSTRUCTIONAL SERVICES.—

“(1) DIRECT INSTRUCTIONAL SERVICES.—In this section, the term direct instructional services’ means—

“(A) the implementation of instructional interventions and corrective actions to improve student achievement;

“(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

“(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

“(D) the provision of instructional services to prekindergarten children to prepare such children for the transition to kindergarten;

“(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

“(F) the development and administration of curricula, educational materials, and assessments;

“(G) the transportation of students to assist the students in improving academic achievement;

“(H) the employment of title I coordinators, including providing title I coordinators with employee benefits; and

“(I) the provision of professional development for teachers and other instructional personnel.

“(2) INDIRECT INSTRUCTIONAL SERVICES.—In this section, the term indirect instructional services’ includes—

“(A) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

“(B) the payment of travel and attendance costs at conferences or other meetings;

“(C) the payment of legal services;

“(D) the payment of business services, including payroll, purchasing, accounting, and data processing costs; and

“(E) any other services determined appropriate by the Secretary that indirectly improve student achievement.”.

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. STEVENS, Mr. INHOFE, Mr. SUNUNU, and Mr. BUNNING):

S. 408. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Hunting Heritage Protection Act of 2007. I cannot stress how important this piece of legislation is to ensure that our Nation's rich hunting heritage is passed on to future generations. This legislation preserves and protects the rights and access to Federal public lands that are vitally important to the sportsmen and women of America.

I have been an avid outdoor sportsman for the better part of my adult life and I must say that the times I have spent hunting with my son or with friends have been some of the best times of my life. Recreational hunting provides numerous opportunities to spend time and share valuable experiences of some of life's lessons with children, family and friends.

It is hard to put a price tag on seeing the joy and excitement in a child's eyes during their first hunting experience. It is one of the reasons that I decided to introduce this legislation. I believe that recreational hunting should be an activity that everyone has the opportunity to experience.

One thing that all sportsmen and women have in common is that they are also conservationists. I, like my fellow hunters, understand that without wildlife conservation our Nation's rich hunting heritage will end with this generation. Sportsmen and women have continued to support sound wildlife management and conservation practices since the time of President Theodore Roosevelt who many consider to be the father of the conservation movement. Each year millions of hunters purchase licenses, permits, and stamps that contribute a significant amount of money to wildlife conservation. These hunters also contribute billions of dollars to the U.S. economy from other hunting related activities.

Hunting is a rural development activity. It is quite understandable how hunting provides an important supplement to the income of many farmers and ranchers, and even though this legislation pertains to Federal public lands many people overlook the related rural job opportunities that are created by hunting. These include guiding and increased hotel and restaurant activity to name just a few. As our rural population decreases and our urban/suburban increases, hunting is an activity that allows many families to stay connected to the land and in so doing; it creates economic activity for our rural areas.

Recognizing hunters for their role in conservation efforts throughout the U.S. is very important. The Hunting Heritage Protection Act not only recognizes hunters for their conservation efforts but it also requires that Federal public land and water are open to access and use for recreational hunting

when and where hunting is appropriate. It is important to note that this bill does not open all Federal public land to hunting.

Another crucial piece of this legislation is that it creates a policy that requires Federal government agencies to manage Federal public land under their jurisdiction in a manner that supports, promotes, and enhances recreational hunting opportunities.

As I mentioned before, sportsmen and women have contributed greatly to wildlife conservation over the years and it is important that Congress acknowledge this contribution by ensuring that the amount of Federal public land open to recreational hunting does not decrease. That is why this legislation requires that actions related to the management of Federal public lands should result in a "no net loss" of land area available for recreational hunting.

It is vitally important that we, as Members of the Senate, do all we can to protect and preserve the tradition of hunting so that future generations will be able to experience this great outdoor recreational activity. I believe that the "Hunting Heritage Protection Act of 2007" meets these goals.

I want to encourage my colleagues on both sides of the aisle to join me in supporting and preserving our Nation's rich heritage of hunting by supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 408

*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 "Hunting Heritage Protection Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) recreational hunting is an important and traditional recreational activity in which 13,000,000 people in the United States 16 years of age and older participate;

(2) hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) persons who hunt and organizations relating to hunting provide direct assistance to wildlife managers and enforcement officers of the Federal Government and State and local governments;

(4) purchases of hunting licenses, permits, and stamps and excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management;

(5) recreational hunting is an essential component of effective wildlife management by—

(A) reducing conflicts between people and wildlife; and

(B) providing incentives for the conservation of—

(i) wildlife; and

(ii) habitats and ecosystems on which wildlife depend;

(6) each State has established at least 1 agency staffed by professionally trained

wildlife management personnel that has legal authority to manage the wildlife in the State; and

(7) recreational hunting is an environmentally acceptable activity that occurs, and can be provided for, on Federal public land without adverse effects on other uses of the land.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY HEAD.—The term "agency head" means the head of any Federal agency that has authority to manage a natural resource or Federal public land on which a natural resource depends.

(2) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—The term "Federal public land" means any land or water that is—

(i) publicly accessible;

(ii) owned by the United States; and

(iii) managed by an executive agency for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term "Federal public land" does not include any land held in trust for the benefit of an Indian tribe or member of an Indian tribe.

(3) HUNTING.—The term "hunting" means the lawful—

(A) pursuit, trapping, shooting, capture, collection, or killing of wildlife; or

(B) attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

#### SEC. 4. RECREATIONAL HUNTING.

(a) IN GENERAL.—Subject to valid existing rights, Federal public land shall be open to access and use for recreational hunting except as limited by—

(1) the agency head with jurisdiction over the Federal public land—

(A) for reasons of national security;

(B) for reasons of public safety; or

(C) for any other reasons for closure authorized by applicable Federal law; and

(2) any law (including regulations) of the State in which the Federal public land is located that is applicable to recreational hunting.

(b) MANAGEMENT.—Consistent with subsection (a), to the extent authorized under State law (including regulations), and in accordance with applicable Federal law (including regulations), each agency head shall manage Federal public land under the jurisdiction of the agency head in a manner that supports, promotes, and enhances recreational hunting opportunities.

(c) NO NET LOSS.—

(1) IN GENERAL.—Federal public land management decisions and actions should, to the maximum extent practicable, result in no net loss of land area available for hunting opportunities on Federal public land.

(2) ANNUAL REPORT.—Not later than October 1 of each year, each agency head with authority to manage Federal public land on which recreational hunting occurs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives a report that describes—

(A)(i) any Federal public land administered by the agency head that was closed to recreational hunting at any time during the preceding year; and

(ii) the reason for the closure; and

(B) areas administered by the agency head that were opened to recreational hunting to compensate for the closure of the areas described in subparagraph (A)(i).

(3) CLOSURES OF 5,000 OR MORE ACRES.—The withdrawal, change of classification, or change of management status that effectively closes 5,000 or more acres of Federal

public land to access or use for recreational hunting shall take effect only if, before the date of withdrawal or change, the agency head that has jurisdiction over the Federal public land submits to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives written notice of the withdrawal or change.

(d) **AREAS NOT AFFECTED.**—Nothing in this Act compels the opening to recreational hunting of national parks or national monuments under the jurisdiction of the Secretary of the Interior.

(e) **NO PRIORITY.**—Nothing in this Act requires a Federal agency to give preference to hunting over other uses of Federal public land or over land or water management priorities established by Federal law.

(f) **AUTHORITY OF THE STATES.**—

(1) **SAVINGS.**—Nothing in this Act affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) **FEDERAL LICENSES.**—Nothing in this Act authorizes an agency head to require a license or permit to hunt, fish, or trap on land or water in a State, including on Federal public land in the State.

(3) **STATE RIGHT OF ACTION.**—

(A) **IN GENERAL.**—Any State aggrieved by the failure of an agency head or employee to comply with this Act may bring a civil action in the United States District Court for the district in which the failure occurs for a permanent injunction.

(B) **PRELIMINARY INJUNCTION.**—If the district court determines, based on the facts, that a preliminary injunction is appropriate, the district court may grant a preliminary injunction.

(C) **COURT COSTS.**—If the district court issues an injunction under this paragraph or otherwise finds in favor of the State, the district court shall award to the State any reasonable costs of bringing the civil action (including an attorney's fee).

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 409. A bill to provide environmental assistance to non-Federal interests in the State of North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing the Water Infrastructure Revitalization Act, which authorizes \$60 million through the U.S. Army Corps of Engineers to assist communities in North Dakota with water supply and treatment projects.

Imagine if you went to turn on your kitchen faucet one day and no water came out. This scenario became true for thousands in the communities of Fort Yates, Cannonball, and Porcupine just days before Thanksgiving in 2003. The loss of drinking water forced the closure of schools, the hospital and tribal offices for days. About 170 miles upstream, the community of Parshall faces similar water supply challenges as the water level on Lake Sakakawea continues to drop, leaving its intake high and dry. These and other communities in the State have faced significant expenditures in extending their intakes to ensure a continued supply of water. In addition, the city of Mandan

faces the prospect of constructing a new horizontal well intake because changes in sediment load and flow as a result of the backwater effects of the Oahe Reservoir have caused significant siltation problems that restrict flow into the intake. These examples barely scratch the surface of the problems faced by many North Dakota communities in maintaining a safe, reliable water supply.

Since 1999, the Corps of Engineers has been authorized to design and construct water-related infrastructure projects in several different States including Wisconsin, Minnesota and Montana. The State of North Dakota confronts water infrastructure challenges that are just as difficult as those in these other States. In fact, many of these challenges are caused directly by the Corps of Engineers's operations of the Missouri River dams. As a result, it is only appropriate that the Corps be part of the solution to North Dakota's water needs.

