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# Senate

The Senate met at 10 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.

Almighty and everlasting God whom the heavens of heavens cannot contain, illumine us by Your grace, that we may accurately represent You.

May our Senators today show You their gratitude through humble service to this land that we love. Help them to do Your will by bringing deliverance to captives, guidance for the lost, and relief to the oppressed. Direct their steps and give them the wisdom to focus on the things that truly matter. When bewildered by vicissitudes, may they look to You as the one whom they must seek to please.

Touch us all with Your unfailing love, particularly the many staffers and other unsung heroes and heroines who labor long hours in the background for liberty. We pray in Your merciful 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, June 22, 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.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

## SCHEDULE

Mr. REID. Mr. President, the Senate will conduct morning business this morning. It will be announced as soon as I sit down. Members will speak for up to 10 minutes each under the order. There will be no rollcall votes today or during Monday's session.

## CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

AMENDMENT NO. 1867

Mr. REID. I ask unanimous consent that the title amendment to H.R. 6, which is at the desk, be considered and agreed to and the motion to reconsider be laid on the table.

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

The amendment is as follows:

Amend the title so as to read: ''An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.''.

## MEASURE PLACED ON THE CALENDAR—H.R. 2359

Mr. REID. Mr. President, I know that H.R. 2359 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

## HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOSHUA MODGLING
SERGEANT FIRST CLASS WILLIAM ZAPFE

Mr. REID. Mr. President, a few weeks ago, on Memorial Day, I spent a good part of the day in Boulder City, NV, where we have a veterans cemetery. It is new but growing fast. There are almost 25,000 graves in that cemetery which started less than 15 years ago.

On that day, I joined veterans, family, and friends to pay thanks to the Nevadans who have lost their lives in the Iraq and Afghanistan wars.

On that occasion, I shared the words of President Lincoln when our country was torn apart by the Civil War. Lincoln said:

My dream is of a place and a time where America will once again be seen as the last best hope of Earth.

With the war raging in Iraq, with the whole area destabilized, his words ring loudly and clearly. My dream, as Lincoln's, is of a place and time where America will once again be seen as the last, best hope on Earth.

The day before yesterday, PFC Joshua Modgling, of Henderson, NV, lost his life in pursuit of that dream. He was 22 years old. Joshua and Army SFC William Zapfe, from Kentucky, both died of wounds from a roadside bomb. They were 2 of the 15 killed within 36 hours, the day before yesterday, in that bloody civil war raging in Iraq.

There is not much that can be said, other than our hearts are with the families of Joshua and William and all those who knew them. I speak for my colleagues and all Americans in praying that every brave man and woman serving overseas will come home safe and come home soon.

## PASSAGE OF H.R. 6

Mr. REID. Mr. President, leaving that subject, which is certainly a subject that concerns us all, turning to the subject of this morning, around midnight, when we passed the Energy bill, it was a tremendous accomplishment for this body. As I said yesterday when, with the first vote, cloture was invoked, I hope that set a new tone and pattern in Washington, where we can work together to pass things.

It would be one thing if the bill that was before the Senate for the last couple of weeks was a Democratic bill, but it wasn't. I took what was passed out of the Energy Committee on a bipartisan basis, I took what was passed out of the Commerce Committee on a bipartisan basis, I took what was passed out of the Environment and Public Works Committee on a bipartisan basis and put them into one bill and that is what we have been working on. It is bipartisan legislation.

It is too bad some tried to make it a partisan issue. There is nothing partisan about it. It was a bipartisan bill. But some who do not want any accomplishments in the Senate, who resent the fact we have been able to pass minimum wage; drought relief for farmers for the first time in 3 years; for the first time since President Bush has been President, we have gotten money for homeland security, over his objection—we had tried many times—we got $1 billion; we funded SCHIP; we funded the Government. You know, the Republicans left town and funded the Government only until February 1. We funded the Government until October 1. We passed a balanced budget, even though our majority, because of Senator JOHNSON's illness, was 50 to 49. Republicans with 55 to 45 couldn't pass a budget. We did, and some resent that.

We have focused attention on Iraq, which has been unfocused for the entire course of that war. We had 80 hearings. The Judiciary Committee has focused attention on the scandals at the Justice Department, led by Attorney General Gonzales. We have reestablished the legislative branch of Government. The Presiding Officer served for many years in the other body, such as I did. The House and the Senate make up the legislative branch of Government, set forth in the Constitution many years ago to be a separate and equal branch of Government—the legislative, executive and judicial branches of Government.

For the first 6 years of this Presidency, there was no legislative branch of Government. It did not exist. The President ignored it because the Republican-dominated House and Senate gave the President a big rubber stamp. We have changed that, and rightfully so, for the American people.

A number of people made possible passage of the bill late last night, or this morning. Senator BINGAMAN, Senator BOXER. And let me say this about that wonderful Senator from the State of California, Mrs. BOXER. Senator BOXER has one grandchild, Zach. I have watched him grow up. I don't know, he must be 10, 11 years old now. I watched him when he was a little boy crawling around on the floor. She was so excited.

I had the good fortune, my wife and I, to spend a weekend with them in one of their homes in California, she and Stu. They were so excited they were going to have their second grandchild. That second grandchild was born last night about 6 o'clock eastern time. She flew to California and was headed toward the airport, actually had entered the airport, when the vote occurred last night. She was coming back here to be here this morning to take that vote.

She is a real soldier. I so admire Senator BOXER. We came to Washington together in 1982. She was able to go back and spend some more time with her grandson because we didn't need her here this morning, but the vote was that close.

The bill is important. The overall manager of the bill was Senator BINGAMAN. He did a tremendous job. This quiet, effective man—Stanford and Harvard degrees—has done a wonderful job with this legislation, as he does with everything.

The CAFE standards in this bill which we have passed are so important. For 25 years, we have been trying to get increased fuel efficiency. Each time we have tried we have been defeated. People had enough. Senators had enough. We have voted against CAFE standards for too long. We were told they said that if you voted for increased fuel efficiency, we are going to close production plants, we are going to lay people off, we are going to lose market share.

They were right, except it didn't take increased fuel efficiency. They simply became not competitive. Other cars coming into this market that people wanted to buy, fuel-efficient vehicles, were bought. So we increased fuel efficiency. It is great for this country. It will save millions of barrels of oil every year.

There was legislation that was drafted by a number of people to make this effective. It came out of the Commerce Committee originally, but the people who worked so hard the last few days were Senator FEINSTEIN, Senator KERRY, Senator SNOWE, Senator STEVENS, and let me say, I have the good fortune in working very closely with the senior Senator from Washington, Mrs. MURRAY. She is the secretary of the Democratic caucus. I have worked with her very closely.

She is a tremendous Senator, a tremendous asset to me, the caucus, of course the State of Washington, and the country.

One of the quiet, effective Members of the Senate is MARIA CANTWELL. Those of us who watched her the last 3 days on this Senate floor, making sure there were enough votes to pass the aspect of the bill we call CAFE standards, saw her effectiveness. She, at any given time with votes changing back and forth knew—that piece of paper she carried—where the votes were. I went to her many times yesterday and said what happens if this happens and what happens if this happens? She knew right away.

Senator INOUYE, the chairman of the Commerce Committee, reported that out. He worked with Senator STEVENS to make sure that as the matter changed a little bit, it was done properly. I hope I mentioned Senator KERRY's name; I meant to. He is such a believer. He has written books. He is so concerned about the environment.

Words cannot describe how important Senator CANTWELL was in our being able to pass this legislation. Of course, my friend Senator DURBIN, who is the whip, assistant leader, is always around, always helpful in doing things I and others ask him to do, and does so much on his own.

I wish I could express my appreciation adequately to all of the people whose names I mentioned. If I slighted someone, I certainly did not mean to do that. But I have mentioned some names that have come to my mind.

With strong bipartisan support, we passed an energy bill that will grow our economy, strengthen our national security, and protect our environment. If passed into law, this bill will put us on a path toward reducing our reliance on oil by increasing supply of renewable fuels produced right here at home, and decreasing the amount of energy we use in our cars, homes, and offices.

Why do we say it will strengthen our economy? Because especially in rural America there will be biofuel buildings, factories to make biofuels.

We have done things to protect our environment by reducing greenhouse gases and other toxins that are emitted using fossil fuel. For the first time since 1975, our bill raises standards for new cars and trucks, as I have mentioned, from 25 to 35 miles per gallon,

which is really important. That still puts us behind Europe, Japan, and China, but it is a critical step in the right direction and will save up to 1 billion gallons of gas every day. Think about that—1 billion gallons of gasoline every day. I don't know how big a tank a billion gallons is. I do know that we use 21 billion barrels of oil every day in America, 65 percent of which is imported. I know how big a hole that is. It is the width of a football field, 11 miles long and 10 feet deep.

For the automakers still wavering on increasing fuel efficiency, I say this: Do not fight the change; embrace it. There is no reason our automobile manufacturers cannot do this. There is no reason. Others do it all over the world. Cannot we as Americans do it? Of course we can. They need to embrace the opportunity to build the high performance cars and trucks Americans want to buy and drive and which we so desperately need for the sake of our national security and global warming. It is time for American automobile manufacturers to lead the world once again. That will only come through a commitment to clean innovation.

The next part of the bill that passed reduces crude oil consumption by more than 10 percent over the next 15 years by producing more renewable fuels, by producing them right here at home, more renewable fuels on America's farms, fields, and in our forests, which will create tens of thousands of new American jobs.

We set new energy efficiency standards with light bulbs, light fixtures, appliances, water heaters, boilers, air conditioners, which will save half a trillion gallons of water every year. For a State such as Nevada—Las Vegas gets 4 inches of rain every year—that is dramatic.

Because Government should lead by example, we also dramatically improved the energy efficiency of Federal buildings and vehicles, as relates to energy, which will save billions of American taxpayer dollars.

Senator BOXER has a provision in this bill that relates to the capture of carbon. It is a carbon capture study at the Capitol powerplant, and it also requires 15 percent of every bit of energy we use on this Capitol Hill complex—by the way, there are more than 10,000 employees here—that we need to get that from renewable sources.

We need to invest in the technologies that will drive our energy future, such as carbon capture and storage, that hold the hope of containing carbon emissions from producing power sources before they ever reach the air.

Last night's passage of the Energy bill was a great victory for the American people. Here is why: We will save American consumers tens of billions of dollars annually, cut our oil consumption by 7 million barrels a day within 20 years, reduce our dependence on foreign energy sources now, and take critical steps in these early stages of our fight against global warming. There is a long way to go to secure the kind of clean and safe energy future we need. This bill is a first step, but it is an important first step.

The bill is not perfect. It is unfortunate that in passing this bill the administration and most Senate Republicans blocked an effort to require more of our Nation's electricity to come from renewable sources as well as incentives to spur the production of more renewable fuels right here in America. But this fight is not over. Our friends in the House will pass their bill quickly so we can send it to the President for his signature. But this bill, once again, shows us when we find common ground, we can accomplish uncommon good.

Mr. President, I see that my friend and partner in what happens here in the Senate is here, Senator DURBIN.

I have already expressed, Senator DURBIN, my appreciation for the work you did in getting to the final passage of this bill. You and I spend so much time alone that I do not often get to say anything publicly about you, so I will take a brief moment to say you and I have been in the legislature, on a national basis, since 1982 together. We have had good days and bad days. That is what legislation is all about. But I so appreciate having you as a partner here in the Senate. You have been stalwart. The people of Illinois are so fortunate to have you representing them in the Senate. I hope I can tell you in this manner how much I admire and appreciate your advocacy, your friendship, and the good work you do for all of our country.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The assistant majority leader is recognized.

## PASSAGE OF H.R. 6

Mr. DURBIN. Mr. President, thank you for recognizing me. Also I want to thank the majority leader for his kind words. He and I work very closely together, spend more time together than we ever imagined as we embarked on this journey, now in leadership, to try to serve the people of this Nation.

I want to say a word about my friend from Nevada. Senator HARRY REID is misunderstood by many Americans. Because he is soft spoken, and not as assertive as some politicians are, there are many on the outside who question his leadership capacity. No one on the inside questions it. He is the most highly respected leader I have ever had the good fortune to work with. It is based on the fact that he is inclusive, he is honest, outspoken, and stands by those who are willing to work harder to achieve our agenda.

Last night was a perfect illustration of this. The Energy bill was just a dream, a theory, for so long. The question was, could we put together a bipartisan coalition. We had to find a level of compromise and a level of cooperation or we did not have a chance. It was not easy to try to put into law, for the first time in over 20 years, a new national goal for fuel efficiency of our cars and trucks. It changed a lot of things and was viewed as threatening by many people.

My wife and I have made a point of doing our very best to buy American cars. We are loyal to the American automobile industry. With very few exceptions we have tried to make sure our purchases were on behalf of American workers. It was painful last night to be engaged in a debate where my good friends in the automobile industry, not just management—but I guess I have to be totally open with you, I am closer to those who work the lines, in Belvidere, IL and Bloomington, the United Auto Worker employees. I know these men and women. These are good people. They are hard-working people. They take pride in what they do.

They have been disappointed. I have as well. But our automobile industry in this country has been falling farther and farther behind. Just a few months ago, the CEOs, the major corporate officers of the Big Three came, just a few feet away, and met with the leadership in Congress. I had a chance to ask a question of the CEOs of Ford and General Motors and Chrysler. I asked a pretty hard question, but it was one that has been bothering me.

I said to them at the time: You know, I am one of your most loyal customers. I have owned cars and trucks from each of your companies and plan on continuing to try to buy your products in the future. But I am troubled because of the simple fact—I asked them—I said: Have any of you ever heard of a magazine called ''Consumer Reports''?

There was this kind of embarrassed silence in the room. I said: Well, I want you to explain something to me. Why, for the last 20 years, have American cars consistently shown poorer performance results than imported cars? Why have foreign cars, particularly from Japan, over the last 20 years consistently shown better performance results, better trade-in value? Why? What has been happening out there? We have the best engineering schools in the world. We started this industry, at least on a mass volume basis. Why is there such a difference in quality?