The Water Infrastructure Revitalization Act would provide important supplemental funding to assist North Dakota communities with water-related infrastructure repairs. Under the act, communities could use the funding for wastewater treatment, water supply facilities, environmental restoration and surface water resource protection. Projects would be cost shared, with 75 percent Federal funding and 25 percent non-Federal in most instances. However, the bill reduces the financial burden on local communities if necessary to ensure that water rates do not exceed the national affordability criteria developed by the Environmental Protection Agency.

This bill is not intended to compete with or take away funds for the construction of rural water projects under the Dakota Water Resources Act. Instead, it is meant to provide important supplemental funding for communities that are not able to receive funding from the Dakota Water Resources Act. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue in North Dakota.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 410. A bill to amend the Water Resources Development Act of 1999 to direct the Secretary of the Army to provide assistance to design and construct a project to provide a continued safe and reliable municipal water supply system for Devils Lake, North Dakota; to the Committee on Environment and Public Works.

Mr. CONRAD. Mr. President, today I am introducing legislation to authorize the U.S. Army Corps of Engineers to construct a new municipal water supply system for the city of Devils Lake, ND. This project is very important to the reliability of the water supply for the residents of Devils Lake and is

needed to mitigate long-term consequences from the rising flood waters of Devils Lake.

As many of my colleagues know, the Devils Lake region has been plagued by a flooding disaster since 1993. During that time, Devils Lake, a closed basin lake, has risen more than 25 feet, consuming land, destroying homes, and impacting vital infrastructure. As a result of this disaster, the city of Devils Lake faces a significant risk of losing its water supply. Currently, 6 miles or approximately one-third of the city's 40-year-old water transmission line is covered by the rising waters of Devils Lake. The submerged section of the water line includes numerous gate valves, air relief valves, and blow-off discharges.

All of the water for the city's residents and businesses must flow through this single transmission line. It is also the only link between the water source and the city's water distribution system. Since the transmission line is operated under relatively low pressures and is under considerable depths of water, a minor leak could cause significant problems. If a failure in the line were to occur, it would be almost impossible to identify the leak and make necessary repairs, and the city would be left without a water supply.

The city is in the process of accessing a new water source due both to the threat of a transmission line failure and the fact that its current water source exceeds the new arsenic standard. The city has worked closely with the North Dakota State Water Commission in identifying a new water source that will not be affected by the rising flood waters and will provide the city with adequate water to meet its current and future needs.

The bill will authorize the Corps to construct a new water supply system for the city. Mr. President, I believe the Federal Government has a responsibility to address the unintended consequences of this flood and mitigate its long-term consequences. This bill will help the Federal Government live up to its responsibility and ensure that the residents of Devils Lake have a safe and reliable water supply. It is my hope that this authorization will be included as part of the Water Resources Development Act.

I ask my colleagues to support this legislation to address an important issue for the city of Devils Lake.

By Mr. SMITH:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation that will bring parity to all renewable energy facilities that qualify for the production tax credit under section 45 of the Internal Revenue Code.

I have been a long-time supporter of the production tax credit. There are

significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon.

Currently, however, some eligible renewable facilities get only half the per-kilowatt credit that other types of facilities receive. My goal here is to level the playing field for all eligible renewables without reducing the credit any facility currently receives. Therefore, my bill provides that all eligible facilities would receive the higher credit amount for each kilowatt of electricity produced.

I believe that this bill will help to provide the necessary incentives to diversify our renewable energy resources. It will also eliminate the competitive disadvantage that certain types of renewables currently face. Utilities have little incentive to select renewables that qualify for the lower credit rate when buying green power. The eligible facilities that receive the lower rate include open-loop biomass, incremental hydropower, and small irrigation systems, all of which are important energy sources that could help meet the growing demand for electricity in my State of Oregon and in many other parts of the country.

I urge my colleagues to join me in increasing the credit rate for eligible renewables, and fostering the development and deployment of these important facilities.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 412. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 2633 11th Street in Rock Island, IL, as the "Lane Evans Post Office Building."

For over 20 years, Lane Evans has been my closest friend in the Illinois congressional delegation. We came to the House of Representatives together and he proved to be an indomitable force. Time and again, Lane Evans showed extraordinary political courage fighting for the values that brought him to public service. But his greatest show of courage has been over the last 10 years as he battled Parkinson's disease and those who tried to exploit his physical weakness. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to everyone who knows Lane Evans.

I am pleased to offer this legislation to permanently and publicly recognize Lane Evans and his service to his congressional district, our State of Illinois, and the entire United States by naming the Rock Island Post Office in his honor. It would be a most appropriate way for us to express our appre-

ciation to Congressman Evans and to commemorate his public life and work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 412

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

**SECTION 1. LANE EVANS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the "Lane Evans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lane Evans Post Office Building".

By Ms. MIKULSKI:

S. 414. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce a bill to require the Government to label any food that comes from a cloned animal.

I am strongly opposed to the FDA approving meat and milk products from cloned animals. No one needs cloned milk and meat. Most Americans actively oppose it.

But the Food and Drug Administration has decided that food from cloned animals is safe to eat. And, since they have decided this is "safe," they will not require that it be labeled as coming from a cloned animal.

The American people don't want this. Gallup Polls report over 65 percent of Americans think it is immoral to clone animals and the Pew Initiative on Food and Biotechnology found that a similar percentage say that, despite FDA approval, they won't buy cloned milk.

The National Academies of Science reported that so far, studies show no problems with food from cloned animals but they also admit that this is brand new science. What about the possibility of unintended consequences a few years from now? They cautioned the Federal Government to monitor for potential health effects and urged diligent post-market surveillance.

So even if we agreed the science appears safe, we need to follow it closely. But, once the FDA determines this is safe they said they will allow the food to enter the market unidentified, unlabeled, unbeknownst to all of us and completely indistinguishable from all other food. We won't be able to tell which foods were made the good old fashioned way and which came from a cloned animal.

Must we be compelled to eat anything a scientist can produce in the

laboratory? Just because they can make it, should Americans be required to eat it? Of course not. The public deserves to know if their food comes from a cloned animal.

To help the American public make an informed decision on this, today I will introduce a bill to require all food that comes from a cloned animal to be labeled. This legislation will require the Food and Drug Administration and the Department of Agriculture to label all food that comes from a cloned animal or their offspring. We need to know and we must be able to decide for ourselves. And I mean all food—not just the packages we buy in the supermarket but the meals we choose from a menu.

The FDA has a responsibility to guarantee the safety of our food. Though many aspects of food safety are beyond their control—this is not. We do not know enough about the long term effects of introducing cloned animals, or their offspring, into our food supply to guarantee this is safe. Is this decision to allow cloned animals into our food supply influenced by factors other than keeping the public safe? Are they allowing an eager industry to force a questionably scientific process on an unknowing public?

We simply don't have the same trust in the FDA as we once had. Recently the Wall Street Journal found that over half of Americans feel the FDA does not do a good job keeping our drug supply safe. We want to trust them with the safety of our food supply but what if they are wrong?

What if the FDA has made a mistake and finds out a few years from now that there was a problem with this. If we do not keep track of it from the very beginning—by clear and dependable labeling—we could contaminate our entire food supply. If the food is not properly labeled we can't remove it from the shelves like we did with problematic drugs such as Vioxx and Celebrex. We must be proactive. We must label these foods.

I reject the notion that the FDA or anyone else should force Americans to accept and consume any product that can be manufactured in a lab—no matter how offensive the product is. We need to insist that the FDA treat the public fairly. If cloned food is safe, let it onto the market, but give consumers the information they need to avoid these products. We need to let Americans speak with their dollars and choose the food they have confidence is safe.

JANUARY 25, 2007

**SENATE RESOLUTION 43—HONORING THE IMPORTANT CONTRIBUTION TO THE NATION OF THE ACADEMY OF MUSIC IN PHILADELPHIA, PENNSYLVANIA, ON ITS 150TH ANNIVERSARY**

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas the Academy of Music opened in 1857 in Philadelphia, Pennsylvania and quickly became the most prestigious opera house in the United States;

Whereas the Academy of Music is the oldest grand opera house in the United States that is still used for its original purpose;

Whereas, in 1963, the Academy of Music was designated a National Historic Landmark;

Whereas, over the years, the Academy of Music served not only as a venue for the performing arts community, but has also hosted many graduation ceremonies, along with several Presidential conventions and other important public events;

Whereas the Academy of Music served as the Philadelphia Orchestra's main concert hall for more than a century, and the Orchestra purchased the Academy in 1957 and performs each year for the Academy's anniversary;

Whereas the Academy of Music has had a host of legendary artists grace its stage, from the disciplines of classical to popular music, dance, and drama, including Maria Callas, Joan Sutherland, Marian Anderson, Frank Sinatra, George Gershwin, Duke Ellington, Anna Pavlova, Ruth St. Denis, Ted Shawn, and Margot Fonteyn;

Whereas the Academy of Music has also hosted several sporting events, was turned into an indoor skating rink in 1866, had a wooden floor installed over the parquet level in 1889 to create space for an indoor football game between the University of Pennsylvania and the Riverton Club of Princeton, and had a wooden floor installed again in 1892 for the University of Pennsylvania for a track meet; and

Whereas the Academy of Music has also been a part of other historical and cultural events, such as a demonstration of the telephone by Alexander Graham Bell in 1877, the first ever concert in stereophonic sound in 1933 performed by Leopold Stokowski and the Philadelphia Orchestra, the filming of "One Hundred Gentlemen and a Girl" in 1937, and the recording of the soundtrack of the Disney classic "Fantasia" by the Philadelphia Orchestra in 1939: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Academy of Music in Philadelphia, Pennsylvania, on its 150th anniversary;

(2) honors the important contributions of the Academy of Music to the Nation; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Academy of Music.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 209. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

SA 210. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, *supra*.