There was this pained silence while they waited for one of them to respond. Finally, one of the CEOs said: Well, we are getting better.

I said: I hope you are.

But the bottom line is, this industry now has been challenged. If the bill we passed last night is passed in the House of Representatives and becomes law, they will face a challenge. I, for one, believe they can rise to this challenge. I honestly do. It is going to call for a different mindset among the management at the highest levels in our automobile companies. It is going to call for the same spirit of can-do approach we have seen on the assembly lines from the workers. I think they can rise to this challenge.

I think America wants them to. I want to buy a car made in this country by American workers that is of the highest quality, that I can take pride in driving, knowing it is not only a good bargain for my family, but also a good deal for the environment.

That, I think, is what most Americans want to do. Now, that means there is going to have to be some new thinking. It means a lot of people in the boardrooms of those major companies are going to have to sit down and rethink their game plan.

I met with the man who is about to become the leader of Chrysler Corporation. He was talking about the fact that his private equity bought Chrysler because of their patriotic feelings. They do not want this great American car manufacturer to go away.

Well, I know if you are in business, sentimentality takes you so far. At some point you have to produce a profitable product. I think there is a profitability product built into the Energy bill we talked about last night. I believe if there is a conscious effort by our automobile manufacturers, they can meet these fuel efficiency standards we have included in our bill.

They can convince a lot of skeptical Americans it is time to come back home, to start buying these American cars. Now, it will be a painful process. There will be winners and losers. But, ultimately, I have confidence in this country, in the companies that work in this country, and in the workers of this country. When they come together, they can achieve great things.

Last night we set down a challenge to them: Change what you are selling in America. Make it a better product. Make it a more efficient product. Make it a product that is going to help us deal with global warming and climate change.

I think most American families are on board for that agenda. That is why I think the passage of this was so important. We never would have passed this energy bill late last night were it not for a bipartisan effort. We had many Republicans who crossed the aisle to join us. I think ultimately 17 or 18 came over to join the Democrats in the key procedural vote that moved this forward. Then the final vote was 65 to 27; there were even more.

We could have never achieved this goal of a new energy bill were it not for bipartisan cooperation, if Republicans had not come forward.

For some, it wasn't easy. When the Republican Senate leader, Mr. MCCONNELL of Kentucky, stood up last night late in the debate and said: I want this debate to end, I want this bill to be defeated, I am going to vote no on the cloture motion—I heard him make that announcement—I was stunned. This is a bill which the administration believes has good elements relative to fuel economy. Yet the Republican leader stood on the floor and said: I am going to try to stop this bill. He did not prevail because 17 or 18 of his colleagues thought it was more important that the bill move forward. I salute them. It took extraordinary courage for them to do what they did.

There was another element in the Energy bill which is important to me because of my midwestern roots and because of my determination to see America shake its dependence on foreign oil. I am sick and tired of the United States hat in hand begging for oil from countries overseas. Many of these nations we turn to for oil don't share our values. In fact, some of them are on the wrong side in the war on terrorism. To think that every time you swipe that credit card through the gasoline pump or put the money on the counter, a portion of that is going to a nation which is funding terrorism is an outrage. It has to end. To think that time and again our brave soldiers, men and women in uniform, are drawn into conflicts in the Middle East because of oil is unacceptable. I don't want my grandchildren to face that. I want America to be as close to energy independent as possible. How do we reach that goal? Homegrown fuel, homegrown energy. We grow it in my State every year, a new crop of corn. With that new crop of corn, more ethanol, more alcohol fuels, and more biodiesel come from the soybean fields. That means we have less of a need to import oil.

Last night, in this bill, we raised to a much higher level our national goals when it comes to alcohol fuels, renewable fuels. It means a growing industry in my part of the world, in the Midwest, in Iowa, Illinois, Ohio, where ethanol plants are being built. These plants use local production of agriculture, corn by and large, and turn it into alcohol. The construction workers are building the plants, good-paying jobs. There are people at the plants making sure they are producing ethanol. They are shipping products in trucks driven by Americans to put in the cars driven by Americans. I feel good about this. We are moving in the right direction.

This bill made a significant commitment to strengthen the market for alcohol fuels. I was disappointed that my biodiesel program was not included. I wish it had been. I am not giving up. We have a farm bill coming up. We will have several other opportunities. I think biodiesel is great. It uses soybeans and other oilseeds to produce a vegetable oil added to diesel fuel so that we don't see that huge plume of black smoke coming out of the tailpipes of diesel trucks and cars, so there is less pollution. More homegrown energy is a good thing for the country. I want to include it as part of the energy picture.

This was a hard debate over the last 2 weeks. I am sorry it took 2 weeks. We wasted more time on the floor. I am sure the people who have C–SPAN on their cable often turn to it and say: What in the world is going on in the Senate? It doesn't look like there is any movement. Is anybody alive down there? The floor looks empty except for the handsome and beautiful staff we have here who are on television during the day. Many times there are periods when there is no activity. Time is wasted. There was time wasted on this bill. Time and again, the Republican minority forced us to wait 30 hours, file a motion, wait another 30 hours.

We have a lot to do. I think we owe it to the American people to roll up our sleeves and get it done. We need more bipartisan cooperation. We need to put an end to these endless motions and procedural delays. Let's get down to business. Wouldn't the American people cheer us if we said: Let's pass the 9/11 recommendations and turn them into law to make America safer; let's do something immediately about No Child Left Behind to send money to the schools so they can hire the very best teachers and produce students who are ready to compete in the 21st century. Wouldn't the American people cheer us if, instead of being lost in some procedural morass day after weary day, we came up with a way to help working families pay for college education expenses for their children so they don't end up graduating deep in debt and unable to take the jobs they had their hearts set on?

There are so many things we need to do. With a little cooperation from the other side of the aisle and a better approach, we can say to our Republican friends: You are entitled under the rules of the Senate to produce amendments, to ask for a vote, to ask for debate. But at some point, it has to come to an end. At some point, we have to move forward.

## EMPLOYEE FREE CHOICE ACT

Mr. DURBIN. Mr. President, we are going to have a bill come up next week, a critically important bill known as the Employee Free Choice Act. I confess I come into this debate with strong feelings. I am a product of a family where my mother and father, my two brothers, and I were all members of labor unions. This was during a period where the labor movement created the middle class in America. It was World War II's aftermath. All of the returning veterans had an appetite to build homes, start families, open schools, and create the kind of middle-income working families who are the bedrock of America's democracy. The organization that helped these Americans move

forward was the labor movement. Organized labor went into plants and factories and offices across America and said: Workers, if you stand together, if you bargain together, great things can happen.

They did. We created health insurance as we know it today, pension plans that have provided the kind of security people dream of in retirement, good-paying jobs in safe workplaces. The American dream was realized. People bought the second car, put the kids through college, had enough time for a vacation, and enjoyed the good life in America.

It is no coincidence that as the strength of America's labor movement has declined. So, too, have the wages of working families. Not that those working families aren't doing a good job; they are. They are producing more goods and services than ever. They are more productive than ever, but they are not being paid for their hard work. They are not receiving a decent, livable wage so they can work one job and still have time with their family. They are not receiving the kind of health insurance protection they once received and fewer and fewer are receiving.

Taking a look at the numbers, in Illinois the median hourly wage fell in 2003, 2004, 2005, and 2006 by 4.4 percent. Think about that. The median wage of people getting up and going to work every day is not keeping up with inflation; it is falling behind. Health care benefits in Illinois, the share of the population under the age of 65 with employer-provided health insurance fell from 71.9 percent in 1999 to 68.2 percent in 2004. Fewer people had health insurance through their employers over a 5-year period. That is the wrong direction. Pensions are the same. In my State, 52.6 percent of the people had employer-provided pensions in the years 1998 to 2000. By 2003 to 2005, the share had dropped to under 50 percent.

I honestly believe if workers can organize, if they can bargain, we could have profitable corporations with quality goods and services, good employee morale, and employees treated decently. That can happen.

The Employer Free Choice Act says that we want to give employees who want to organize a fighting chance. Some will say during the debate: If a majority of the workers in the workplace sign a card and say, I want to be part of a union, the process moves forward. Currently, if 30 percent of the workers sign a card, they move toward an election. Do you know how long it takes to have this election? Do you know how long it takes for the employees to finally get their chance to vote today as to whether they want a union? The Chicago Tribune pointed out in March of this year that the average National Labor Relations Board disputed election—and so many of them are disputed—takes 802 days to resolve, more than 2 years. Just think for a moment: if we said that the interminable campaigns we now have for public office would double in length—instead of a year from announcing your candidacy to a vote, we will make it over 2 years—is it possible voters would lose interest in that period of time? Is it possible people could work on their minds about prejudices against a candidate or for a candidate during that time? Of course it is. We need to make this a reasonable period and a reasonable process that comes to the ultimate question: Do a majority of the workers at this location want to organize collectively to try to represent their best interests and the interests of their family? I believe that is only fair.

Tuesday morning, we will have a vote. I hope my colleagues on both sides will take a close look at the legislation. If we give more opportunities for workers to express their heartfelt intentions about creating a union and they do, what is going to happen in America is as positive as what happened after World War II. We are going to see more workers in safer workplaces with decent living wages, good health insurance, and good pension benefits, and the corporations will still make a profit. Instead of giving some CEO $600 million for very little performance, they may have to make do with $300 million. I know it is going to be tough, but I think they can get by and then take that $300 million and give it to the workers so they have a chance to enjoy a good life without indebtedness and without the worries that come with the current situation.

I hope my colleagues will join me on Tuesday in supporting this effort. I hope in joining me, we will see a change in the law and, with this change, we will see a dramatic improvement in the economic fate of American families.

## PROTECTION OF CLASSIFIED INFORMATION

Mr. DURBIN. Mr. President, this morning's Washington Post had a front-page story that troubles me. It is about Vice President CHENEY and his attempts to exempt the Office of the Vice President of the United States of America from the Presidential Executive order that establishes a uniform, government-wide system for safeguarding classified national security information. The decision by Vice President CHENEY to exempt his office from this system for protecting classified information troubles me. It could place national security secrets at risk.

It is hard to believe the Vice President is taking this action given the history of security breaches involving high-ranking officials in his office. Scooter Libby, the Vice President's former Chief of Staff, has been convicted of several felonies: perjury, obstruction of justice, and false statements. He has been sentenced to prison in part for his role in disclosing the identity of a covert CIA agent and then misrepresenting that fact to a grand jury. Worse, it appears, at least according to these press reports, Vice President CHENEY has attempted to block inspection of Federal agencies and White House offices to ensure compliance with the security procedures required by the President.

According to the National Archives, the agency responsible for conducting the oversight, Vice President CHENEY asserted that his office is not ''an entity within the executive branch'' and, therefore, not subject to Presidential Executive orders. The Vice President is arguing that his office is not in the executive branch of Government? It is hard to imagine the tortured logic Vice President CHENEY is using to avoid the requirements of the law and Executive orders.

Then he recommended that the Executive order be amended to abolish the Information Security Oversight Office. Here is a Vice President who has already been challenged as to the groups he meets with and the people he consults with in making some of the most important decisions for the country's policy. Here is a Vice President who has sadly misrepresented this war in Iraq over and over again, from the initiation of the war, the existence of weapons of mass destruction, and now is saying that he is not covered by the law when it comes to the disclosure of classified information within his own office. This is evidence of arrogance of power, and it is unacceptable.

The Vice President of the United States and his former Chief of Staff are not above the law. They have to be held to the same high standard of performance as Members of Congress and every member of our Government. For the Vice President to believe he has no responsibility to meet this requirement of the law is, in my mind, a dereliction of duty and responsibility to the people of the United States. And then for him to attempt to abolish the agency that was putting pressure on him to follow the law shows he has gone entirely too far.

Vice President CHENEY is not above the law. He is required to follow the law, as every American citizen should. This situation and the prosecution of his former Chief of Staff are evidence of an attitude toward governmental responsibility which has to change. I sincerely hope the Vice President will make it clear in the week ahead that he is finally going to comply with these Executive orders, that he is going to make sure we protect classified information moving through his office so we do not compromise this important intelligence data that keeps America safe.

Mr. President, I yield the floor.

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

## HONORING OUR ARMED FORCES

### PRIVATE FIRST CLASS THEODORE M. ''COTY'' WEST

Mr. MCCONNELL. Mr. President, I rise today to honor the legacy left behind by a brave young Kentuckian. In Berea, KY, people remember Theodore M. ''Coty'' West as a devoted husband, a caring older brother, a loving son, and a steadfast friend.

His fellow soldiers remember him as a sturdy soldier who cared about his buddies. His legacy remains in the form of a charity he founded that sends care packages to soldiers serving in Iraq. This work is now carried on by his family, in his memory.

PFC Theodore M. West—''Coty'' was his nickname—enlisted in the U.S. Army in August 2005, and was assigned to the 2nd Battalion, 5th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, at Fort Hood, TX.

He was deployed in Iraq in support of Operation Iraqi Freedom in November 2006. Just a few weeks later, on November 29, 2006, an improvised explosive device detonated near his vehicle during combat operations in Baghdad, tragically ending Coty's life. He was 23 years old.

For his valorous service, Private First Class West received the Bronze Star and the Purple Heart, along with numerous other medals and awards.

Private First Class West understood the values that set America apart have been paid for by freedom's defenders, and he wanted to join their ranks. In a letter to his church that arrived on the day he died, Coty urged his friends at home to ''sleep well tonight . . . because tonight we stand guard on the wall, and no one will get through to hurt you.''

That kind of courage to stand up to any enemy, that strength of spirit, made Coty West one of America's finest sons.

Coty grew up amidst the rolling hills of Berea, KY, surrounded by a loving family, a circle of friends, and a devoted young wife. All of these members of Coty's community hold special memories of him, from when he was a little boy to the day he left for Fort Hood.

It was in Berea, when Coty was only 4 years old, that he told his parents he and his brother Ben would go out and dig for treasure. His parents told their young treasure hunters to be safe and stay within sight. Imagine their surprise when Coty and Ben returned home with a collection of 14 antique silver dollars and some antique jewelry they had dug up in the yard.

Coty's family was important to him. They remember him gallantly saddling up and taking out his horse at the age of 8, in a saddle as big as he was, desperately trying to be brave, when he must have been scared to death.

And the time he and his younger sister Sheri enrolled in a hunting safety course so they could get their hunting licenses. The younger Sheri bested Coty by 10 points on the test, a fact he was never allowed to live down.

Coty and his family especially enjoyed taking road trips. They would travel to NASCAR races, State parks, and Civil War battlefields. It was something the family cherished, especially as the kids grew up. It gave them a way of all getting back together again.

On July 5, 2006, Coty married Jennifer Gregory in a military ceremony near her home in Greenville, KY. His father later wrote that ''the ceremony really fit Coty, as it was beautiful, it was country, and it was military.'' Jennifer remembers her husband as ''an angel . . . and perfect.'' I am certain Coty felt the same about her.

After graduating from Estill County High School, Coty worked in his family's energy and construction business as an operator and foreman. He was certain, though, that his career lay in the military. His father describes Coty as neither a hawk nor a dove, but a soldier. He viewed his job as protecting those he loved and waging war on those who would harm them.

Early on in his military career, Coty became aware of the financial burden combat could have on his fellow soldiers. He also felt for those with little or no family, who lacked the messages from home that so often sustain a young soldier.

So Coty began a charity to help his fellow soldiers going to Iraq. His efforts evolved into ''Coty and Friends,'' a circle of military families and supporters who would send soldiers needed supplies before their deployment.

But Coty never lived to see his plans come to fruition. He was killed before the first box of Coty and Friends supplies arrived in Iraq. The group's efforts still continue, in his memory.

The night Coty was deployed to Iraq, the last thing he told his family was: ''I love you all, I know you love me, I am good at my job, and I will see you soon.''

Coty leaves behind a beloved family. He is missed and cherished by his wife, Jennifer Gregory West, his mother, Rene Brandenburg, his father, Bill West, his stepmother, Mary Ann West, his sister, Sheri Miller, his brothers Dee, Matt, and Ben West, his grandparents Rufus West and Jessie Mae Brandenburg, and many others.

Coty West understood the price of freedom. He wanted his family to be safe here at home, and he saw that they would be, as he and his fellow soldiers stood guard on the wall. He gave of himself so others could enjoy what he fought to protect.

The Coty and Friends charity still brings his family together, and it still sustains our brave sons and daughters in Iraq who stand guard on the wall, so that others may live in peace and security.

This country will never forget PFC Theodore West's sacrifice. Neither will the soldier in Iraq who opens a Coty and Friends care package tonight. I ask the Senate to send their thoughts and prayers to the West family, who continue to give to their country, even after they have already given so much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are all thankful for those comments given by our Members about the extraordinary bravery and heroism of our men and women who serve in the Armed Forces of our country. All of us, day after day, salute their courage and their dedication to the country, and it reminds us of our responsibility of making sure we are going to get the policy right in Iraq. More about that at another time.

## THE ECONOMY AND WORKING FAMILIES

Mr. KENNEDY. Mr. President, we find ourselves now in the middle of June, and it is important, as we move through the legislative agenda—and more on that next week—that we pause for a few moments and take stock about where our country is in terms of the economy of this Nation and take stock about where our country is with regard to working families in this Nation.

We often get tied up on particular pieces of legislation, but I think all of us are very mindful it is the working families of this Nation who have made America great. If America is great—and it is great—it is because of working families in all parts of our Nation.

We are mindful of our recent history: of those extraordinary men and women who lifted our Nation out of the Great Depression of the 1920s and the 1930s; the extraordinary exploitation of workers that took place, even prior to that time and during that period of time; and the struggle workers had in order to have a voice in the decisionmaking part of this Nation, in the workplace as well as in governmental policies, that influenced the conditions by which they worked. It was a long, continuing struggle. It was a long, continuing struggle, with a loss of life and blood that was shed and with battles that were fought—physically fought.

Out of the end of it came the trade union movement, which has made such a difference in terms of the life of this country, the fairness of the country, the economic fairness and economic justice of the Nation.

It has always impressed me—as one who has been a sponsor of the increase in the minimum wage, with a number of our colleagues—that even though many of these union members are making a good deal more than the minimum wage, that any time issues about the working conditions of fellow Americans who are at the short end of the economic ladder arise, they are always out there. They are always there. They are always not only speaking for but in support of their fellow workers in this country.

That was seen in this last year in the six different States that had initiatives about the increase in the minimum

wage, where the representatives of the trade union movement were out there going door-to-door, working with other families, shoulder to shoulder, to try to indicate and reflect that this Nation wanted to make sure that work paid, that those on the short end of the economic ladder—primarily women—were going to be able to receive a decent wage for a decent hour's work.

We need to recognize, again, the majority of women who are out there receiving the minimum wage have children, so it is a children's issue, it is a women's issue. It is a civil rights issue because so many of those who earn the minimum wage are men and women of color. Most of all, it is a fairness issue. Americans understand fairness.

What we have seen over the more recent years is enormously distressing and disturbing because we have seen that those efforts of the trade union movement are targeted by unscrupulous employers and companies who are bent upon destroying the trade union movement and to move us back into a different time and a different circumstance for those workers.

We saw, in fact, it took 10 years for us to get an increase in the minimum wage. The minimum wage was purchasing, at the end of those 10 years, perhaps less than at any time in the history of the minimum wage. We have seen it reflected in the policies of this administration, when they cut about 6 million workers out of overtime and when they refused to include Davis-Bacon provisions for the restoration of the buildings and constructions down in the gulf coast because of Katrina and with a whole series of additional kinds of activities. We see the courts, as well, striking down protections in the last few weeks—protections for an increase in the minimum wage and overtime pay for homecare workers. We see the Supreme Court also effectively striking down equal pay for women. There is really an assault—an assault—on working families.

As we look back at the history of this country, what really reflects—these are general statements and comments, but let's look at what were the circumstances and what were the conditions I speak about. If you look at 1947 to 1973—and we are looking at the economic growth in the United States of America; this is the Economic Policy Institute—and you look over this chart and you see each segment of the American economy is all growing, virtually at the same rate. This was 1947 to 1973. America was growing together. This is extraordinary because we know we just came out of World War II. We had mobilized 16 million of our fellow citizens, and that had an extraordinary impact, and we had to retool the whole domestic economy and still we were able to see the growth in the United States of America move along at a similar kind of growth pattern so that all Americans and those at the lowest end of the economic ladder moving just a little bit faster, a little bit faster than some of those in the top 20 percent.

Then, from 1973 up to the year 2000, we find a new political philosophy taking place in this country. These were the policies we were going to see, the very dramatic and significant tax cut policies, the economic policies that took place in the 1980s and after, with the Republicans. We look at this and we see the level of growth between 1973 and 2000, and we see the lowest economic growth growing at the lowest rate and on up to those at the top growing the fastest—in a number of instances, growing three or four times faster than those at the lowest. That is a direct result of economic policies by primarily the Executive and Congress, which advantages those individuals at the top of the economic ladder and disadvantages those at the bottom.

If we look at what has been happening over the last 5 years, we see those at the lowest end of the economic ladder are now not only not moving up but falling further and further behind, and those top 1 percent—not the top 20 percent, but the top 1 percent—have been moving up so dramatically. So we are having a divided America.

Now, let's see what is the one factor that has had the greatest influence. This is an interesting chart because, remember, we talked about 1947 and how we all grew together. Look at this. We had the increase in productivity, that is the increase in workers' output, finding more efficiencies, more effectiveness, and we also found a corresponding increase in the wages. American workers were participating in the increased productivity, and with that participation all during this 20-year period, the American economy and Americans were growing together—growing together, not apart. We ask ourselves: Do we want to be a divided nation, or do we want to be one nation with one history and one destiny?

Then look what happened during the latter period. This is at a period of peak union membership. Wages and productivity rose together. America was on the road to prosperity, and all Americans were participating, and the trade union movement played an important role to ensure fairness in the workplace. Now we find that the unions are declining. And what happens correspondingly? As the unions decline, the workers fall further behind. Here we have real wages from the 1970s to 2000 virtually stagnant, and the increasing productivity which grew at 206 percent more than wages. What does that demonstrate? It demonstrates that we have seen the extraordinary growth in the profits. We find workers' wages have basically stabilized, but corporate profits grew up to 63 percent. Wages were down here, and profits were at the top during the same period of time that workers and unions are being attacked and attacked and attacked.

From 1947 to the early 1960s, right in here, we had effectively what we call the card checkoff, which is the subject of the legislation we will be voting on next Tuesday. Interestingly, the card checkoff was in effect all during this period of time: from 1941, 1946, 1956, right up to 1966. We had the card checkoff then.

The legislation we will be voting on next Tuesday has already been in effect and been utilized. We will hear a lot of statements on the floor of the Senate about a process and a procedure which is irregular and fraught with problems and complexities, but the fact is, we had it in use in the United States of America all during the period where we had economic stability and economic growth, and the Nation was growing together. Then, as the National Labor Relations Board changed and the Supreme Court and businesses got geared up, they effectively eliminated the card checkoff.

We have seen what has been happening in the workplace, and this indicates how abuses have skyrocketed. So when we had the checkoff, we had economic growth, we had economic prosperity, and America growing together. That is what we want. That is what next Tuesday morning is about—to restore this period of time when America, with the checkoff, was able to ensure economic growth and prosperity for workers across the board. That is what we are looking for.

Now, you say: Well, what are all these abuses you talk about? That is an easy word to use, but what are we really talking about? What we are talking about are these kinds of abuses which are the everyday abuses being used in the workplace.

First of all, the workers face too many roadblocks to try to get a union. Over here, workers who lead the union effort are fired. I will give examples and illustrations of that.

Then, the employer challenges the election results at the NLRB. So even if they have a successful vote for the union, too many of all of those results are challenged in the NLRB.

Then, the employer appeals the ruling often in court.

Then, the employer stalls and refuses to bargain for a first contract.

If you look at what has been happening in the courts, you will find more have been upholding the National Labor Relations Board when they have found against the workers.

Then, after 1 year, the employers, if they are able to delay, can seek to stop recognizing the union, and workers have to start all over again.

This is a pattern. This isn't a unique situation. This is what is happening now.

This is what is happening. The employees are fired in one-quarter of all the private sector union organizing campaigns. One-quarter are all fired. One in five workers who openly advocate for a union during an election campaign is fired.

Now, it is fair enough to ask—in 2005, here is the employer abuses chart. In

2005, 30,000 workers received backpay after the National Labor Relations Board found that employers had violated their rights—30,000 in 1 year alone. That means employers at some time during the year fired or violated the rights of 30,000 people—30,000. That is 30,000 we are talking about who are being treated unfairly.

Now, the question becomes, do workers really want to join? Are we talking about something that is a real problem or not?

Here is 1984 to 2005. Workers want unions more than ever, but can't join them. The percentage of nonunion workers who want a union is up 23 percent. The percentage of workers in a union is down 6.5 percent. So you would think with those kinds of indicators we would be able to have a clear pathway where people would have an opportunity to join, but that is not the case. What we have seen is out across the countryside, on a wide range of different kinds of issues, this is what is happening across the countryside for the average family in this country.

We find that gas is up 79 percent. We find medical expenses are up 38 percent. College tuition is up 43 percent. We find that housing is up 40 percent, and wages effectively are stagnant or up only 4 percent.

The survey we earlier saw about the numbers of people who wanted to join the unions show that over half of the workers—more than 60 million workers—would join a union if they could, but they cannot.

Now, we have given some of the flow lines and the statistics, but these charts show what happens to some real people: ''I was fired,'' Erron Hohrein, former boilermaker from Front Range Energy. This is a picture of him.

They forced us to attend meetings. They threatened that if our campaign was successful, our paychecks may suffer. Managers would follow me around the workplace at all times. They would not permit other workers to talk to me. They isolated me from my coworkers. Within days after the union election was certified by the National Labor Relations Board, I was fired.

This gentleman worked in that plant and found all kinds of safety concerns and raised the safety concerns to the employers and was told to keep quiet, even though he believed those kinds of safety matters were endangering the lives of the people with whom he was working. When he found that the employer was unwilling to try and address some of these safety conditions, he said: I am going to try and form a union. Then he had the following circumstances: within days after the union election was certified, he was fired. So this is happening out there. These are examples of the 30,000.

Anna Calles, who is a laundry worker in North Carolina:

The union was the only way to have better pay, good health insurance and equality, not discrimination. Cintas will never improve working conditions on its own free will. When we tried to organize, management told us that we would lose our jobs. The workers are scared. The NLRB has not been able to help much. We have had to wait three years to get a decision.

Delay, delay, delay, delay.

Cintas has appealed the NLRB's ruling that the company committed extensive violations of workers' rights.

So Anna and her coworkers are still waiting for justice.

These are real-life stories. It is quite clear why individuals want to be able to join the unions.

These are the figures which show that union members get better wages. These are Department of Labor statistics which show that workers are going to be able to have a modest increase 30 percent more—than those who are nonunion.

If we look at particular sectors of our economy—this is an interesting chart. A union job means higher wages for women and for people of color. Again, we are talking about equity in this country. We are talking about fairness in this country.

This is what unions do in terms of equity and in terms of fairness. If you look at women, the difference it makes in terms of helping, it is more than 31 percent; nonunion, if you are talking about African-Americans and Latinos—all of them are inevitably much better off. If you have the freedom to choose the union, it lifts the workers out of poverty. This is the Federal poverty line, this black line across here on the chart. Look at this. These are the national figures for these particular industries: cashier, childcare, cook, and housekeeper. If they are nonunion, they are below the poverty line.