SA 211. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, *supra*; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 209. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, line 8, strike "2011" and insert "2013".

SA 210. Mr. KYL submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

On page 4, strike lines 4 through 8 and insert the following:

**SEC. 201. PERMANENT EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.**

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "and before 2010" each place it appears.

On page 4, strike lines 18 through 24 and insert the following:

(1) PERMANENT EXTENSION OF LEASEHOLD IMPROVEMENTS.—

(A) IN GENERAL.—Section 168(e)(3)(E)(iv) is amended by striking "placed in service before January 1, 2008".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2007.

On page 4, after line 24 add insert the following:

(2) PERMANENT EXTENSION OF RESTAURANT IMPROVEMENTS.—

(A) IN GENERAL.—Section 168(e)(3)(E)(v) is amended by striking "placed in service before January 1, 2008".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to property placed in service after December 31, 2007.

On page 6, strike lines 4 through 6 and insert the following:

"(ix) any qualified retail improvement property."

On page 12, strike lines 19 through 21 and insert the following:

(a) PERMANENT EXTENSION OF COMBINED WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.—Section 51(c) is amended by striking paragraph (4).

SA 211. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the end of section 102 of the amendment, add the following:

(c) APPLICABILITY TO AMERICAN SAMOA.—Notwithstanding sections 5, 6(a)(3), 8, 10, and 13(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206(a)(3), 208, 210, 213(e)), sub-

sections (a) and (b) of this section shall apply to American Samoa in the same manner as such subsections apply to the Commonwealth of the Northern Mariana Islands.

**AUTHORITY FOR COMMITTEES TO MEET**

**SUBCOMMITTEE ON STRATEGIC FORCES**

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Friday, January 26, 2007, at 9 a.m., in closed session to receive a briefing on recent Chinese anti-satellite testing.

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

**PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, I ask unanimous consent that Erin Bergman of my staff be granted the privilege of the floor for the duration of today's session.

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

**DISCHARGE AND REFERRAL—S. 172**

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 172 and that the bill be referred to the Committee on Foreign Relations.

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

**NATIONAL STALKING AWARENESS MONTH**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 14, S. Res. 24.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 24) designating January 2007 as National Stalking Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The resolution (S. Res. 24) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 24

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also



physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking, including through aggressive investigation and prosecution: Now, therefore, be it

*Resolved*, That—

(1) the Senate designates January 2007 as "National Stalking Awareness Month";

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, such as police, prosecutors, national and community organizations, and private sector supporters, for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses, and the media to promote, through observation of National Stalking Awareness Month, awareness of the crime of stalking.

#### RECOGNIZING THE UNCOMMON VALOR OF WESLEY AUTREY OF NEW YORK, NEW YORK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 13, S. Res. 21.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 21) recognizing the uncommon valor of Wesley Autrey of New York, New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 21

Whereas Wesley Autrey is a citizen of New York, New York;

Whereas Wesley Autrey is a veteran of the United States Navy;

Whereas Wesley Autrey has been a member in good standing of the Construction and General Building Laborers' Local 79 since 1996;

Whereas Wesley Autrey witnessed a fellow subway passenger suffer from a seizure and fall onto the train tracks;

Whereas Wesley Autrey was compelled by his belief that he should "do the right thing" and serve as an example to his 2 young daughters;

Whereas Wesley Autrey demonstrated uncommon valor and tremendous bravery in diving onto the train tracks to save the life of his fellow subway passenger only moments before an incoming train passed over them;

Whereas the beneficiary of Wesley Autrey's courageous actions is now recovering at St. Luke's Roosevelt Hospital Center, New York;

Whereas Wesley Autrey has conducted himself with the utmost humility in the midst of his newfound fame; and

Whereas Wesley Autrey stands out as an example of selflessness to members of his community, his State, and the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that Wesley Autrey acted heroically by putting his own life at risk to save that of his fellow citizen; and

(2) expresses its deep appreciation for Wesley Autrey's example and the values that his actions represent.

#### MARTIN LUTHER KING, JR. DAY LESSONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. Res. 29.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 29) expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of non-violence, courage, compassion, dignity, and public service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 29) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 29

Whereas Reverend Doctor Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, and earned worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that each person has the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the Nation and used his message of hope to bring people together to build the Beloved Community—a community of justice, at peace with itself;

Whereas Dr. King was born on January 15, 1929, and attended segregated public schools in Georgia;

Whereas Dr. King began attending Morehouse College in Atlanta, Georgia at the age of 15, and received a B.A. degree in 1948 from Morehouse College, following in the footsteps of both his father and grandfather;

Whereas Dr. King received his B.D. in 1951 from Crozer Theological Seminary in Pennsylvania and his Ph.D. in theology in 1955 from Boston University;

Whereas in Boston Dr. King met Coretta Scott, his life partner and fellow civil rights activist, and they married on June 18, 1953, and had 2 sons and 2 daughters;

Whereas Dr. King was ordained in the Christian ministry in February 1948 at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas, in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor there until November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas from 1960 until his death in 1968, Dr. King was again a pastor at Ebenezer Baptist Church, along with his father;

Whereas between 1957 and 1968, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and wrote 5 books and numerous articles, supporting efforts around the Nation to end injustice and bring about social change and desegregation;

Whereas Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama, in the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas during the boycott, Dr. King was arrested and his home was bombed, yet he responded with nonviolence and courage in the face of hatred;

Whereas, on November 13, 1956, the Supreme Court of the United States declared the laws requiring segregation in Montgomery's bus system to be unconstitutional, leading to the end of the bus boycott on December 21, 1956;

Whereas Dr. King led the March on Washington, D.C. on August 28, 1963, the largest rally of the civil rights movement;

Whereas during that march, Dr. King delivered his famous "I Have A Dream" speech from the steps of the Lincoln Memorial and before a crowd of over 200,000 people;

Whereas Dr. King's "I Have A Dream" speech is one of the classic orations in United States history;

Whereas Dr. King was a champion of non-violence, fervently advocating nonviolent resistance as the strategy to end segregation and racial discrimination in the United States;

Whereas Dr. King was awarded the 1964 Nobel Peace Prize in recognition for his efforts, and, at the age of 35, was the youngest man to receive the Nobel Peace Prize;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the Nation as a whole, to act cooperatively and courageously to achieve tolerance, justice, and equality between people;

Whereas, on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas in 1968 Representative John Conyers first introduced legislation to establish a national holiday honoring Dr. King;

Whereas Coretta Scott King led a massive campaign to establish Dr. King's birthday as a national holiday;

Whereas in 1983 Congress passed and President Ronald Reagan signed legislation establishing Martin Luther King, Jr. Day;

Whereas in 2007 Martin Luther King, Jr. Day is celebrated in more than 100 countries;

Whereas in remembering Dr. King we also honor his wife and indispensable partner, Coretta Scott King, a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Mrs. King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the Nation toward greater justice and equality for all, traveling the world advocating for racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and nonviolence that guided Dr. and Mrs. King's dream for the United States will be celebrated and preserved by the Martin Luther King, Jr. National Memorial on the National Mall near the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located near the Lincoln Memorial;

Whereas Dr. King's actions and leadership made the United States a better place and the people of the United States a better people;

Whereas the people of the United States should commemorate the legacy of Dr. King, so "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal'"; and

Whereas Dr. King's voice is silenced today, but on the national holiday honoring Dr. King and throughout the year, the people of the United States should remember his message, recommit to his goal of a free and just nation, and consider each person's responsibility to other people: Now, therefore, be it

*Resolved*, That the Senate—

(1) observes and celebrates the national holiday honoring Reverend Doctor Martin Luther King, Jr.;

(2) honors Dr. King's example of nonviolence, courage, compassion, dignity, and public service;

(3) pledges to advance the legacy of the Dr. King; and

(4) encourages the people of the United States to celebrate—

(A) the national holiday honoring Dr. King; and

(B) the life and legacy of Dr. King.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 2 through 5 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### IN THE ARMY

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. H. Steven Blum

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. Karl W. Eikenberry

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. George J. Smith

#### IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C. section 12203:

#### *To be major general*

Brig. Gen. Eugene G. Payne, Jr.

Brig. Gen. Douglas M. Stone

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE nomination of Wally G. Vaughn, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN117 AIR FORCE nomination of James E. Powell, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN118 AIR FORCE nomination of Jean M. Eagleton, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN119 AIR FORCE nomination of Jeffrey R. Colpitts, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN127 AIR FORCE nominations (8) beginning GAYANNE DEVRY, and ending NEIL R. WHITTAKER, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN152 AIR FORCE nomination of Laura S. Barchick, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN153 AIR FORCE nominations (2) beginning PAUL T. CORY, and ending ROD L. VALENTINE, which nominations were re-

ceived by the Senate and appeared in the Congressional Record of January 11, 2007.