If you are a cashier and a member of a union, you are just above it, a little less than $25,000. We are talking about people who have a sense of dignity and pride and desire to do a good day's work. These are men and women of pride. We are talking about $20,000 to $25,000 a year. For childcare, the difference at a union wage is just about at the Federal poverty level. If you are a cook, it is a little above the poverty level. For a housekeeper, it is just above it also.

This is a commitment to try to make sure we are not going to have our fellow Americans living in poverty. We are talking about people who want to work, can work, and will work. That chart is about as clear an indication of the difference, if they have an opportunity to join.

Mr. President, I will mention a couple of companies that have recognized the card check process. Some employers have been remarkably enlightened and say: We are going to let our workers, if they choose, have a checkoff, and we will recognize them. That used to be the way the law went. A number of companies, including Cingular Wireless, have supported that concept. This person said:

Management didn't pressure us to try to interfere. We didn't attack the company and they didn't attack us. We were focused on improving our jobs and making Cingular a better place to work.

This is Rick Bradley:

We believe employees should have a choice. . . . We make that choice available to them results . . . in employees who are engaged in the business and who have a passion for customers.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 1 final minute.

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

Mr. KENNEDY. Mr. President, the purpose of this is to show that when America has been at its best and strongest, we all grow together. When we find out that America is divided—and the principal reason for this division is demonstrated with these charts; it is so often because employers have assaulted and attacked the rights of workers and their representatives over this history. We want to try to bring America back together again and make it stronger from an economic point of view.

A final chart shows that in Ireland, which has the one of the strongest economies in Europe and a high rate of union membership and strong annual growth, a partnership of decency and fairness goes hand in hand. I hope the Senate recognizes that on Tuesday when we vote.

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

## IMMIGRATION

Mr. SESSIONS. Mr. President, I wish to share some general comments on where we are with regard to immigration and, really, American workers. I am pleased to see my colleague, Senator KENNEDY, here. I know he believes strongly in the minimum wage and in union contracts and strikes and that kind of thing to get wages up. I will just say to my colleague that the real thing which drives wages, which helps working Americans be able to get higher wages and better benefits, is when their product or their labor becomes more valuable.

In this debate last year, I raised that question. I see my former chairman of the HELP Committee—the Health, Education, Labor and Pensions Committee—Senator ENZI. Senator KENNEDY now chairs that committee. When Senator ENZI chaired it, we had a hearing in September of 2006 with economists and experts to discuss the impact on working Americans, middle-class workers, the wages they receive as impacted by immigration. I don't think there was a single dissent in that committee—everyone agreed that large influxes of low skilled immigrant labor bring down the wages of the American workers that compete with them. And the Judiciary Committee last year also had one hearing on the matter in April of 2006. Witnesses at that hearing also agreed unanimously that the wages of working class Americans are adversely

impacted by large flows of immigrants into our country. How could it be otherwise? That is a basic economic principle—when supply goes up, the price goes down. When demand goes up and supply remains the same, the price goes up.

When I raised this point on the floor, Senator KENNEDY, during the immigration reform debate last year, responded to me. His solution was that we should raise the minimum wage. I responded that it is not my goal to have American citizens making $7 an hour; my goal is to create a free market economy where their labor is worth $12, $15, $18, or $25 an hour. These wage levels are being seen by workers in nonunion businesses in Alabama right now. We absolutely don't need to go back to a system that allows self-interested union organizers to force people into unions when they are already making higher wages then they have ever made before, as they are in Alabama. I absolutely don't believe that unions are the way to see us make progress on wages. But I am concerned that the net effect of large flows of immigration is that wages are being brought down. It is not responsible to have immigration policies that depress the wages of American workers.

Some of the immigrants are legal, but most are not legal. Together, they are pulling down wages of the Americans that compete with them in the labor market. We have had expert testimony to that effect. I cite to my colleagues a professor at the Kennedy School at Government at Harvard University, himself a Cuban refugee, George Borjas. He says that working wages for Americans have been pulled down by as much as 8 percent in the areas where immigration is highest. That is a significant amount. Instead of going up in a booming economy, wages have gone down. Alan Tonelson, a research fellow from the U.S. Business and Industry Council Educational Foundation testified that from 2000 to 2005, in job categories where competition from illegal immigrants is the highest, real wages—those adjusted for inflation—went down, even though demand for labor was going up. How could it be otherwise? Don't we believe in a free market? Does any farmer doubt that if more cotton and corn were brought into this country, the price of their product would go down? Certainly we know that. We deal with that issue every day in the Senate, and we understand it. Why that base economic free market principle would be denied and overlooked when it comes to how immigration effects the labor market is beyond my understanding.

So, sure, immigration is important. We are not trying to stop immigration. Immigrants are overwhelmingly good people, they are hard workers, and they want to make a better life for themselves and their families. But, we have to ask ourselves, what levels and types of immigration serve our national interest? How can we make sure our middle-class workers are not having their incomes substantially reduced in a time when the growth and prosperity of our nation should be putting part of the high profits being made into their pockets? We can make sure that lower and middle class Americans are benefitting from out surging economy if we do this immigration bill right. This bill doesn't do that, and that is why I oppose it.

I had a wonderful day yesterday with President Bush. We disagree on this issue. He made the comment in my hometown of Mobile that a Texan friend of his once said if we agree 100 percent on every issue, then one of us would not be needed. Well, we don't agree on this issue, but he has a good vision for America. He believes we need to do something about immigration and he has high ideals about it. He wants to fix our immigration system and he wants to fix it comprehensively.

I have said repeatedly, in the last 2 years of debate, that we do need a comprehensive fix, we need a guest worker program that actually will work and be effective, one that is responsive to the needs of the market without depressing the wages of the American worker. I have said that we need to replace the lawless system of immigration we now have with a lawful one, one that serves our national interests, and by that I mean the interests of the American worker and the long-term national interests of our country.

Sadly, I do not believe that the bill before the Senate comes close to creating a lawful system that serves our national interests. The Senate bill is a 750-page document that was plopped down here after only 48 hours of notice, without any committee hearings this year. It lacks cohesive policy goals. It is a political baby-splitting document crafted by politicians who were focused on the need to write something that could pass, rather than a document produced by professionals and experts and economists and law enforcement officials focused on how to create a system that will be honest and will work. That is what the debate is all about. Will the Senate bill actually work. So my disagreement with the legislation is not what it aspires to do, if I believed that it would do what it aspires to do—to secure the border and restore the rule of law then I'd be supportive of the bill.

You will hear my colleagues come to the floor and talk about their mama and grandma and that they emigrated from country X and we are all blessed because overwhelmingly, except for Native Americans—even their ancestors at one time came here—we are all descendants of immigrants. I want to be clear. Those of us opposed to the Senate bill are not against immigration. Instead, we want to do it right so that it serves the immigrants who come to America and serves America by selecting those who can be most benefited by the American experience and who will most benefit America.

We are indeed, I am afraid, moving to legislation that would repeat the error of 1986 in which amnesty was given and enforcement never occurred. Three million people were given amnesty then. Now we have 12 million people asking for amnesty again. What is the problem with the legislation? Let me share some thoughts.

First, under this legislation, the number of legal immigrants to be allowed into our country and to be given permanent legal status within the next 20 years will double. The legal number will double. Do you think most Americans understand that? I don't.

Let me briefly mention the history of immigration in our country.

From 1820 to 1879, we had what was called the great continental expansion, where people moved out toward the west. One hundred and sixty thousand came a year. Then it dropped off significantly.

From 1880 to 1924, they called it the great wave of immigration. Immigration averaged 580,000 people a year, a big movement of people into our country, and we continued to expand westward in our Nation. Then immigration again began to drop off, particularly during the Depression, and people's wages were down.

The period of 1925 through 1965 is sometimes referred to as the stop-and-settle period. During that time, immigration was at 180,000 a year, and the large great wave of immigrants that came in the decades before were assimilated into America. They became productive, mastered the language, and became part of a settlement and an assimilation that was important for our country.

In 1965, we developed the new system of immigration now known as chain migration, which resulted in about 500,000 immigrants a year up until 1990.

Since 1990, however, the number doubled, and it has been about 1 million a year. Since 2000, I suggest, counting the illegal flow, it has been at least 1.5 million a year, which is the highest rate of immigration in the history of our country.

This bill would basically double legal immigration and do very little to stop the illegal flow. This gives us no time for a stop-and-settle period but perpetuates the record high rates of immigration for an indefinite period. That is where we are historically, and we ought to understand that. I don't think anybody would dispute, basically, what I just summarized for you.

Let me explain how the Senate bill will double legal immigration. Under current law, 23.4 million immigrants, including 19.6 million green cards and 3.8 million workers, would be admitted and here in year 2027. But under the Senate bill, the numbers would be 47 million immigrants, composed of 38.1 million green cards, twice the 19.6 million green cards that would be issued under current law, and 8 million, almost 9 million temporary workers on top of that. That number of temporary

workers would be here on an annual basis. Some would have to leave every year and return every year but that is the potential number.

I am certain most Americans do not believe that doubling of the immigration levels in America is what was being discussed when people were promised comprehensive immigration reform. Doubling the legal rate, I believe, is contrary to the impression given by the bill's sponsors. People are not being told that reform means this kind of increase. In fact, I would think most people are expecting that immigration reform means we will reduce the rate of immigration which already is at the highest this Nation has ever had.

So this kind of knowledge, when it gets out to people, fuels cynicism about what Congress is doing, it fuels anger at the voters. I repeat, I don't think their anger is focussed at immigrants. I think it is focused at those of us in Congress who promised we were going to create a lawful system that would bring some control to our borders, and it ends up doubling the number of immigrants that come lawfully. That is part of the problem. Some people get mad at the talk shows. All the talk shows are doing is telling the truth, that people did not state clearly when they promoted this bill for passage. People ought to be cynical and they ought to be upset about that, in my view.

Mr. President, I ask unanimous consent to speak in morning business for an additional 10 minutes.

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

Mr. SESSIONS. That is what this is all about. I was under the impression that when the bill promoters came forward from their secret meetings, they thought they had produced a bill that was going to give us a a lawful system of immigration. Didn't you hear that? Isn't that what you expected to be part of the product we would pass, that amnesty would be given but we would have a lawful system in the future, right? This is important. Isn't that what we were basically told by the people who produced this document, the 750-page bill they plopped down here without hearings a few weeks ago?

The sad fact is that the bill language does not keep the promises of its drafters. According to the Congressional Budget Office, a nonpartisan group that works for the Congress that helps us analyze legislation, Cost Estimate released on June 4: Implementing the bill's enforcement and verification requirements will only ''reduce the net annual flow of illegal immigrants by one-quarter.''

So that is a 25-percent reduction, approximately 2 million over 20 years. Twenty-five percent, do you think that is enough of a result for comprehensive reform? But wait, there is more. CBO also estimates that the bill's temporary worker provision will add approximately 1 million illegal visa overstays over the same 20 years. The bill will add an additional number of illegal overstays, more illegal overstays than under current law. That is because we already have a lot of temporary worker visa programs, and when you create new ones that will bring in more temporary workers, then more people are going to stay illegally.

CBO goes on to say this in their careful analysis:

> Other aspects of the legislation are likely to increase the number of illegal immigrants, in particular through people overstaying their visas from the guest worker and H–1B programs. CBO estimates—

This is their report—

> that another 1.1 million people would be added by 2017 as a result of the guest worker program, about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2 million by 2027.

Twenty years from now. The net result is that according to CBO, a mere 1.3 million less illegal immigrants will enter this country and live in this country in 2027 than would be expected under current law, where we expect 10 million under current law to come illegally.

They go on to say:

> CBO expects that the enforcement measure and the higher number of overstayers would on net diminish the number of unauthorized immigrants by about 500,000 in 2017 and about 1.3 million in 2027.

What that means is when you take the 25-percent reduction of illegality at the border and an increase in visa overstays illegality, it comes out, according to their numbers, to only a net 13-percent reduction in illegality.

So we are going to double the legal number, see, and as a result we are only going to get a 13-percent reduction in illegality.

I say to the Members of the Senate, that is not what we are getting paid to do, that is not what we promised to do, that is not what we should do. That is not acceptable. I wish it were not so. I wish we had legislation before the Senate that would do better job at reducing illegal immigration, that would comprehensively fix our illegal immigration, but we don't.

I have been warning my colleagues about this and pointing out the flaws in the bill, and other Senators have pointed out flaw after flaw. We have this official report that indicates we have only a 13-percent reduction in illegality, and it is not right. We cannot pass such a bill and then go to our constituents and say we did something good for you, we fixed a broken system. We just cannot do that.

I urge my colleagues, no matter how much they want to see our immigration system reformed, no matter how much they have hoped that this legislation would be the vehicle to do it to consider my comments before you vote. A careful reading of this bill indicates it will not create the system they are envisioning, and we should not pass it.

Once again, didn't the promoters of the legislation promise more than this, that it would actually secure our border, that it would end lawlessness? Isn't that what they promised? Isn't creating a lawful immigration system for America a national imperative? Isn't it something we must do? No wonder the American people are cynical and angry.

Another promise we were given when the bill was introduced, and probably while it was being prepared, was that we would move to a merit-based system; that we would do a better job of identifying those people who apply to our country who have the greatest potential to flourish in America and do well. Canada does this. Sixty percent of the people who come to Canada come based on a merit-based competition. If you speak English or French, if you have some education, if you have special skills Canada can utilize, you get more points and you compete with others who apply. So they attempt in this fashion to serve the national interest. A move toward more skill based immigration is what Canada has done, and they are very happy with it. Australia does it. New Zealand does it. Other countries operate their immigration system in this fashion. They still provide immigration slots for refugees, as they always have, and if the United States moved to this system, we would still have humanitarian based immigration as well. We would not end those programs.

We were told that moving the United States to a Canadian or Australian immigration system might happen in this new bill. I was very interested in it because I urged my colleagues last year to have a point system or a merit based system in the bill. Nothing was even discussed about it last year and there was no hint of it in the bill that was offered then. So when I was told it was being considered this year, that presented some hope.