PN154 AIR FORCE nominations (2) beginning BEATRICE Y. BREWINGTON, and ending DEIRDRE M. MCCULLOUGH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN155 AIR FORCE nomination of Anthony M. Durso, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN156 AIR FORCE nomination of William L. Tomson, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN157 AIR FORCE nominations (6) beginning STEVEN H. HELM, and ending DONALD C. TIGCHELAAR, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN158 AIR FORCE nominations (4) beginning ROBERT E. DUNN, and ending WALTER L. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN159 AIR FORCE nominations (6) beginning RICARDO E. ALIVILLAR, and ending MEHDY ZARANDY, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN160 AIR FORCE nominations (7) beginning ROBERT R. BAPTIST, and ending CHRISTOPHER H. WILKIN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN161 AIR FORCE nominations (246) beginning ROBIN MARK ADAM, and ending RANDALL J. ZAK, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN162 AIR FORCE nominations (32) beginning SHARON A. ANDREWS, and ending DONNA M. F. WOIKE, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN163 AIR FORCE nominations (19) beginning MICHAEL P. ADLER, and ending BERT A. SILICH, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN164 AIR FORCE nominations (12) beginning MARK HUGH ALEXANDER, and ending MARGARET D. WEATHERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN165 AIR FORCE nominations (10) beginning LUISA YVETTE CHARBONNEAU, and ending SEFERINO S. SILVA JR., which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN168 AIR FORCE nominations (108) beginning MAIYA D. ANDERSON, and ending JEFFREY L. WISNESKI, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN173 AIR FORCE nominations (14) beginning CHRISTINE LYNN BARBER, and ending CHUNG R. YEN, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

#### IN THE ARMY

PN120 ARMY nominations (3) beginning STEPHEN D. HOGAN, and ending PHILLIP H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN121 ARMY nomination of Laurence W. Gebler, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN122 ARMY nomination of John E. Markham, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN123 ARMY nominations (3) beginning ARIEL P. ABUEL, and ending SCOTT C. SHELITZ, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN124 ARMY nomination of David W. Laflam, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN125 ARMY nomination of Thomas P. Flynn, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN126 ARMY nomination of Earl W. Shaffer, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN128 ARMY nomination of Orsure W. Stokes, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN129 ARMY nomination of Alvis Dunson, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN130 ARMY nominations (4) beginning JEFFREY W. WEISER, and ending LEONARD J. GRADO, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN131 ARMY nominations (3) beginning KURT G. BULLINGTON, and ending JASON M. CATES, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN132 ARMY nominations (2) beginning ALTON J. LUDER JR., and ending DOUGLAS J. MOUTON, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN133 ARMY nomination of Gary L. Brewer, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN134 ARMY nominations (2) beginning MICHAEL J. FINGER, and ending ROBERT T. RUIZ, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN135 ARMY nomination of Philip Sundquist, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN136 ARMY nominations (2) beginning CARRIE G. BENTON, and ending CAROL A. MACGREGORDEBARBA, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN137 ARMY nomination of Marivel Velazquezrespo, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN138 ARMY nominations (4) beginning GRACE NORTHUP, and ending MARY L. SPRAGUE, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN139 ARMY nominations (15) beginning FRANCIS M. BELUE, and ending CARL S. YOUNG JR., which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN140 ARMY nominations (398) beginning JAMES W. ADAMS, and ending X0393, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN141 ARMY nominations (30) beginning EDWARD E. AGEE JR., and ending CEDRIC T. WINS, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN142 ARMY nominations (30) beginning TIMOTHY K. BUENNEMEYER, and ending D060262, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN143 ARMY nominations (62) beginning PHILIP K. ABBOTT, and ending JEFFREY

S. WILTSE, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN144 ARMY nominations (31) beginning CHERYL E. BOONE, and ending FRANCISCO A. VILA, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN170 ARMY nomination of Thomas F. King, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN171 ARMY nomination of Mary P. Whitney, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN172 ARMY nominations (5) beginning JAMES W. HALIDAY, and ending DIMITRY Y. TSVETOV, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

#### IN THE MARINE CORPS

PN190 MARINE CORPS nominations (8) beginning JAMES D. BARICH, and ending GORDON B. OVERY JR., which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2007.

#### IN THE NAVY

PN145 NAVY nomination of Timothy M. Greene, which was received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN146 NAVY nominations (19) beginning DAVID J. ADAMS, and ending CHIMI I. ZACOT, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

PN174 NAVY nomination of Donald S. Hudson, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN175 NAVY nomination of Jeffrey N. Saville, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN176 NAVY nomination of Steven M. Dematteo, which was received by the Senate and appeared in the Congressional Record of January 11, 2007.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### ORDERS FOR MONDAY, JANUARY 29, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. January 29; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each, except that Senator DORGAN be recognized for up to 45 minutes and Senator SPECTER be recognized for up to 30 minutes; that at 3:30 p.m., the Senate resume H.R. 2 for debate only until 5 p.m.; at 4 p.m., Senator SESSIONS be recognized for up to 1 hour; that Members have until 3 p.m. today to file any first-degree amendments. Provided further that the live quorum under rule XXII with respect to cloture motions be waived.

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

### ORDER FOR ADJOURNMENT

Mr. REID. I ask unanimous consent that following the remarks of Senators Burr and Harkin, the Senate stand adjourned under the previous order.

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

The Senator from North Carolina.

### MINIMUM WAGE AMENDMENT

Mr. BURR. Mr. President, on this brisk day in Washington, weatherwise, we have had a refreshing debate about minimum wage. I have listened to the majority leader say that those who have minimum wage amendments and would like to have votes are, in fact, against raising the minimum wage. I introduced my amendment yesterday. I highlighted the wonderful work of Senator KENNEDY and Senator ENZI, the managers of the bill, the fact that we were long overdue for a minimum wage increase, and that, as a Member of the Senate, I thought it was important we explore, as we do this, if we can make some changes that allow us to address other areas.

Now, I happen to be the Senator who offered the amendment—and I thank my colleagues Senator COBURN and Senator DEMINT who are cosponsors—who suggested this—that with the \$2.10 increase we make in minimum wage, we allow an employer to determine if they want to provide that increase in wages or in health care benefits.

We have had a debate in this country for years, over the 13 years I have been here, about the uninsured population and what we need to do. Here is an opportunity to do something. Here is a real opportunity to give employers the incentive to provide to the most at-risk minimum wage workers a health care benefit that can be covered under the umbrella of health coverage that we, as Members of the Senate and those of us who work for the Federal Government, actually have that protects us.

All Americans should have access to quality and affordable health care. Under our current system, many get health care from their employer. Let's increase the number of Americans under that umbrella of coverage and take the opportunity, as we increase the minimum wage rate, to allow employers to be the ones to do it.

The majority leader has filed a cloture motion on S. 2. Let me explain exactly what that means. We are going to cut off the ability to offer amendments on anything non-germane. Anyone listening to the description of my amendment would have to say, clearly, that is germane. You will use the \$2.10 increase in the minimum wage to allow employers to offer health care with that \$2.10. Now, this is not a shot at the Parliamentarian of the Senate, but this amendment is not germane. In filing cloture without an agreement, we

won't be allowed in the Senate to have a vote on my amendment. I can come here and sell the merits of my amendment to those across the country who listen to this and they will say—that makes a tremendous amount of sense. We want to extend health care to the uninsured. An excellent way to do that is to use the power of the employer. As an employer negotiated for the rest of his employees who may not be at the lower end of his pay scale, he can use the minimum wage workers in the group rate and access health insurance cheaper than they could as individuals.

But no, filing cloture means without an agreement the Senate is never going to have a vote on this. We will be denied the vote because this is non-germane.

I am not sure where this fits in that open process I heard described. As a matter of fact, we have actually filed cloture for a bill we have not even called up, a resolution on Iraq. I guess that means we will limit our debate on the war, too. Gee, that is a strange one to limit debate on.

Let me take the time I have today to talk about my amendment. Mr. President, \$2.10; what is that on an annual basis for an individual at the lowest end of the income scale in America? It is \$4,368. Some people will be opposed to the amendment even though they will not get an opportunity to vote on it because they will say that is not enough money. Let me show what it can buy.

Mr. President, \$4,300 a year can buy health insurance, 100 percent for an individual. It can buy almost 50 percent of family coverage. This is the average as followed by the Kaiser Family Foundation of fee-for-service insurance: \$3,782. I might say that regionally, where you live in the United States dictates the cost of health insurance, but this is an average for the United States, fee-for-service, traditional health care coverage, \$3,782; a preferred provider plan, \$4,150; a POS plan, \$3,914; and a health maintenance organization, \$3,767.

The argument that you cannot provide health care with the \$4,368 increase we are giving to a minimum wage worker clearly has been demonstrated by the Kaiser Foundation to be wrong. You cannot only provide it as an employer, you can pay 100 percent of it. A minimum wage worker would not have to put a dime out of their pocket to have health care coverage that is equal to what a Member of the Senate has. But when you file cloture, when you limit debate, when you deny a vote, you have now denied every minimum wage worker in the country of having an opportunity for their employer to work on behalf of their group to extend the health care benefit to minimum wage workers: a 100-percent benefit.

The President and myself—I think we pay 25 percent of our insurance premium for health care, and that percentage certainly changes, depending

on who you work for. But an employer assumes some percentage. Some employers pay 100 percent, but it is rare today. Here is an opportunity to give employers an incentive to provide 100 percent of the premium cost and still have money left over to provide to their employees.

I am sure there are people listening to this debate who are saying this is crazy. If we have 47 million uninsured in this country, how many of those might fall into this category? The reality is, it is almost 15 million Americans whose income is \$25,000 or less.

The average minimum wage worker today makes a little over \$10,000. The actual national poverty level is a little over \$9,000. They are very close to it for a full 40 hours worth of work.

When we look at 47 million Americans, I am beginning to think we like that number more for the purposes of debate than as a target or a goal to solve.

I said at the beginning, I believe all Americans should have access to quality, affordable health care. My opposition only wants that access if the Government provides it instead of the private sector. That was the debate in Part D Medicare when we created the first ever drug benefit for seniors in this country. And there were two sides, those who said only the Federal Government can provide this and those who believed that the private sector could, in fact, negotiate prices—not just for the price of the drugs but through that, the premiums—where seniors could be afforded choices.

Today, the majority of Medicare-eligible individuals are signed up with the Part D prescription drug plan. Much to my amazement, for those who are incredibly pleased with their plan, the percentage is close to 100 percent because of their choices and those who want to assume more financial risk out of their pocket and pay a smaller premium can do it. Those who do not want to pay out of their pocket but want to pay a higher premium can do that. For every milestone we have seen in Part D, drug prices have reduced because we have injected competition, premium prices have reduced because we are now providing drugs to seniors who are actually taking them.

What does that do to our overall health care system? It means the more they are taking their medications, the less likely they are to visit the hospitals. Gee, I wonder if that is applicable to what we are talking about here? Why are health care costs going so high? Yes, we have a lot of new technology. That technology allows us to do things in a noninvasive way. Instead of cracking a chest open and doing a bypass on somebody's heart because maybe they ate the wrong things for 60 years, now we can go in through their leg, we can go up through their vein structure, we can put in a stent and we can open and eliminate the risk of a heart attack. The quality of life is better for them because the recovery is

shorter. In some cases it can be done as an outpatient procedure. That \$70,000 average cost of a heart bypass is reduced significantly and, consequently, with that, the overall health care system sees savings.

Imagine if we had not been doing that what the rise in health care costs would be. Part of health care inflation today—and I suggest it is a large part—is the cost shift that goes on. What is cost shift? The Presiding Officer and I have health insurance.

When we go in and access health care, the hospital, the doctor, the lab, and the pharmacist know they are going to get paid because we give them an insurance card. There is no question in their mind. They know exactly what their reimbursement is going to be. If a Medicare beneficiary at any point accesses health care, that doctor, that hospital, that lab knows exactly what the reimbursement is they are going to get from Medicare for the procedure they offer.

But when somebody goes into an emergency room who is uninsured and they do not pay: What happens to the cost of the procedure they got? It is real simple. It gets shifted to us. It gets shifted to everybody who has insurance. And to recover that, everybody's premium in the country goes up.

So as I stand here and talk about a very specific group, minimum wage workers in America, what everybody has to understand is what we do on this issue affects everybody's health care in America. It affects everybody's premium amount in America. It affects 25 percent of all Federal employees costs. If you want to drive some costs down in the Federal Government, it is easy: Let's do this because we will eliminate a significant part of the cost shifting that is going on in our health care system in this country.

Studies have shown in order to get individuals to purchase their own health insurance, tax incentives to individuals need to cover half or more of their health insurance premium. We are covering 100 percent of it. Many tax-based health care proposals to help the uninsured are criticized because they do not meet the threshold of covering half or more of an individual's health insurance premium. This is the first time I have ever been criticized because we offered 100 percent of the premium.

Now, why might other people object to this? Well, quite honestly, they might say the employees should get wages, not health care. Well, let me restate what I said at the beginning, so it is clear.

All Americans should have health coverage. Mr. President, 14.6 million Americans make less than \$25,000 a year and are uninsured. So if we are wondering in that pot of 47 million what makes up some of them, here is 14.6 million of them right here. They make less than \$25,000 a year, and we know for a fact they are uninsured.

Mr. President, \$2.10 a day can buy basic health insurance for a minimum wage worker. On this chart is a breakdown of millions of uninsured by household income. You notice that close to the largest group is shown right here: \$25,000 and below.

This amendment is like a laser beam on exactly where we can make a difference. You see, we are at a real crossroads in America. We have gotten used to the best health care delivery the world has ever seen. As a matter of fact, if we tried to import from another country—and I will not name one because I do not want to offend them—their health care system into our country, the American people would rebel. They would not wait. They would not accept half a loaf when they thought they deserved a whole loaf. That is how our system is.

So if we want to get a handle on this incredible cost of health care, we have to do two things. We have to provide coverage and we have to promote prevention and wellness.

You see, if we can teach people how to control disease, then the number of times they access health care is going to be less. That is pretty much common sense. The problem is if we cannot create a relationship between an individual and a health care professional, how in the world are we ever going to complete the educational process of what disease management is? How can we teach a diabetic that it is just as important to get exercise and to have a diet as it is to take their medication and check their blood sugar?

As a matter of fact, in Asheville, NC, we are in the 10th year of a project called the Asheville Project, where it has focused specifically on diabetes. This idea was clearly out of the box because the community decided, with a grant, they were going to reimburse pharmacists to counsel diabetes patients.

Think about that: A diabetes patient goes in. They are getting their medications filled. Now in Asheville, NC, and 10 other locations in the United States, that diabetes patient will sit down with the pharmacist, and the pharmacist will look through their drug regimen and make sure it is correct. They will make sure there is no interaction of different medications that they are currently taking. They will talk to them about exercise. They will give them suggestions if they are not getting exercise. They will check their progress if they are. They will talk to them about diet. They will actually weigh them. Maybe that is what we are scared of: If we do this, they will start weighing all of us.

The reality is in Asheville, NC, and these 10 other cities across the country, there is now data. It is not me. It is the data that proves they save \$2,000 a year per diabetic because we now provide for every diabetic this intense relationship with a health care professional.

Now, what you have to understand is that in Asheville's case, and these

other areas around the country, this is not the traditional entry point where we would choose to educate. This is quite creative. As a matter of fact, we have talked about it, and it has been rejected in this institution before, that we actually pay pharmacists to do part of the health care education. I hope it is something we will reexamine because I think there is tremendous merit to it. It has proven to be successful.

But what does it prove? It proves that if prevention and wellness are promoted, there are savings that are derived across the system, and those savings will drive down premium costs for every American.

Well, how do you get there? You get there by making sure every American is covered. Mr. President, 14.6 million—that is a real chunk of people whom we have an opportunity to affect whether they actually have health care coverage, whether they will actually have the education they need with a health care professional on disease management. It could be diabetes; it could be HIV/AIDS. There are a number of things that fall into the category.

But the reality is, if we miss this opportunity, we will continue to have 14 million people who will access health care in the emergency room on an as-needed basis, and the likelihood is, there will be an in-hospital patient with an average stay of over 3 days. And at the end of that stay, they probably will not have the money to pay for it, and, in fact, that will get cost shifted to everybody's insurance across the country. They do not want to do that; they just do not have the money to pay for it.

Well, here is an opportunity for them not to be put in a difficult situation. Here is an opportunity for an individual to have 100 percent of their insurance—let me go back to that. For an individual, \$4,386, under a traditional PPO, POS, or HMO, pays 100 percent of their premium costs—better than we get as Senators—and for a family, \$9,900, \$11,000, \$10,000—\$10,000 is the average across the country, based upon the type of plan you choose. We could pay 50 percent of a family's health care premium if we allowed employers to use the \$2.10 and to apply it to health care benefits versus wages.

One in five adults age 18 to 64 were uninsured in 2004—one in five adults. More than 54 percent of the uninsured are in families making 200 percent or less of the Federal poverty guideline. Again, that is \$9,800 a year. Americans living in households with annual incomes below \$25,000 have a higher incidence of no insurance. Mr. President, 24 percent were uninsured in 2004, compared to 15.7 percent of the total population. You see, this is not just the norm percentage who do not have insurance; this is almost double the national norm.

Now, why this bill? Why the way we chose to do it? Well, employers are the centerpiece of health care delivery in

the United States today. They may not be in the future. I am anxious to have that debate. Personally, I believe a health policy should be like a 401(k) plan. You should be able to take that health policy with you regardless of where you go, that when you change employers, you should not have to lose insurance coverage with a given company and the structure of your plan. You should have the option to take that with you. So I am sure at some point this year we will have that debate.

Mr. President, 174 million workers and their dependents received health coverage through the workplace in 2004. So if you ask yourself, why am I offering this on the minimum wage bill? It is because 174 million Americans receive their health care coverage via their employer. We have this excellent opportunity right now, as we talk about increasing minimum wage, where we can provide the incentive.

I might add, I said the "option," that an employer have the option. I am not mandating that an employer has to offer health care. There is a lot of work that goes into a company providing health care for their employees. They have to meet with plans. They have to negotiate rates. They have to keep records. There are going to be some employers who do not provide health care as a benefit, and they may not provide it for their employees afterwards. But you also have a segment of America that is minimum wage workers where companies would like to find a way for those folks to stay with them versus to leave for a nickel-an-hour or a dime-an-hour increase by somebody else.

I can tell you, if you offer them 100 percent of their health care, then somebody is going to have to bid very high if, in fact, they are not providing health care, too.

Workers, and especially low-income workers, feel more comfortable with their employers negotiating health care benefits than going into the individual market and purchasing it themselves. Why? It is real simple. It is because an employer negotiates volume. When I walk in, they see one individual, and they know I must be uninsured, if I am in there to buy health care, and the likelihood is they are never going to pull that sheet out of the middle drawer that says "discounts." I will never receive a discount as an individual.

And oddly enough, in this country, I have to say—and this is wrong—the lower your income, the more the actuaries look at you and determine you are going to cost more. It is 100-percent wrong. And part of it is the structure of our model in this country: that we seldom promote wellness and prevention. I do not care where your income level is, if you provide those individuals with the tools they need, they are as healthy as the person next to them. What these folks do not have, because they do not have coverage, is they have

no relationship with a health care professional. And that health care professional could be a primary care doctor; it could be a nurse; it could be a hospital; it could be a community health center; it could be a rural health clinic. And in the case of Asheville, NC, it could be a pharmacist in a very targeted program.