Unfortunately, the merit-based system that actually made it into the bill does not commence in any effective way at the passage of the bill, instead it will not increase the percentage of immigrants who come to America based on skills until 9 years after passage of the bill.

In 2006, employment-based or skill-based immigration made up 22 percent of our immigrant flow. In 2006, we only had 12 percent. So, recently, skill based immigration has made up 12 percent to 22 percent of annual immigration. As I stated before, Canada has 60 percent and Australia has 62 percent skill based immigration.

Under the Senate bill, skill-based or merit-based immigration will make up about 18 percent of the total immigration levels for the first 5 years. That is not even as high as we had in 2005. Then, for the years 6 through 8 after the bill passes, merit immigration will drop to 11 percent of the total annual immigration level, lower than the 12 percent we had in 2006. Even when the

percentage finally increases after the ninth or tenth year, it only rises to as high as 36 percent based on skilled immigration, which is a little more than half of what the Canadian system now has.

I don't think that is a strong enough move, and it is a strong disappointment to me that this is the case.

Mr. President, I see my colleague from Wyoming, the ranking member of the HELP Committee, is here. I will not go on at greater length. I could do so because what I am pointing out to my colleagues today is fundamental flaws in this legislation. It is those fundamental flaws that one or two amendments are not going to fix.

The difficulty we have with amendments is the bill's sponsors, the group that was in the grand bargain coalition, have agreed that anyone who submits an amendment that changes any substantial part of the agreement they reached in secret somewhere without hearings, without input from the American people, will have their amendment voted down. They basically have said that publically and have told that to me personally. They say: JEFF, I like your amendment, I think it addresses a valid criticism. But, we met and we reached this compromise, and I am going to have to vote against it because we made a pact and we are going to stick together to make sure we move this bill through the Senate without any real changes.

That is what they have said on the floor of the Senate. They said: This violates our compromise. I am sorry, Senator, we can't vote for it. They ask their colleagues to vote the amendment down because it is a killer amendment, one that will harm their deal. They claim that if the amendment passes, the compromise will fail, and the whole bill will fall apart. JEFF, we have told you what we are going to do. Take it or leave it. Vote for it or vote against it.

That is fundamentally what has been said, and that is not right. That is not what this Senate is about. If they had a bill that would actually work, I may be irritable with the way it was produced and brought to the floor procedurally, but maybe I would be able to support it. Instead, I can only judge how valuable the bill is based on what it says and whether or not it will work. CBO says it will not work. I believe it will not work. I believe we are going to have another 1986 situation where we provide amnesty without enforcement. I believe we are again going to send a message around the world that all you have to do is get into our country illegally and one day you will be made a citizen.

There is another concern that I have not talked about much so far, but it is critical. I can show you why the Z visa and the legal status that is given to illegal alien applicants 24 hours after they file an application for amnesty will provide a safe haven and a secure identity for people in our country who are here unlawfully and who are actually members of terrorist groups. The bill provides them, without any serious background check, lawful identity documents that they can then utilize to get bank accounts, to travel, and do potentially fulfill their dastardly goals.

In fact, Michael Cutler, a former investigator with the immigration enforcement agency wrote an article in the Washington Times today titled ''Immigration bill a No Go'' discussing that very point. In careful detail, he explains the utter failure of this bill to protect us from terrorism.

In addition to stating that the bill would not reduce illegality, CBO also found out it is going to cost the taxpayers. You are used to hearing that the bill will make money for us, help us and make the Treasury do better, all claims that I have strongly disputed. But the way CBO scored the bill this year, it is going to be over $20 billion in costs in the next 10 years and may be closer to 30, and those costs to the Treasury will increase in the out years. That is because under this system, we are going to legalize millions of illegal immigrants who are uneducated, many illiterate even in their own countries, and statics tell us that they will draw more from the Treasury than they will ever pay in. I just tell you, that is what they say. And the numbers get worse in the outyears, dramatically worse. In fact, the Heritage Foundation has said, based on the amnesty alone—and I don't know if these numbers are correct but they were done by Robert Rector and he has been known to be very correct on many occasions—based on the amnesty alone, based on the educational levels and the income levels of the people who would be given amnesty, the cost to our country would amount to $2.6 trillion during the retirement periods of the people who came here illegally and would be given amnesty under the bill.

So that is a stunning number. I can't say with absolute certainty it is correct, but that is what we have been told, and we should be talking about it and studying it. We also know this: The net deficit caused by the bill according to the CBO score will grow each year after the first 10 years. They have said so themselves at last August's Budget Committee Hearing chaired by Senator ALLARD.

Mr. President, I thank the Chair. I hope my colleagues will study this bill carefully. I hope the Senate will reject it, not approve it. I hope we will do a better job in the future.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The senior Senator from Wyoming is recognized.

## EMPLOYEE FREE CHOICE ACT

Mr. ENZI. Mr. President, I thank the Senator from Alabama for his steadfast effort to inform the Senate and other people about the flaws of the immigration bill. It is a bill that was put together by a coalition. It didn't go through committee. I have never seen a bill that passed this body that didn't go through a committee. That is because people put together the bill by bringing together their own pet projects and one saying to the other: I don't like your part, but if you will put my part in there, I will vote for your part and we will stick together to the bitter end. And that is usually what happens to a bill like that, it is a bitter end.

I don't think people are paying attention to their phone calls, their e-mails, and other things they are getting if they stick steadfast with that bill. But that is not what I am here to talk about today.

I am here to voice my strong opposition to the grossly misnamed Employee Free Choice Act. It should be called the Union Intimidation Act.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. Today, however, the proponents of this legislation would do exactly the opposite and would strip away from working men and women their most fundamental democratic right—the right to a secret ballot. That is right. This bill would strip away the right to a secret ballot.

If the Democratic Party stands behind that principle, they should have to change their name. You can't strip away the right to a secret ballot from people of the United States or, hopefully, anywhere in the world. For generations now we have guaranteed to all workers in our country the right to choose whether they do or do not wish to be represented by a union. That is very often a critical decision for most employees, one that entails significant legal and practical consequence. It is a fundamental matter of individual choice and an essential right in the workplace.

Given its importance, we have secured that right through the use of the most basic and essential tool of the free and democratic people—the private ballot. The private ballot is the way those of us who live in a free society select all of those we would ask to represent us. Everyone in this Congress was selected by a private ballot, and American citizens wouldn't have it any other way. That is why it is so astonishing to me the majority is trying to take us to this bill, this Union Intimidation Act.

Under this bill, the rights and safeguards for a private ballot would no longer apply when employees decide whether they want the union to be their exclusive representative in the workplace. It is a very disturbing development when this body, which has no greater purpose than the preservation of our democratic rights, would choose to tell the working men and women of this country that democracy will stop at the factory gate.

To make it even more astonishing, some of the very people now pushing

this antidemocratic agenda are on record previously recognizing both the importance of the private ballot and the fallibility of just signing cards with the intimidator over your shoulder. In 2001, the lead sponsor of this misguided legislation in the House, along with 15 of his then-colleagues, wrote a letter to the Mexican Government regarding its labor laws in which they noted:

> The secret ballot election is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.

Now, what would prompt legislators in both Houses of Congress to lecture foreign governments on the necessity of private ballot union elections in their respective countries while simultaneously voting to deprive workers in this country of the same right?

In 1998, two of the AFL–CIO's most prominent unions argued to the National Labor Relations Board that:

> The National Labor Relations Board supervised election process is a solemn occasion conducted under safeguards to voluntary choice. Other means of decision-making are not comparable to the privacy and independence of the voting booth. The secret ballot election system provides the surest means of avoiding decisions which are the result of group pressures and not individual decisions.

What could possibly convince us to become partners in hypocrisy by joining these same unions and their surrogates when they now claim that we would strip workers of the right to decide the question of unionization in their own workplace by private ballot?

The view that the private ballot is the best way to determine employee choice and that alternatives such as card check are fatally flawed is not only shared by our colleagues across the aisle and labor unions, it is consistent with the views of the Federal Judiciary. The U.S. Supreme Court, along with the Federal Circuit Court of Appeals has uniformly, and over the course of decades, held that the private ballot is the best, most reliable, most democratic means of determining employees' free choice in the matter of unionization, and that all other methods, most particularly—most particularly—card signing are inherently flawed and unreliable.

With regard to signed cards, the Supreme Court noted that:

> Cards are not only unreliable because of the possibility of threats surrounding their signing, but because they are inherently untrustworthy since they are signed in the absence of secrecy and the natural inclination of most people to avoid stands which appear to be nonconformist and antagonistic to friends and fellow employees.

I wonder how many people here and how many people who might be listening have had somebody, a friend or somebody they are a little afraid of, bring them a petition to sign. How many people turned down that opportunity to sign that petition? I will bet not many.

With respect to the importance of the private ballot, one Federal Court of Appeals put it best when it observed that its preservation mattered simply because ''the integrity and confidentiality of secret voting is at the heart of democratic society, and this includes industrial democracy as well.''

That is what the judges say. So then what would make us reject the consistent—consistent—reasoning of the Federal Judiciary compiled in a host of rulings authored by scores of judges and accumulated over decades of time?

Finally, we should remember the cynicism of those who seek this legislation when they imperiously claim, ''We don't do elections,'' as if the democratic process was somehow beneath them. The source on that is Michael Fishman, the president of the Service Employees International Union, the largest property services local. Or when they arbitrarily dismiss fundamental employee rights by claiming, ''There's no need to subject the workers to an election.'' The source on that is Bruce Raynor, the general president of UNITE HERE. When labor leaders act like despots and tyrants, why would we conceivably make common cause with them?

There is no end to the fundamentally disturbing questions this legislation raises. Since this legislation was introduced, a host of claims have been made in an ultimately futile attempt to answer these questions. We need to stop and ask ourselves: What could possibly be the justification for this radical departure from our democratic tradition?

First, we have been told the current law is broken and that the system of private ballot elections is somehow rigged against labor unions. As proof positive of this claim, we have cited the fact that labor unions currently represent only 7½ percent of the private sector workforce, where at one time they represented 30 percent of the workforce.

At least in this instance the proponents of this legislation have gotten their facts and their statistics right, a notable departure from the avalanche of misinformation and completely inaccurate data that has characterized their side of this debate. However, what they have gotten entirely wrong is the notion that the decline in union representation levels has anything whatsoever to do with some infirmity in the law. Those who make this claim conveniently forget to mention that the law which they complain about today is identical to the law in effect when unions enjoyed their greatest organizing success and their highest levels of private sector membership.

The National Labor Relations Act, the statute which governs private sector unionization and which this legislation would radically change, has been substantially amended only twice in over 70 years—in 1947 and in 1959. The process of deciding the question of unionization by the use of a government-supervised private ballot election among all eligible employees has been unchanged for over six decades. This was the law and this was the process when union membership levels were at 25 or even 35 percent of the workforce. No one complained then that the law or the private ballot process was broken. No one ever claimed that either was so unfair or one-sided that we should change them by stripping away the employees' democratic rights.

As this chart shows, over the course of the last six decades, private sector union membership has declined steadily, but the law has remained the same. There is no doubt that the decline has been real, but organized labor and the supporters of this legislation need to look elsewhere for the cause of that decline since there is no connection between the law that has remained the same for 60 years and the steady decrease in union membership levels that have happened over that same time.

Second, we are told even if there is no infirmity in the law, employers now violate it with impunity and, therefore, unions cannot possibly win elections supervised by the National Labor Relations Board like they used to.

That claim is entirely erroneous. The reality is, when unions choose to participate in a fair, private ballot process, they are more than able to secure the support of eligible employees.

In fact, the success rate for unions in secret ballot organizing elections is at historically high levels. The union win rate in initial organizing elections has been over 50 percent for 10 straight years. That is an unprecedented run. Even more unprecedented is the fact that the union win has increased each and every year for the past 10 years in a row. That is what this chart shows. Unions have never before enjoyed such a run of increasing electoral success as they have over the last 10 years. In the last 2 years unions have won a record of nearly 62 percent of initial organizing elections. This, too, is historically unprecedented.

Before anyone buys the phony claim about how the election process has suddenly become unfair, they need to not only realize that union electoral success is at record highs, they also need to compare the past. For example, the unions won organizing elections over 62 percent of the time in the last 2 years, and averaged winning nearly 56 percent of the time over the last ten years. During the decade of the 1980s, the average union win rate was less than 50 percent. So it is going up. For example, in 1982, unions won less than 45 percent of the time. The same is true for the decade of the 1970s, when unions again averaged losing more often than they won.

Yet, despite union election win rates that were dramatically lower than the record highs of the past 10 years, and despite the fact that for many of those years the Democratic Party held the majority vote in one or both Houses of Congress, no one had the audacity to even propose that we should strip away from American workers the most fundamental guarantee of a free society—the right to a secret ballot. When

Democrats were in charge before, they didn't even suggest that.

Now, the truth is, where unions choose to participate in a democratic process and make their case to the workers in an atmosphere of open debate, the system is fair and they are more than capable of success. Their unprecedented level of recent success plainly makes this point. Moreover, it does not remotely justify changing a process that has worked for more than 60 years. It certainly does not justify any change that strips workers of their democratic rights. In light of organized labor's unprecedented electoral success over the last 10 years, this bill is like a baseball hitter who is on a decade-long hot streak and batting .620, insisting that the game is unfair and that the pitcher's mound has to be moved back.

The claim that the employers are violating the law with increased frequency and making fair elections impossible is equally incorrect. In fact, the incidents of even alleged but unproven employer misconduct have actually dropped steadily and dramatically over the last 10 years.

That is what this chart shows. The current rate of alleged employer unfair labor practices represents a drop of nearly 24 percent compared to 1990; a staggering 42 percent when compared to 1980.

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

Mr. ENZI. I see there is another Senator left to speak here. I have a lot left to say. This is a very important issue. A lot more needs to be said when we are faced with a proposal to take away away the right to a secret ballot in a bill deceptively called the Free Choice Act. It should correctly be called the Union Intimidation Act.

I will reserve the remainder of my remarks and speak again a little later. When I speak later, I will ask the RECORD not show an interruption.

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

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is the order. The Senator is recognized.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 252 are located in today's RECORD under ''Submission of concurrent and Senate Resolutions.'')

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Ohio is recognized.

## EMPLOYEE FREE CHOICE ACT

Mr. BROWN. Madam President, as we debated energy and immigration issues in this body for the last 3 weeks, there has been palpable anxiety that we all see in our States, we all see in our homes, about our economy and about the future of the middle class—the squeeze on the middle class, the declining or stagnant wages of way too many middle-class households. In 2005 the real median household income in America actually went down 3 percent, from the year 2000. In Ohio it was down almost 10 percent. The average CEO makes 411 times the wage of the average worker; in 1990 the average CEO made 107 times as much. We know what has happened.

More important, we need to look at what has happened to wages in this country in a historical sense in the last 60 years. From 1947 to 1973, when our country, after World War II, was growing, you can see how wages grew among different people in our economy. The bar on the left is the lowest 20-percent wage earners, up to the highest 20-percent wage earners.

So those are the lowest wages. The lowest incomes in our country saw their wages grow the fastest of any one of those groups.

From 1973 until 2000, you can see the increase. Every group still increased, but growth changed sharply. The lowest 20 had the lowest economic growth; the highest 20 percent had the highest. I would add, 1973 was the year we went from a trade surplus in our country to a trade deficit. In other words, before 1973, we exported more goods in terms of dollars, in terms of value, than we imported.

Since 1973, that number has gone the other way. It has gone dramatically the other way in the last 10 or 15 years. Now, since President Bush took office in 2000, we have seen an even greater change in income for all Americans. The lowest 20 percent had an annual decrease, as I mentioned earlier, but so did the second quintile, the middle, the slightly upper middle, and the top 20 percent all had income decline. The only group that had an income increase in this 5-year period or so was the top 1 percent.

We have seen clearly that our economy is not working the way it should for middle-class Americans. That is why there is such anxiety among middle-class Americans. That is why so many of us who were elected for the first time, including the Presiding Officer, to the Senate in the year 2006, we knew of that anxiety and talked about middle-class issues: about health care, education, about jobs, about trade, about income.

Here is the real story. Since around the time of the trade deficit, the trade surplus prior to 1973 turning into the trade deficit, we have seen wages and productivity go like this. For many years, from World War II, for about 25 years, if you were a productive worker, your wages reflected your productivity. In other words, the more money you created for your employer, the more you shared in the wealth you created.

That was the American way. That is how you build a middle class. You are more productive and you share in the wealth you create. But something happened in the early 1970s. Again, in 1973 we went from a trade deficit to a trade surplus. We can see from about that time on, that productivity in this country kept rising, but wages in our country have been relatively flat.

One other thing happened, in addition to in 1973 going from a trade surplus to trade deficit, that was the time with the most pronounced decline in unionization. As Senator KENNEDY pointed out earlier today, as we have seen fewer people who are organized into unions, we have seen more stagnation of wages, even with productive workers

With the decline in unionization and with the trade deficit, wages have stayed relatively flat. That is why we need a very different trade policy. That is why we need the Employee Free Choice Act.

I might point out the Employee Free Choice Act does not abolish the secret election process. That would still be available. The bill simply enables workers to form a union through majority signup, if they prefer that method. So workers under current law may use the majority signup process only if their employers say yes. We think workers should make that determination, that we either want an election or we would like to do the simple card check. That will, in fact, increase unionization. We will also see that it will mean more mirroring of productivity in wages.

I would like to shift for a moment to some of my earlier comments about how in 1973, as we went from trade surplus to trade deficit, some of the things that happened in our economy. We know, going back not quite as far as 1973, only 15 years ago, the trade deficit in this country was $38 billion the year I first ran for the House of Representatives down the hall.

Today, the trade deficit in our country exceeds $700 billion. It has gone from $38 billion to $700-plus billion. President Bush, the first, said $1 billion in trade deficit translates into 13,000 jobs—$1 billion in trade deficit translates into 13,000 jobs. So do the math. We now have a $700 billion-plus trade deficit. We know what kind of havoc that wreaks on Steubenville, Toledo, and Portsmouth, Marion and Mansfield and Springfield and Xenia and Zanesville and all of these communities that were industrial towns that have had such damage done to their communities. They have had plant closings, they have had layoffs. Every time a plant closes, it means fewer firefighters, fewer police officers, fewer teachers in the public schools. We know what that does to our quality of life.

So the answer from the Bush administration, as we passed NAFTA and PNTR with China and CAFTA and every other trade agreement, as this trade policy has clearly failed, is: Let's do more of it. Let's do more trade agreements.

So now the President is likely going to bring in front of this body a trade agreement with Peru and a trade agreement with Panama. The President's U.S. Trade Representative, Susan Schwab, an honorable woman, straightforward, candid when you talk to her about this, she says: Yes, but now we have environmental and labor standards in these trade agreements.

But there are a couple of problems with that. First of all, we do not yet. We have not seen the text of the agreements. We have not seen, in fact, nor are we at all certain, that the labor and environmental standards will be inside the agreements; they may be side agreements. We tried that once with the North American Free Trade Agreements. The labor and environmental standards were outside the agreements. They were in a special side agreement, and they had virtually no impact. Where we had a trade surplus with Mexico when NAFTA was signed a decade and a half ago, now our trade deficit with Mexico is some $70 billion.

That same trade situation has exploded to a huge trade deficit with Canada also. So clearly we know in our communities how many plants have closed and companies have and jobs have moved to Mexico.

So the second thing we know about Jordan, about the trade agreements with Peru and Panama, the proposed agreements, is that the Secretary says they will enforce these labor and environmental standards as they unveil them, again not specific, not in writing yet.

The lesson again from this administration is when Congress, in the year 2000, passed the Jordan trade agreement, there were strong labor and environmental standards in that agreement. But when his U.S. Trade Representative, Mr. Zoelleck, assumed his position at USTR, Mr. Zoelleck sent a letter soon after to the Government of Jordan saying he was not going to, because of the dispute resolution, he was not going to enforce the labor and environmental standards.

Jordan has since pretty much become a country of sweatshops, where Bangladeshi workers, many workers imported from Bangladesh work at substandard wages and terrible conditions in sweatshop-like atmospheres and use Jordan as an export platform.

All of that tells me our trade policy simply is not working. If we are going to get serious about building the middle class—we spent a lot of time yesterday in Senator ENZI's committee, and Senator KENNEDY's committee, we passed legislation on higher education, the reauthorization of the Higher Education Act, passed bipartisanly. Senator ENZI showed great leadership, as did Senator KENNEDY and others. We need to do better to make education affordable for the middle class.

We need to do better with health care and better with prescription drug benefits. We need to continue to keep up with the minimum wage. We raised the minimum wage earlier this year. All of those things are important. But at the same time, two of the most important things that this body needs to do is to pass the Employee Free Choice Act to give the tens of millions of workers in this country who want to join a union the opportunity to organize and bargain collectively because it will mean higher wages and higher benefits. History absolutely proves that.

The other thing we need to do is to understand we need a very different trade policy, not more of the same, not Panama, not Peru, not Colombia, the way these agreements are written, not South Korea, the way that agreement is written, but agreements that serve the middle class, that lift up workers in the United States and lift up workers of our bilateral trading partners. Because we know that our trading policies will not be judged effective until the poorest workers in the poorest countries in the world are not just making products for Americans to use but that those workers are actually able to buy those products themselves.

We have seen that. Where we do trade right, we know it can work. We have clearly seen a trade policy that has failed. It is important, as this Congress looks at the trade agreements coming forward, Panama and Peru, and looks at trade promotion authority, legislation that may come in front of this body sometime this summer, that we keep our eye on looking at what has failed in trade policy and what has worked.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

## EMPLOYEE FREE CHOICE ACT

Mr. ENZI. Madam President, I am fascinated to listen to some of these discussions to find out we can change the balance of trade if we took away the right of employees to decide by secret ballot if they do or do not wish to be represented by a union.

I also heard the argument, that pay and benefits would go up if we took away the Democratic right to a secret ballot. Fascinating. Fascinating. But, also, not true. You cannot take away rights from people in America and expect them to be happy about what is happening to them.

Now, I did see the Senator from Ohio in some national news broadcasts thanking one of the major unions for putting the Democrats in power; and, as a result, saying that they were willing to bring up this bill that would take away the right to a secret ballot. I don't think that is how things are supposed to work in America.

I began earlier and talked about several of the problems with taking away this right to a secret ballot under the Employee Free Choice Act—legislation that I believe should properly be called the Union Intimidation Act because that is exactly how it is going to work.

Previously I was discussing this myth rampant employer misconduct; and noted that contrary to these claims even allegations of misconduct have dropped significantly.

The truth is that the National Labor Relations Board scrupulously monitors the behavior of all parties during the entire period of a union-organizing campaign. Any misconduct by an employer that interferes with the employees' free choice in the election process is automatic grounds, automatic grounds, to set aside and rerun an election.

Now such misconduct not only includes any employer unfair labor practice, but it also includes even less serious transgressions, such as an employer's inadvertent failure to provide the union with the names and home addresses of all of its eligible employees in a timely manner.

Every word that is uttered and every act that takes place during a union organizing campaign is subject to National Labor Relations Board review and scrutiny. If a party's words or conduct, clearly including the commission of any unfair labor practice, in any way disturbs the ''laboratory conditions'' required for an election, the NLRB is empowered to set aside the election and require it to be rerun.

However, the fact is only about 1 percent of the National Labor Relations Board elections are rerun each year because of the misconduct of either employers or unions. So you notice I am not saying this is all one-sided, that there are two sides to it. There are some that are set aside because of union misconduct.

Now, just like the number of unfair labor practice charges, this figure, has been steadily declining as well. The secret ballot election and entire union election process is remarkably fair, heavily scrutinized and monitored and tightly regulated.

Where an employer acts improperly over the course of a union campaign and adversely affects the outcome of the election, the National Labor Relations Board has full authority to set aside that election and order it to be rerun.

In addition, in those instances where an employer engages in misconduct that has the effect of dissipating a union's card majority, the law already allows the National Labor Relations Board to certify the union and require the employer to recognize and bargain with that union. This has been the law for nearly 40 years. The claim that employers are increasing violating the law is totally inaccurate.

What unions and their supporters would like—indeed, what they hope—to accomplish by this legislation is to characterize any expression of opposition to unionization as misconduct and choke it off. Fortunately, however, we do not live in a totalitarian country. We live in a country that protects free speech and fosters the open debate of ideas. It is for those reasons, rooted in the Constitution and the Bill of Rights,

that current law does permit employers and employees that oppose unionization certain limited free speech rights. Even these, however, are strictly limited and closely monitored. The supporters of this bill, however, would seek to strip away even these limited democratic rights and to kill off any opportunity for free speech and open debate in the workplace. We cannot oppose totalitarian behavior abroad while sanctioning it in America's factories.

Thirdly, we are told that even if the law is not broken, even if fair elections are the norm, and even if employers do not violate the law as erroneously claimed, that union membership levels have been steadily declining and therefore the law must be changed. That is why they are trying to offer this early Christmas gift to union bosses. This is the only argument which proponents of this legislation have made that is at least based on fact. However, its fundamental premise is shockingly and radically wrong and represents a complete reversal of Federal labor policy.

It has never been and it should never be the role of the Federal Government to maintain or increase the level of unionization. That is a matter of free choice for individual employees, not a matter of Government mandate. The role of the Federal Government in private sector labor-management relations has wisely and for generations been one of neutrality. Our appropriate role has not been to guarantee unionization; it has been to guarantee free choice by employees. Our appropriate concern must always be the process, not the outcome.

When it comes to guaranteeing free choice and providing fair decisional processes, the history of government and society tell us unmistakably that the best means to achieve that end is through the use of a private, secret ballot. The proponents of this bill are not concerned about employee free choice at all. They are concerned solely with giving organized labor a way to stop their decades-long membership decline, the loss of membership dues money, and the loss of the political leverage such money buys.

This legislation is a transparent payback to organized labor—maybe not too transparent. I have been watching television, and that is exactly what has been said to the union leaders who came to DC. Catering to special interests is a disturbing enough phenomenon in Washington, but when the cost of such catering is the loss of employees' fundamental democratic right, the practice is just shameful.

I want to be sure all my colleagues know that the consequences of this bill's enactment would be far greater than merely increasing union membership. The bill the majority is asking us to consider today does more than take away Americans' right to vote on whether they want to join a union; it also upends the enforcement balance of the National Labor Relations Act and can destroy the ability of employers to control their workplace. In some cases, it also eliminates the ability of unionized employees to have a vote on accepting an employment contract.

The balance struck by the National Labor Relations Act drafters so many decades ago included a remedial system that is intended to make whole or repair any damage done by violations of the act. Instead, this bill will inject a tort-like system into workplace relations, and we all know how well the tort system works. Instead of encouraging speedy resolution of disputes before the National Labor Relations Board, this bill will drag them into the Federal court. The result will be a Federal court system even more clogged with litigation and delayed resolution of workplace disputes.

The bill also applies a stronger set of penalties, but only against employers. Even though unions face an annual average of almost 6,000 claims of harassment, intimidation, and coercion, it should come as no surprise that the bill's drafters see unfair labor practices as a one-sided affair.

The last part of the bill I would like to discuss is perhaps the part which worries me the most, and that is the imposition of mandatory binding interest arbitration. When employees decide to unionize, the first order of business is to negotiate a collective bargaining agreement with the employer. This agreement can cover every aspect of the workplace, including pay, hours, time off, working conditions, health and retirement benefits. Typically, a committee of union leaders negotiates with the employer, and once an agreement is reached, all of the unionized employees have the right to ratify the agreement. If they reject it, the union and employer go back to the negotiating table. Under this bill, these negotiations will be halted after a mere 90 days and a Government arbitrator will be called in to impose a contract on all parties. The workers would lose their right to ratify that agreement, the employer would have to comply with the terms of the contract even if it crippled the business plan, and the contract would be binding for 2 years.