More than 8 out of 10 of the uninsured are in working families. I am not talking about isolated individuals. I am picking these folks and not suggesting that we are doing something that just affects individuals. These are families. That is why when I talk about the family piece, think about a family that has never had health insurance for their children. Think about when they go in and their employer says: You know, we have this new requirement that we have to raise the minimum wage \$2.10. But I will offer you 50 percent of your health care premium for your entire family, your wife and your children. It is going to be in place until your children get out of college. Maybe that will give them an incentive to encourage those kids to graduate from high school and to consider higher education as part of their future.

Six out of ten uninsured individuals have at least one family member working full time year-round. This is a huge population we are talking about affecting with this amendment. In 2002, 42 percent of wage and salary workers, age 18 to 64, were not offered health coverage through their employers. Here is a tremendous opportunity, as we do something that I have said I will support, and I doubt it will receive very many votes in opposition—here is an opportunity for the Congress to significantly affect the uninsured. But I remind everybody, we are not going to have an opportunity to vote on this amendment. It is so timely that I would come to the floor, I would wait my turn to talk about an amendment that I couldn't talk about the other day because the leadership was in a hurry. So I called up my amendment so it would be pending—pending means that it should get a vote before cloture would be filed—only to find out from the majority leader when he stood, I think he referred to my amendment as “silly.”

I don't think it is silly. It may be non-germane, but the health insurance of minimum wage workers is not silly. As a matter of fact, it is crucial to the health care change that we have to accomplish in this country if, in fact, we are going to keep health care affordable for all Americans, not just some Americans.

Let me talk about employers and employees. I believe my amendment is a win-win. I challenge any Member of the Senate to tell me who loses. Think about it. An employer is able to negotiate for minimum wage workers at the group rate which means he might be able to negotiate, because he is putting more people in the pool, an even lower cost for his overall workforce than he

had before. He is able to offer his employees health care which his competitor might not. His employees have a tendency, then, to stay with him longer because we all know that there is a cost that is incurred by an employer, an investment to train them, an investment to have them in the business. And the last thing they want to do is see minimum wage workers that work a month or 2 or 6 months and keep moving from employer to employer. And by the way, the one thing they don't have control over as an employer is the days that employees call in because they are sick. Those are days that the employer is planning on getting something done. That minimum wage worker, because they are now sick, picks up the phone and says: I can't be there.

Maybe if we get them covered by insurance, maybe if they actually go for prevention and wellness education, maybe if they learn through that health relationship the things they should do and should not do, maybe they are not going to be picking up the phone and calling in and saying: I will not be there.

The employers lose on those days, but the employees lose on those days, too, because this is a minimum wage worker. They are paid by the hour. They are only paid when they are there. Provide them health care, enable them not to make that phone call, the employer doesn't have a disruption in his business, and the employee doesn't have a subtraction in his paycheck. This is truly a win-win for employees and employers.

Employers will spend less time and less money overall by providing the \$2.10 increase in health benefits. Let me restate that. Employers will spend less money overall by providing it in health benefits. Why? Because they buy in bulk. What does that mean? It is more bang for the buck. They are able to get more benefit for a smaller amount of dollars. That means that when they go and negotiate the structure of a plan, they could negotiate something that had an even richer benefit, maybe no out-of-pocket cost, maybe no copayment for drugs because they have another \$500 there with which they can negotiate. Employers get the same deduction in calculating taxable income, if they provide compensation in the form of health benefits or compensation in the form of wages and salaries.

We all know because we have gone through part of the debate that when employers and employees are covered by health insurance, that is done with pretax wages.

My point is, the tax implication on the minimum wage worker does not go up. They get the same advantage that we have, that their health benefits are not only deductible for the employer, but they can access some pretax dollars to do it.

To deny a vote on this amendment is to not give minimum wage workers the

same thing we have. Sure, there is a discrepancy in the difference that you make and I make and they make, but now we are talking about fairness from the standpoint of benefits. We have an opportunity to change that. And because we are in such a hurry in the Senate and because the majority leader is tired of people offering amendments—I think all of them have merit. I haven't seen any that I thought were for the purposes of delay. As a matter of fact, I would be for moving to wrap up this bill tomorrow if the majority leader would say I could have a vote on this amendment. He is not going to give me a vote. You can use the Senate rules to make sure that votes don't happen. And maybe I could have designed this in a way that it was germane. But sometimes the best things are simple. Sometimes when you lay it out in a way that people across the country, especially minimum wage workers, understand, it is better for them. We could hide it and make it confusing and make it to where employers possibly couldn't provide everything that they could. But we decided to leave it simple.

What might be another objection to this bill? Well, can employers truly implement this process. Let me go to another chart. I think you have heard me say most of this except for the last one: Some coverage is better than no coverage. Will every employer get it right? Probably not. Will every employer get as much bang for the buck as they possibly can? Maybe not. Some coverage is better than no coverage. You have heard the percentages about the population that are at the income levels that minimum wage workers are. If you only believed that this amendment would provide some coverage, then you have to agree with me that is better than no coverage.

Under our current health care system, employees will be better off with health care coverage through their employers because employers get better pricing. If they don't or they can't, then I know what is going to happen. They are going to offer it in wages. But should we deny them the opportunity to try to help us solve part of the health care problem that we have in America, and that is the uninsured that are here?

I said earlier that I thought all Americans had a stake in this amendment because it is their health care premium that is affected by every health care policy we take up. When we add additional mandates for coverage, we drive up premium costs. When the American people exercise, watch what they eat, they help us to moderate health care costs and premium costs. Health insurance, even the most basic health insurance, gives people access to a system of health care, that relationship with a health care professional, that primary care doctor, the prevention and wellness programs, routine testing for chronic diseases that keep them out of a hospital.



I want to relate a story. I won't mention the company. Well, I will mention the company: Dell computers. I think it is important that you understand that they are in one of the most competitive industries in the world. I dare say I don't think anybody is going to wake up tomorrow and say: I think I will get into computer manufacturing because there is so much money to be made. Everybody globally is in computer assembly and manufacturing. Dell does it the best. I don't say that just because they have a plant in North Carolina. I say it because the experts say that.

I might also say, since Lenovo has a plant in North Carolina, they do a pretty good job, too. But Dell recognized one day that if they wanted to be competitive in this highly competitive industry of computers, they had to do something about health care. They were self-insured. They had already taken the first step. They assumed a lot of the risk as a company to drive down the cost of their health care for employees and, consequently, for the company. What did Dell find out?

Dell tried to make available prevention tools for their employees. If they were overweight, they would give them a dietician to work with them. If they had diabetes, they would give them somebody who could counsel them about diabetes. If they smoked, they paid for a cessation program. What happened? Less than 10 percent of the Dell employees who were affected by these things took advantage of the program. Less than 10 percent of them signed up to receive the help.

Any other corporation in America might have said: I will just accept the fact that we are going to have this high health insurance. But Dell realized: We are still making computers. And if we can't fix this, we are not going to be competitive.

What did they do? Dell offered employees up to \$250 cash if they would sign up for the program. I will tell my colleagues, the American people respond to money. They do respond to money. All of a sudden, the enrollment in these plans went sky high. Today, some 5 or 6 years later Dell computers can prove that they save about \$1,700 for every employee who goes into that program. Those numbers may have changed since the last time I met with them.

My point is this: Everywhere we looked—private sector, public, individual, group—where we have been brave enough to go out and do it differently, where we have been brave enough to force prevention and wellness into the system, it works. It works for the employee and for the employer. It is job security because they are more competitive. And every American receives the benefit of it because there is less cost shift in the system.

Let me bring it back to where we are. All Americans should have health coverage. We have this unique oppor-

tunity, as we debate the opportunity for minimum wage workers to receive a \$2.10 raise over a period of time, to give the option to every employer to provide that \$2.10 increase in health care benefits versus in wages. And the Kaiser Foundation's health research proves that, for an individual, regardless of whether it is traditional fee-for-service insurance, point-of-service, or health maintenance organization, that \$4,368 a year pays 100 percent of the premium cost for that minimum wage worker, which is a higher percentage than a Member of the Senate is paid for by the Federal Government. That means a minimum wage worker is not required, such as I am, to pay 25 percent of their health care cost, but they would get 100 percent. If, in fact, their family is uninsured, which the majority of them are, the Kaiser Family Foundation says the average for family coverage—wife, kids, unlimited—that an employer for a minimum wage worker can provide is almost 50 percent of the premium cost.

This is a tremendous opportunity, from a standpoint of health care policy, that I so hope we are not going to miss the opportunity to do. But if my colleagues on both sides of the aisle allow debate to be shut down without an agreement from the majority leader that he is going to allow a vote—the only reason I can see not to have a vote is because nobody has figured out how to put a second-degree amendment on it. It is too simple. Procedurally, if they can kill it, they would.

In North Carolina, Mr. President, there are 1.3 million uninsured individuals; 17 percent of my State's population is uninsured, compared to the national average of 16 percent. So, listen, I feel bad. I wish to see North Carolina do better. As a matter of fact, we have probably more waivers in health care than any State in the country right now, from Medicaid to the soon-to-be dual eligibles under Medicare because we are trying to lower the costs for everybody by being creative as to how we do it. I will tell you this: In North Carolina, the centerpiece of our success is two words: Prevention and wellness. When we are able to establish a relationship with a health care professional, we now have an opportunity to bring prevention and wellness into every person's health care regimen. I am convinced this is absolutely crucial to the future of health care in this country and to the affordability of health care for the future.

Eight hundred and ninety eight thousand uninsured individuals and families are on their own with one full-time worker in North Carolina. So when I said 1.3 million uninsured, understand that almost 900,000 of them are in families—families who could get 50 percent of their premium paid for by their employer, if we gave the employer the option of providing health care versus being forced only to provide wages.