This is a radical departure from the tradition of private sector collective bargaining in which parties to the contract, not some third party, make the terms of their own labor agreement. If this becomes the law of the land, we can expect the parties in labor negotiations to take radical positions to set themselves up for arbitration. This is because usually, the arbitration decision comes down in the middle of however far the parties are separated. So you have both parties taking radical stands, delaying until there is an arbitrator, and nobody having a part in the final say except the arbitrator. Again, while the current system encourages cooperation, this bill imposes conflict.

There is another side effect of this provision. Because a 2-year contract would be imposed on the parties, employees would lose the right to decertify or vote out the union for a period of at least 2 years. This would be the case even when they did not approve of the contract or where they originally signed union cards not knowing what they meant or even under pressure. I have no way of knowing whether this consequence was intended by the bill's drafters, but I can certainly guess.

Another little hidden gift to organized labor in this bill is that under this legislation, there would be no private ballot vote when a union was attempting to get into the workplace; however, a private ballot vote would be required to let the employees get out of the union. Seems like you ought to be able to just get 51 percent to sign the card, and it could be done the other way too. But no. That alone should make it clear that the only intended beneficiary of this bill is organized labor bosses and that its proponents could care less about a worker's democratic rights.

To put it simply, this bill is an attempt to rig the system, deny employers any opportunity to present their views on unionization, and prevent employees who may oppose unionization from speaking to coworkers. It would impose a union on employees based on unverifiable evidence of a majority, severely limit employees' ability to get out of a union once they are in, and stack the penalties against the employer. This may be the perfect recipe to end labor's decades-long losing streak, but the only winners will be union bosses and their political allies. Not American workers.

I have listened to the speeches over the last couple of days as this bill has been promoted as something essential. Again, I am fascinated that the Democratic Party wants to take away the democratic principle of the secret ballot. One mythical reason they mentioned is that a private ballot election supposedly stalls the process. The fact is, according to 2006 NLRB statistics, once a certification petition is filed, there is a median of 39 days to an election, and 94.2 percent of all elections are conducted within 56 days.

Another myth out there is that the private ballot election silences prounion workers. Here are the facts: All employees have a guaranteed right to discuss their support of unionization and to persuade coworkers to do likewise while at work. The only restriction is the reasonable one that they not neglect their own work or interfere with the work of others when doing so. Employees have the unlimited right to campaign in favor of unionization away from the workplace. For example, they, along with union organizers, can visit employees at their homes. In fact, the law requires that employers provide unions with a list of employee names and home addresses for just such a purpose.

Employee speech is virtually unregulated. In an effort to gain support for unionization of employees and unions, for that matter, they can promise, can

pressure, can provide financial incentives such as waiving union fees, and can spread false claims, distortions, and misrepresentations, all with no consequence. By contrast, the employer speech is strictly limited, closely monitored, and regulated. Employers cannot lawfully visit employees at their homes. Employers can't even invite an employee into certain areas of the workplace to talk about unionization. Employers cannot promise and cannot make any statement that could be construed as threatening, intimidating, or coercive. Such behavior is strictly unlawful for the employer.

The other side says the Employee Free Choice Act, which I call the Union Intimidation Act, allows workers to have an election if they want one. We just heard that argument. The fact is, we have a body around here—a couple hundred researchers at the Library of Congress—that does research in a nonpartisan manner. They look at the facts and pass them on to us. They were asked about employees being able to have an election if they want one under this bill. The Congressional Research Service disagrees with their supposition. They read the bill's words that say ''the board shall not direct an election'' the way most reasonable people would read them. In a memo to me which was entered into the Health, Education, Labor and Pensions Committee hearing record, CRS wrote:

An election would be unavailable once the board concludes that a majority of the employees in an appropriate unit has signed valid authorizations designating an individual or labor organization as its bargaining representative.

The Democrats' own witness at the HELP Committee hearing in March admits that it is not true that any one employee who prefers to vote by secret ballot election can secure such an election. That is their own witness saying: Not true. It was Professor Estlund who said that in response to a question for the record.

Essentially, private ballot elections will only take place under H.R. 800 if the union chooses to have one by submitting authorization cards from less than 50 percent of the workers. As a practical matter, that will never happen. If union organizers cannot get enough cards in a public, coercive, intimidating signing campaign, they just don't bother with an election.

Another myth: The Employee Free Choice Act, which I call the Union Intimidation Act, would increase health care and pension benefits. We heard that a few minutes ago. Wishing or asking doesn't make it so. Health insurance, like higher wages and benefits, cost money. Unions don't have to contribute a single penny toward those costs. In fact, since unionized operations are less efficient, they make paying for those things more difficult. They don't take into consideration the business plan and how to continue the business.

Comparing union wages versus nonunion wages nationwide is also inherently misleading since union workers are concentrated in geographic areas and industries where the wages and benefits of all workers are generally higher.

Another myth: Workers seeking to form unions are routinely fired; one in five is fired; one in five is fired every 20 minutes.

OK. Let's look at the facts on that. To begin with, under current law, it is illegal to terminate or discriminate in any way against an employee for their union activities. If this occurs during an organizing campaign, the National Labor Relations Board not only remedies the violation, it is also empowered to set aside and rerun the election since the necessary ''laboratory conditions'' for a valid NLRB election have not been met. However, that occurs in less than 1 percent of all elections, and that number has been steadily decreasing.

That is not the end of the NLRB's authority under current law. If the National Labor Relations Board finds a fair election is not possible, they can certify the union regardless of the vote and order the employer to bargain.

Yesterday, we heard this same myth repeated, and it is based on three phony analyses by stridently prounion researchers, who often make a series of wholly unfounded assumptions and routinely misuse statistical data.

The first analysis arrives at its conclusions by taking the number of National Labor Relations Board reinstatements offered each year, assuming that half occur in the context of an organizing campaign, and then dividing that number into some completely mythical and arbitrary number of ''union supporters''. Now, even if the first assumption was right, it is the number of supporters that matters. The lower the number, the more dramatic it looks. This number, however, is completely made up. There is no factual basis for determining this number.

Here are the facts. In 2004, for example, nearly 150,000 employees were eligible voters in National Labor Relations Board elections. Using their assumptions, there were only about 1,000 reinstatement offers that year. That is not 1 in 5; that is 1 in 150. Even that is likely very high since the vast majority of these offers are settlements which do not account for the fact that many of these terminations may have been perfectly lawful. Moreover, since unions won over 61 percent of these elections, their supporters amounted to at least 90,000.

Now, the second ''analysis'' uses the National Labor Relations Board's backpay figures as the basis for this claim. Here is the problem. The vast majority of those backpay claims do not arise in the context of an organizing campaign. They do not involve union employee terminations. And they do not single out union supporters. Most involve bargaining violations with already-established unions. In 2000, for example, two-thirds of the backpay number involved a single case that had absolutely nothing to do with an organizing campaign.

The third study consisted of stridently prounion researchers calling union organizers about campaigns they conducted over a short period of time in an isolated geographic area. The ''statistics'' relied on were nothing more than untested anecdotes.

So as this discussion continues, we are not going to allow incorrect and distorted numbers, and misused and misinterpreted data to obscure what is really at issue here. This is about taking away the right for people to have a secret ballot. Again, I want to reiterate that while this bill may be grossly misnamed as the Employee Free Choice Act, it has absolutely nothing to do with preserving free choice. In fact, it's just the opposite. How would you like to have someone come into your house with two or three people—one of them being very big—and pressuring you to sign a union card? Would you feel a little intimidated? Most people certainly would. Would you sign because you felt pressured, because you just wanted to have people stop bothering you, or because you didn't want to offend a coworker or friend? Most people would. However, under this bill all a union would have to do is obtain 51 percent this way and it is automatic.

Once the total reaches 50 percent, there is no latitude. These claims that employees could still have an election under this bill are simply not true. Oh, yes, there is this extraordinarily deceptive claim that a union could stop at 49 percent and ask for an election. That is simply nonsense. Why would a union ever do that. More importantly, how could employees make the union stop under 50 percent. They can't. And the unions certainly won't stop—with one percent more they have guaranteed members, and guaranteed dues. Do you really think they'd risk that in a secret ballot where someone who signed under pressure would have the right to change their mind and vote their real beliefs? Why would a union ever do that? Guaranteed union members and guaranteed dues. Do you really think union organizers would actually risk that by giving employees a truly free choice? I do not think so.

It is a fundamental democratic principle to have a secret ballot. The proponents of this legislation would do exactly the opposite and strip away from working men and women this most fundamental democratic right. The proponents of this bill ought to change the name of their party if they continue to advocate this legislation.

I yield the floor.

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

## THANKING STAFF

Mr. BINGAMAN. Madam President, last night the Senate worked late to produce an energy bill. I believe it is a good bill. It does not contain all I had

hoped it would. Obviously, I regret that we were not able to go ahead with a vote on a renewable energy or electricity standard and also that we were not able to invoke cloture on the tax title of the bill. Nonetheless, I do think the bill will make important contributions to our energy security. I am proud to have worked on it with my colleagues.

Much has been said about the bill, and I am not going to debate the issues involved again today. We spent 9 days debating the bill and filled many pages of the CONGRESSIONAL RECORD with that debate. But I would like to thank the many members of the Senate staff who have invested such long hours and enormous effort over the last couple of months to make this bill possible.

In the hurry to get the vote accomplished last night, it was not possible to express appreciation to these staff members whose assistance was absolutely invaluable.

First and foremost, I thank Bob Simon, the staff director of our Committee on Energy and Natural Resources. His knowledge of the issues, his wise counsel, and his tireless energy were invaluable to me and to the Senate, in my view.

I also, of course, thank Sam Fowler, our general counsel. He was involved at every step in the development and the passage of the legislation. The work product we have finished with out of the Senate is much better for his involvement.

In addition, I thank Allyson Anderson, who worked on the carbon sequestration title and geothermal issues; Angela Becker-Dippmann, who kept track of the 350 or more amendments that were filed on the bill; Patty Beneke, who worked hard on the oil and gas leasing and public lands issues; Tara Billingsley, who worked on the biofuels title; Michael Carr, who worked on coal and transportation issues; Deborah Estes, who worked on the efficiency title; Leon Lowery, who labored mightily on the renewable energy standard or electricity standard; Jonathan Epstein, who worked on the science issues; Scott Miller, who helped on biomass and tax issues; and Cathy Koch of my personal staff and the staff director of the finance subcommittee on energy taxes, who played such a large role in crafting the tax amendment.

I also thank the rest of the professional staff of the committee, who pitched in to help when called upon: David Brooks, Paul Augustine, Jonathan Black, Mike Connor, David Marks, Jorge Silva-Banuelos, Al Stayman, and Bill Wicker; our support staff: Mia Bennett, Amanda Kelly, Rachel Pasternak, Britini Rillera, and Gina Weinstock.

Also, we have four excellent interns working with the committee this year: Kristen Meierhoff, Ben Robinson, Jodi Sweitzer, and Matt Zedler.

I also express appreciation for the work of the minority staff of the Committee on Energy and Natural Resources, and specifically: Frank Macchiarola, who is the Republican staff director; Judy Pensabene, who is the Republican chief counsel; Kathryn Clay and Kellie Donnelly.

I commend the Senate Finance staff who worked so tirelessly to craft a tax package that would have been an invaluable complement to the authorizing legislation. Senate Finance staff on both the Democratic and Republican sides of the aisle worked in concert to forge a bipartisan package and did that under the direction of Senators BAUCUS and GRASSLEY. I acknowledge their excellent efforts. The staff includes Pat Bousliman, Ryan Abramam, Jo-Ellen Darcy, Elizabeth Paris, Pat Heck, Mark Prater, John Angell, Bill Dauster, and Russ Sullivan, of course, the staff director.

I also thank Tom Barthold and the entire staff of the Joint Committee on Taxation, who helped us greatly, particularly with the tax package that was offered as an add-on to this bill.

Finally, I express my gratitude to the majority leader's staff. I have expressed my gratitude to the majority leader many times for his leadership in getting this bill to the floor and getting it passed through the Senate, but let me also thank the majority leader's staff and very able floor staff: Marty Paone, of course, the secretary for the majority; Lula Davis, the assistant secretary; Chris Miller, the majority leader's senior policy adviser; and all the other members of the staff, on both sides of the aisle, who worked very hard to see this happen.

To each of them, I extend my heartfelt thanks.

Shakespeare lamented how ''oft good turns Are shuffled off with such uncurrent pay.'' I think if he were speaking today, he would probably say: Are shuffled off with such inadequate pay as a simple thank you.

So uncurrent or inadequate though it may be, our thanks is owed to all of the many staff members on our committees and in our personal offices whose hard work and professional assistance have made this legislative accomplishment possible. I am very grateful to each of them and wanted to acknowledge their contribution today.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, it is my understanding that roughly 30 minutes remains allocated between the Senator from Utah and myself.

The PRESIDING OFFICER. The Senate is in morning business with 10-minute grants.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes.

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

## SENATE ACCOMPLISHMENTS

Mr. CORNYN. Madam President, I come to the floor this afternoon to respond to some remarks made by the distinguished majority leader earlier today. The majority leader listed accomplishments he believes the new majority has accomplished during the 6 months that new majority has been in power. He talked about homeland security funding, the SCHIP program, appropriations, the budget, Iraq, Attorney General Gonzales, and the Energy bill.

One of the things I admire about the majority leader is that he is a very good advocate. He knows how to put a good face on the facts. But I wish to suggest to my colleagues here that in reality, the current state of affairs in the Senate is not nearly as rosy as the majority leader would have us believe.

We spent nearly 2 weeks trying to craft an energy bill that would relieve some of the pressure on American consumers when they fill up their tanks or go to pay their electric bills. Unfortunately, the bill that was offered will not provide a single watt of new energy or a single drop of new oil. Instead, we saw amendments that would have improved the bill in this area defeated time and time again. Moreover, it will actually raise prices for consumers.