In North Carolina, we have 204,360 uninsured part-time workers. That means

they are not going to work 40 hours. So maybe they are only going to work 20 hours, and instead of getting \$4,368, they are going to get a little over \$2,000. Well, even those part-time workers—uninsured part-time workers—if they are earning minimum wage under this program, as much as 50 or 60 percent of the premium of their health care could be paid for. So it is not limited to full-time workers.

It is too simple. It is way too simple. Everybody in the country gets it. Why doesn't the Senate get it? How can anybody look at this and say we should not do it? It is easy. The Senate rules allow you to not have a vote. I am not trying to delay; I am trying to make the bill better. I am trying to learn from what we are learning all across the country—that there are smart people outside Washington who are in companies, in States, who are involved in the health care system, and we have a real opportunity to take what they have been telling us and apply it to the most at-risk group of Americans, which are the minimum wage workers.

I have always shrugged it off when somebody came up to me and said: Gee, do you guys ever listen in Washington? Do you pay attention to what is going on? Because I thought we did. I do. But, you know, what I am learning today is that "we" don't. You cannot come on the floor of the Senate day after day and talk about the uninsured population and how we have an obligation to take care of it, and here is a real opportunity to do it—and what is the majority's answer? We are not going to let you vote because we think you are trying to delay.

I am not trying to delay, I say to the majority leader; I am trying to provide health care for minimum wage workers—for maybe 14.6 million people in this country. You know, the sad part is, even if I get this done, there are still 30 million Americans who are uninsured. Maybe the fear is that it will work. Maybe they will find out that when these guys get insurance, they are no longer going to be sick. Maybe they are worried we are going to find out that if they are not sick, our insurance will go down and every American's insurance will go down.

Health care continuously ranks as one of the top issues in this country. I have devoted 13 years now to understanding health care to the degree that I feel like I can walk into an operating room and do a procedure, even without staying at a Holiday Inn Express. But, you know, we are not listening to them. We are not listening to doctors, nurses, community health centers or rural health clinics. And I can tell you this: We are not listening to the American people. We are not doing what we can to provide the opportunity for health care coverage to be extended to them. Do you know what? People with high health care costs, in the absence of having to spend that on health care, are not going to spend it in other areas. It is those other areas that create jobs. It is the groceries, it is the

gas, those things they pick up on the way home to eat that fuels our restaurants.

If you want to have good balance and growth in the economy, if you want Americans to be at work, if you want this country to prosper, this is a piece of it. This is a piece to make sure Americans have health care coverage. I am confident this is not the last time we are going to have this debate this year. We will have a debate, and it will actually be considered germane. I have wondered for the time I sat and listened to the majority leader, what will be the excuse then? Maybe it is because it wasn't their idea. Maybe it is because they would like to wrap it into something bigger.

Well, as I said, 13 years after I have worked on health care—and I see my colleague from Iowa and I know he wants to speak, and I will wrap up, and I don't know anybody who has devoted much more to health care than he has. This is a real opportunity, Mr. President. It is an opportunity for the Senate to actually do something on health care versus sitting on the floor and talking about it. As it stands right now, this opportunity for minimum wage workers in America will not happen because the Senate will be denied the opportunity to vote as to whether they would like this to be part of the plan. Again, I am sure it is difficult for America to believe that this is not germane to the minimum wage bill, as it was to me. But I am not here to battle the interpretation of the Parliamentarian; I am here to suggest to you that one of the reasons we are here is we are supposed to do what is right. We are supposed to pay attention to what is going on across the country, and we are supposed to do what is right to fix it.

I ask you to think that I am doing something right today. I could walk away having a vote where I didn't win. But not getting the opportunity to have a vote cheats America out of the opportunity to begin to turn around our health care system. I hope that between now and Tuesday with the cloture vote, Members on both sides of the aisle will have an opportunity to look at this vote and to encourage the majority leader to allow us to have a vote and, if not, to encourage him to vitiate the cloture vote and allow us to talk some more.

This is important. We ought to spend time talking about major policy shifts. For the 10 years I spent in the House of Representatives, I dreamed of the fact that I could come to this floor, with the tremendous thought and debate that goes into the work here—I am not going to tell you I am disillusioned, but I can tell you this: To take something of this importance and to suggest we are not going to vote on it, or to suggest that when we are talking about ways we can improve a bill, we haven't got time to sit and debate this, that is not the Senate I envisioned before I got here.

That is not the deliberative process, the open and balanced and thoughtful Senate I used to see from the other end of the Capitol. It is my hope that, as we move forward, we will be allowed the opportunity to debate this more. Hopefully, we will be allowed to vote up or down on it. As I said, if I lose, I will save the debate for another day and another bill. We are going to have an opportunity to debate health care, I know. We are going to find more things to agree on than we disagree on. I never envisioned the Senate saying that because this is a tough vote we are not going to take it.

This vote is not near as tough as the fact that 14 million Americans, who are, in all likelihood, minimum wage workers, could have the option of health care if we did this and are not going to have health care if we don't vote. That is not silly, and it is not a delaying tactic; it is policy.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from North Carolina for his timely speech. He knows what I mean by that. I didn't hear all of his remarks, but I did catch the tail end of them, and I think I get the import of his remarks, which is basically that we need to do something about health care in America. We need to debate it, discuss it, vote on it. But to the extent somehow some kind of blame is being laid at the step of those of us on this side of the aisle—after all, we just took over the Senate about 3 weeks ago—I remind my friend from North Carolina that his party has been in charge for the last several years, and they have had the White House. We haven't seen anything come from the White House, nor have we seen anything come out of the Congress to deal with this over the last several years.

Be that as it may, I say to my friend from North Carolina, the President put forward a proposal in his State of the Union Message. We will see what the budget looks like when it comes down next week. I join with him. I hope we will have a good debate and discussion. It is the most important issue we have confronting our society today. But it is not just, I say to my friend from North Carolina, the issue of how we pay the bills and how we pay for people who get sick. The issue is preventive medicine. How do we make prevention pay? How do we make prevention the incentive? How do we incentivize prevention?

I noticed a full-page ad in the Washington Post this week and also in the New York Times talking about prevention is the answer. If we really want to get a handle on cutting down the cost of health care in America, just jiggling how you pay the bills is not going to be the answer. We have to get in front of this issue and make an incentive for people to live a healthier lifestyle, for businesses to provide workplace settings that are healthy, helping to make sure people get their physicals, annual

checkups, mammogram screenings, cutting down on smoking, making sure that our schools also teach kids at the earliest age what it means to stay healthy. We are building elementary schools in America now without playgrounds. What kind of nonsense is that?

So our whole thrust on this health care issue, I say to my friend from North Carolina, we always just keep focusing on how we are going to pay the bills. That is a problem, obviously, but if we want to get out ahead of it, we have to start focusing on preventive medicine. I look forward to that debate hopefully soon.

#### INCREASING THE MINIMUM WAGE

Mr. HARKIN. Mr. President, I came to the floor today to talk about the issue that has been in front of us all week—I assume it is going to be coming to a close early next week—and that is the debate and vote on whether we are going to increase the Federal minimum wage.

I regret that previous Congresses have blocked any increase in the minimum wage. The Senate has rejected 11 attempts to raise the minimum wage since 1998—11 times. Last year, we had 52 Senators vote in favor of it, but we didn't have the 60 Senators to invoke cloture and get to a final vote.

Scores of religious and antipoverty groups have called on Congress time and again to recognize the basic principle that Americans who work full time and play by the rules should not be consigned to poverty.

In 1966, Martin Luther King, Jr., said:

We know of no more crucial civil rights issue facing Congress today than the need to increase the Federal minimum wage and extend its coverage. . . . A living wage should be the right of all working Americans.

I join with Rev. Martin Luther King, Jr., and say it ought to be a right. According to the Congressional Research Service, the real value of the minimum wage today, if it had the same purchasing power as it did in 1968, the year Dr. King was so tragically assassinated, if the minimum wage had the same purchasing power today, the minimum wage would be \$9.19 an hour. What are we talking about increasing it to? We are talking about increasing it to \$7.25 an hour. But at least with the earned-income tax credit, which is new since that time, food stamps—we had food stamps then also, perhaps a little more generous now—that \$7.25 an hour would at least get a family of four above the poverty line, and that would be a historic achievement for our Nation.

It is simply immoral to tell working Americans that they ought to try to provide for their family's needs on \$5.15 an hour. My colleagues and I who offered this bill respect work, we value work, including the most humble type of work. That is why we fought for years to try to ensure the minimum wage kept pace with inflation and updated periodically. But for 10 years, the

leadership has blocked us from increasing it.

Again, I remind my colleagues that the Fair Labor Standards Act, which instituted the minimum wage in 1938, one of the primary aims as enunciated by Franklin Roosevelt was alleviating poverty. Yet now the minimum wage condemns workers to a life of poverty for themselves and their children no matter how hard they work.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn about \$10,712. That is \$5,000 below the poverty line for a family of three. The current minimum wage would not even keep a single person and one child above the poverty line.

The inflation-adjusted value of the minimum wage has declined by 20 percent since the last increase in 1997. I point out that since that time, Congress has raised its pay eight times, \$31,600.

Several of our colleagues have suggested all we have to do is increase the earned-income tax credit and that would address it. I am a supporter of the EITC, the earned-income tax credit. It makes a major difference for millions of Americans in poverty, but I don't see it as either/or. You make the earned-income tax credit and the minimum wage go hand in hand, and that really does alleviate poverty. There are a lot of people working in minimum wage jobs who don't understand the earned-income tax credit. Their employers may not inform them of it. They may or may not get a mailing. Maybe they can read it, maybe they can't. Possibly no one may inform them of it and they pass it by. That is why we have to raise their pay.

There is another aspect. It is saying to someone: We value your work. Your work is valuable, whether you are cleaning a hotel room, sweeping up, waiting tables. No matter what it is, your work is valuable.

When we erode people's pride in their work, we also erode their sense that they are a valuable, contributing member of our society.

Those who suggest we just expand the EITC seem to be the same ones who say how great the economy was last year. The economy was pretty good last year for those in the top brackets. It is said that a strong economy is a rising tide that lifts all boats. What if you don't own a boat? Shouldn't those at the very bottom also get a raise? Shouldn't a college kid working part time, who is technically not counted as living in poverty, get a raise to help pay for textbooks? Why is their hard work valued at less than one-third of the median wage?

We have heard the outrageous suggestion that a rise in the minimum wage is somehow a threat to the economy. That is nonsense. Just before signing the Fair Labor Standards Act, here is what President Franklin Roosevelt said. You can almost hear the echoes of his voice:

Do not let any calamity-howling executive with an income of \$1,000 a day tell you that

a wage of \$11 a week is going to have a disastrous effect on all American industry.

Today, the average CEO makes a whopping 821 times more than a worker on minimum wage. That is what this chart shows. Back in 1965, 1968, it was about 51, 54—the average CEO made about 50 times more than a minimum wage worker. Today it is 821 times more. That means that the average CEO makes more on one day before lunch than a minimum wage worker makes all year.

I remind my colleagues that corporate profits increased more than 21 percent in 2000 and reached a 40-year high. Yet the minimum wage is at a 50-year low. As a result, people who work for profitable companies making the minimum wage, what happens? They are forced to use public health care. They are forced to get food stamps, another taxpayer-funded assistance, to make ends meet. So are we subsidizing the huge profits that these companies are making, which then turn around and pay their CEOs 821 times more than the minimum wage worker because we are taking tax dollars from the middle class and helping to pay for their food stamps, health care, and other needs?

Some business groups argue that raising the minimum wage would mean that some jobs would be eliminated. In the absence of Federal leadership on the minimum wage, many States have taken it upon themselves to raise the minimum wage. Currently, 30 States, the Virgin Islands, the District of Columbia, and, I might add, my own State of Iowa have a minimum wage higher than the Federal minimum of \$5.15 an hour. Do you know what. It didn't hurt any of those States.

The Fiscal Policy Institute has studied what happens to small businesses and job growth right after the minimum wage is increased. That is what this chart shows. It shows States that have higher minimum wages and those that don't. Then we see the growth rates. There is not much difference. Both are about the same. So it doesn't hurt growth, business growth, or anything else.

People say: How can that be if they pay a higher minimum wage? How can their growth be the same or sometimes greater than a State that pays less in minimum wage? It is very simple. People who make a decent wage work harder when they get a good night's sleep. If they are working two jobs or have a sick kid at home, they may not get a good night's sleep, and they can't be as attentive to their job. If they sleep in a well-heated apartment instead of a cold flat, when they are able to eat decently and have a good nutritious meal a couple of times a day, they can be more productive. When they can get health care for an abscessed tooth that is driving them nuts rather than going to work and not being attentive to their job, they can be more productive. So when workers earn more money, they contribute more to society, and everybody wins.

Our failure to raise the minimum wage is more than an economic failure. It is a failure of democracy. Again, we live in a society where we can afford to raise the minimum wage. We can afford to have a basic standard of living for anyone willing to work for it. Yet we fail to insist, as Martin Luther King, Jr., said, on this basic right.

Unfortunately, it is hard to get people who earn the minimum wage to come here and lobby for it. They can't afford the time off, much less the airfare or even the gas to get here. Think about this: A worker making minimum wage can buy 2 gallons of gasoline for an hour of labor—an hour of her labor. I say "her" because 59 percent of workers who earn the minimum wage are women.

But even people who won't directly benefit from this legislation overwhelmingly support it. A recent AP poll found that 80 percent of Americans of all income levels favor raising the minimum wage.

This country desperately needs this increase. With declining employer-sponsored health care, the demise of other benefits, including pension benefits, with dramatic costs and other costs of living—housing, for example—workers have to pay for more with less.

The National Low Income Housing Coalition has calculated that the national housing wage—that is the hourly wage needed to pay fair market rent for a two-bedroom apartment—was \$15.78 an hour in 2005. In other words, the average for a two-bedroom apartment, \$15.78 an hour, was the minimum one needed to actually pay for rent and to provide food and other needs for a family. That is about triple the current minimum wage.

Economists are all saying that we have to raise it, we should raise it. They know it will improve the lives of working Americans without increasing inflation or unemployment. But the average American doesn't need to hear from Nobel Prize-winning economists to understand the basic principle that people who work hard and play by the rules ought to be able to feed their kids, house them, and give them a good education. It is really basic fairness, and it is fundamental economic morality.

America should not be a nation that favors the powerful and well-connected at the expense of low-income workers and their families. It is time to do right by the least fortunate among us. It is time to value and honor the work of those at the bottom of the income scale. After 10 long years, it is time to raise the minimum wage.

ADJOURNMENT UNTIL MONDAY,  
JANUARY 29, 2007, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, January 29.

Thereupon, the Senate, at 2:30 p.m., adjourned until Monday, January 29, 2007, at 2 p.m.

## CONFIRMATIONS

### Executive nominations confirmed by the Senate Friday, January 26, 2007:

#### IN THE ARMY

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 general*

L.T. GEN. DAVID H. PETRAEUS

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*

L.T. GEN. H. STEVEN BLUM

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*

L.T. GEN. KARL W. EIKENBERRY

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. GEORGE J. SMITH

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. EUGENE G. PAYNE, JR.

BRIG. GEN. DOUGLAS M. STONE

#### IN THE AIR FORCE

AIR FORCE NOMINATION OF WALLY G. VAUGHN TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES E. POWELL TO BE COLONEL.

AIR FORCE NOMINATION OF JEAN M. EAGLETON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JEFFREY R. COLPITTS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH GAYANNE DEVRY AND ENDING WITH NEIL R. WHITTAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

AIR FORCE NOMINATION OF LAURA S. BARCHICK TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL T. CORY AND ENDING WITH ROD L. VALENTINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH BEATRICE Y. BREWINGTON AND ENDING WITH DEIRDRE M. MCCULLOUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATION OF ANTHONY M. DURSO TO BE MAJOR.

AIR FORCE NOMINATION OF WILLIAM L. TOMSON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN H. HELM AND ENDING WITH DONALD C. TIGCHELAAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT E. DUNN AND ENDING WITH WALTER L. SMITH, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH RICARDO E. ALIVILLAR AND ENDING WITH MEHDY ZARANDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT R. BAPTIST AND ENDING WITH CHRISTOPHER H. WILKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBIN MARK ADAM AND ENDING WITH RANDALL J. ZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH SHARON A. ANDREWS AND ENDING WITH DONNA M. F. WOIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL P. ADLER AND ENDING WITH BERT A. SILICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MARK HUGH ALEXANDER AND ENDING WITH MARGARET D. WEATHERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH LUISA YVETTE CHARBONNEAU AND ENDING WITH SEFERINO S. SILVA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH MAIYA D. ANDERSON AND ENDING WITH JEFFREY L. WISNESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE LYNN BARBER AND ENDING WITH CHUNG H. YEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

#### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH STEPHEN D. HOGAN AND ENDING WITH PHILLIP H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF LAURENCE W. GEBLER TO BE COLONEL.

ARMY NOMINATION OF JOHN E. MARKHAM TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ARIEL P. ABUEL AND ENDING WITH SCOTT C. SHELTLZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF DAVID W. LAFLAM TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF THOMAS P. FLYNN TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF EARL W. SHAFFER TO BE COLONEL.

ARMY NOMINATION OF ORSURE W. STOKES TO BE COLONEL.

ARMY NOMINATION OF ALVIS DUNSON TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JEFFREY W. WEISER AND ENDING WITH LEONARD J. GRADO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH KURT G. BULLINGTON AND ENDING WITH JASON M. CATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH ALTON J. LUDER, JR. AND ENDING WITH DOUGLAS J. MOUTON,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF GARY L. BREWER TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. FINGER AND ENDING WITH ROBERT T. RUIZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF PHILIP SUNDQUIST TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CARRIE G. BEN-TON AND ENDING WITH CAROL A. MACGREGORDEBARBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATION OF MARIVEL VELAZQUEZCRESPO TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH GRACE NORTHUP AND ENDING WITH MARY L. SPRAGUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH FRANCIS M. BELUE AND ENDING WITH CARL S. YOUNG, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH JAMES W. ADAMS AND ENDING WITH X0393, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD E. AGEE, JR. AND ENDING WITH CEDRIC T. WINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY K. BUENNEMEYER AND ENDING WITH D060262, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH PHILIP K. ABBOTT AND ENDING WITH JEFFREY S. WILTSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

ARMY NOMINATIONS BEGINNING WITH CHERYL E. BOONE AND ENDING WITH FRANCISCO A. VILA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

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

ARMY NOMINATION OF MARY P. WHITNEY TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JAMES W. HALIDAY AND ENDING WITH DIMITRY Y. TSVETOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

#### IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES D. BARICH AND ENDING WITH GORDON B. OVERY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2007.

#### IN THE NAVY

NAVY NOMINATION OF TIMOTHY M. GREENE TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DAVID J. ADAMS AND ENDING WITH CHIMI I. ZACOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

NAVY NOMINATION OF DONALD S. HUDSON TO BE COMMANDER.

NAVY NOMINATION OF JEFFREY N. SAVILLE TO BE COMMANDER.

NAVY NOMINATION OF STEVEN M. DEMATTEO TO BE LIEUTENANT COMMANDER.