This bill, in fact, that was passed last night is bad energy policy because it will raise energy prices for consumers. It will enact, if finally signed into law, price controls, returning us to the failed energy policies of the 1970s and the 1980s, which produced shortages, gas lines, and other severe economic dislocation. This energy bill passed by the Senate last night will increase costs for American energy companies. It will force them to do more of their investment outside of the continental United States, and it will increase—not decrease but increase—our dependence on foreign sources of oil and gas, primarily from dangerous parts of the world and enemies of our country. It will enact unattainable Federal mandates. It will reduce the Nation's ability to compete in the global market against much larger state-owned energy companies for reserves around the globe. Finally, it will continue the prohibition on expanding the domestic production of oil and natural gas.

Instead of trying to work through these problems in a bipartisan way to try to actually bring results and solutions that make sense, the majority leader chose instead to file cloture on the bill, which means, of course, to close off debate and to force a vote so we could speed through it without resolving the predicament Americans will continue to find themselves in, with high prices at the pump and when they pay their utility bills each month. Last night, I am sorry to report, this body approved this ineffective—and perhaps even harmful—legislation.

Why, I might ask, were we so quick to pass this bill before we could turn it into something that might actually help the American consumer? Well, as it turns out, the reason we were in such a big hurry to close off debate and to stop our work before we could actually provide some relief to the American consumer when they pay their utility bills or when they fill up their gas tanks is because we have to turn to a bill that big labor regards as their single most important legislative agenda, and that is to eliminate the right of prospective union members to the secret ballot. That is right. The bill we are moving to next because we didn't have enough time to finish the energy bill to actually provide some meaningful relief for American consumers is designed to help labor unions intimidate workers into the decision of whether to unionize.

Our friends on the other side of the aisle are demanding that the U.S. Government strip workers of the right to a secret ballot when it comes to the decision of whether to join a labor union. As a matter of fact, they have deceptively named this bill the ''Employee Free Choice Act.'' This is anything but a matter of employee free choice because it would deny workers the freedom of choice, exposing them to intimidation and manipulation that comes from anything other than a secret ballot. This bill ought to be called the ''Employee NO Choice Act.'' It provides opportunities to bully workers into joining labor unions, stripping them of the valuable right to a secret ballot.

Why in the world would we move from one of the most pressing problems confronting our country today—literally a national security problem relating to our dependence on foreign oil—and failing to address the most pressing concerns that most Americans feel each day because of high gas prices and high electricity prices? Well, apparently, the answer is to turn to a partisan matter such as avoiding the secret ballot for union members.

Some of those who have given support to those across the aisle have attempted to provide the rationale. One explanation given last fall was that ''the Democrats are beholden to labor and must pass the Employee Free Choice Act.''

Unfortunately, this has the simple feel of political payback for efforts made by labor to provide Democrats control of Congress last November. I cannot see any other logical explanation for the timing and interruption of one of the most important pieces of legislation Congress will consider this year. In fact, just last week, the majority leader's spokesman explained that ''we need to make clear to the American people that we are following through on the promises we made in November.''

Madam President, I am not alone in my hesitation about this bill stripping American workers of a fundamental right. Just a few short years ago, Democratic Members of Congress, including the author of the House version of this bill, wrote to officials in Pueblo, Mexico, to urge use of secret ballot in union elections. In that letter, those Democrats set forth the reasons secret ballots are essential. They said:

> We feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. . . .
>
> We feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.

I agree with the letter, but I disagree with this bill, which would strip workers of this valuable and fundamental right. Why would our colleagues on the other side of the aisle want to give big labor the power to intimidate, potentially, American workers? Why urge free choice and democracy in the international workplace, while offering no choice to American workers?

I am afraid the answer is clear. Union memberships have declined. According to the Bureau of Labor Statistics, union membership is down from 20 percent of the workforce in 1980 to just 12 percent now. Less than 8 percent of private sector workers belong to a union today.

As a recent Washington Times editorial explains:

> Card-check unionization has quickly become the only way big labor seems to increase membership these days.

Big labor helped elect Democrats in the 110th Congress. In fact, union PAC contributions to Federal candidates increased 11 percent from 2004 and are higher than any other industry grouping.

The Center for Responsive Politics found recently that since 1989–1990, labor unions have comprised 6 of the top 10 political donors to Federal candidates and political parties, ranging from the AFSCME, to Teamsters, to the Service Employees Union.

This has all the earmarks of political payback, plain and simple. This should not be the reason we have taken up valuable time on the floor of the Senate—to deal with political payback. Now is not the time to repay political favors, when the Senate has a seemingly endless list of more pressing and urgent matters to solve. True free choice in any election only comes with the secret ballot. I think we all intuitively understand that. Union elections are no exception.

American democracy must preserve an employee's right to a secret ballot when deciding union representation. We should not even be considering this bill, but if forced to, we should oppose it.

I also want to point out on this front, in case you don't believe this matter is motivated by pure politics, that the majority leader scheduled a vote on cloture on the motion to proceed to the immigration bill immediately following the procedural vote on the secret ballot bill on Tuesday. So no matter what happens on the vote to proceed to the union payback bill, we will not actually be considering that legislation—even if we were to vote to go to it. How can this exercise be categorized as anything other than a waste of the Senate's time?

I wish I could report that this is the first time our colleagues on the other side of the aisle, who control the Senate calendar, have held votes that waste time and divert attention from issues that are much more important. As America struggles with record prices at the gas pump, and our broken immigration system is in desperate need of reform, the new leadership of this majority believes the Senate should spend more time and energy on a nonbinding and purely political resolution on the Attorney General. I think that is unfortunate. Unfortunately, it is also indicative of the priorities we have seen.

Since taking control of the Congress 6 months ago, our colleagues have refused to address needed reforms of entitlement programs. The Children's Health Insurance Program, better known as SCHIP, that the majority leader said would greatly expand and provide benefits to individuals—unfortunately, we have not taken that matter up. In fact, our colleagues on the other side of the aisle have transformed this program designed to help children in need of having health insurance to one that would cover adults and children who are part of families making double the income the program started with. Instead of children of modest economic means, it has been expanded now as a new Government entitlement, leading the way more and more to a single-payer, Government-run system out of Washington, DC.

The majority leader also pointed out successes relating to the budget, while highlighting that the 109th Congress didn't even pass a budget. What the majority leader didn't say is, this budget contemplates the single largest tax increase in American history.

If the majority leader believes passing a tax-and-spend budget that includes the largest tax increase in history, does nothing to control entitlement spending, and explodes the debt is an accomplishment, well, it may be an accomplishment for tax-and-spenders, but it certainly was not an accomplishment for the American people. This budget was not an accomplishment for middle-class families and American entrepreneurs who will get socked with the highest tax increase in our Nation's history.

This budget was not an accomplishment for our children and grandchildren, who will have to deal with the consequences of this body's refusal to reform entitlement spending—a fiscal tsunami that we all know is coming. If we do nothing about entitlement spending, we soon will not have a dime to pay for anything else except four

things: Social Security, Medicare, Medicaid, and part of the interest on the debt.

This budget was certainly not something to be proud of. It includes more money than what the President asked for and doesn't eliminate a single wasteful Government program. It adds to our Nation's debt, and it raises taxes on middle-class families.

To date, this Congress, under the new majority, has failed to send any meaningful legislation to the President's desk for signature. Instead, the majority leader pulled the immigration bill from the floor, delayed consideration of an energy bill, ultimately passing a bill that will fix none of the current problems, and pursued political resolutions aimed at weakening the President, at the expense of strengthening our Nation.

Only one of the ''six for '06'' initiatives that our Democrat colleagues heralded when they got elected to the majority have become law, due in part to their lack of bipartisanship and cooperation.

Their agenda so far has included passing a budget with the largest tax increase in American history; increasing spending on wasteful programs; they have sought to micromanage the war rather than to give our commanders and soldiers, sailors, airmen, and marines on the ground the opportunity to actually succeed; they forced our troops to shoulder pork barrel projects and made them wait 117 days to get a bill to the President that he would sign—an emergency spending bill that would get necessary relief to our troops in a time of war; they sought to raise the minimum wage without protections for small businesses; they have hampered the 9/11 Commission recommendations with paybacks to unions; they forced taxpayers to fund embryonic stem cell research under circumstances that many Americans would find crosses a moral line, by taking life in order to conduct scientific research; they have undermined a successful Medicare prescription drug plan in favor of a Government-run health care plan, and opposed market-based solutions.

My friends across the aisle have had a rough go of it during their first 6 months in the majority. They would have you believe, and the majority leader would have you believe, from his comments earlier today, that they have not been able to accomplish anything because of their narrow majority here.

In truth, however, the blame lies with the incredibly partisan way in which the majority has conducted themselves. They have refused to cooperate with this side of the aisle to accomplish many good things for the American people, instead filing a record number of cloture motions and bringing this body to a halt—40 times so far this Congress, compared with 13 during the same period of time in the 109th Congress, 9 in the 108th, and only 2 in the 107th Congress.

I am here to urge our colleagues in the majority to discard the approach they have attempted so far, which is to ram legislation through a closely divided body without compromise. This has not worked for them so far, and it will not work for them in the future. Even more important, it will not work to solve the problems of the American people.

In order to do the job the American people sent us here to do, we have to work together. As my Democrat colleagues have pointed out many times in the past, we are not the House. We must continue to look at all issues that are vital to the American people. We must compromise on those issues in good faith to do our very best, and we must put an end to the time we are wasting on such divisive, partisan issues, such as frivolous votes of no confidence against the current administration and payback to big labor for November favors.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that I be given enough time to make this speech, as long as I finish before 2 o'clock.

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

## EMPLOYEE FREE CHOICE ACT

Mr. HATCH. Mr. President, I rise in fierce opposition to the horribly misnamed Employee Free Choice Act.

When I first came to the Senate, I thought the 1977–1978 labor law reform bill we turned back was bad public policy. The bill we are considering moving to the floor, H.R. 800, is far worse.

Where is the free choice for employees in this horribly misnamed Employee Free Choice Act? In all my years in the Senate, I have to say that the title of this bill is the most misleading of any I can recall. This bill doesn't give rights to employees; it takes away the rights of employees and replaces them with the rights of union bosses.

Back in 1977 and 1978, when we fought the labor law reform bill, there were 62 Democrats in the Senate and only 38 Republicans. But we were able to defeat that bill by one vote. Thank goodness we did because this would be a far different country today.

This bill would more aptly be named the Union Bosses Free Ride Act because it would allow union organizers to skip the efforts of having to convince employees to vote for union representation in secret ballot elections to gain certification as the exclusive bargaining representative. Then it would allow union negotiators to skip the efforts of bargaining for a first contract. Instead, unions need only make a pretense of collective bargaining for an initial union contract before turning to the Federal Government, which can for 2 years impose the wages, benefits, and other terms and conditions of employment binding on employees, without employees' ratification or approval—binding on the employer as well, without the employer's ratification or approval.

Is this what my colleagues want to support—eliminating secret ballot elections and mandating Government certification of a union based on union-solicited authorization cards? Is this what my colleagues want to support—the Federal Government writing the binding contract terms for private sector wages, benefits, and other terms and conditions of employment? That is what this bill does.

Apparently, it is not what the American public want us to support. According to a January 2007 poll by McLaughlin and Associates, 79 percent of the public opposes this bill, including 80 percent of union households, 80 percent of Republicans, and 78 percent of Democrats.

When asked: ''Would you be more or less likely to vote for a Member of Congress who supported this bill?'' the response was 70 percent less likely.

Recent polls also suggest that 87 percent of voters, almost 9 out of 10, agree that every worker should continue to have the right to a federally supervised, private-ballot election when deciding whether to organize a union. The same survey found that 79 percent, that is 4 out of 5 voters, oppose efforts replace the current private-ballot system with one that would simply require a majority of workers to sign a card to authorize organizing a union. There was virtually no variation in reply among Republicans, Democrats, or Independents in this survey; this sentiment rings true across the board.

Likewise, in a 2004 Zogby International survey of union workers, it was found that the majority of union members agree that the fairest way to decide on a union is for the government to hold a private-ballot election and keep the workers' decisions private. In the same survey, 71 percent of union members agreed that the current private-ballot process is fair. The survey also found that 84 percent of union workers stated that workers should have the right to vote on whether or not they wish to belong to a union.

It is hard to believe that we are seriously considering a bill to deny workers a secret ballot vote so soon after the national elections, and our own elections, given our Nation's history in promoting secret ballot elections for the disenfranchised members of society through the suffragette and civil rights movements. This is especially true since we are fighting for the opportunity of individuals around the world to have the democratic right to a secret ballot election.

Apparently, even congressional cosponsors of the bill acknowledge that it would be bad policy to take away secret ballot union representation elections, at least for workers in Mexico. In a 2001 letter to Mexican Government

officials, the House sponsor of H.R. 800, 16 Members of the House of Representatives including one then-member who now serves in this body, wrote:

We understand that the private ballot is allowed for, but not required by Mexican labor law. However, we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may not otherwise choose.

If private ballot elections are absolutely necessary for workers in Mexico, why aren't they necessary here? That is what you have to ask.

The answer is simple. Union bosses are more successful under card check. Recently, according to official NLRB statistics, unions have won over 60 percent of NLRB-supervised secret ballot union representation elections. In other words, they are winning the vast majority of elections on secret ballot. They want to win all of them, and that is why they support this card-check approach. At least by political election standards, that 60 percent is a high mark. But not for union bosses. Statistics show that under a card check, unions win approximately 80 percent of the time, and an even higher percentage when the employer remains neutral and does not communicate with workers, as employers are permitted to do under the section 8(c) free speech provision of the National Labor Relations Act.

In effect, forced employer neutrality would be the result of card check under H.R. 800, since union organizers would control the timing of the election by quietly securing a majority of signatures—50 percent plus 1—among a group of employees, large or small, determined by the union organizer, and then springing the demand for certification upon the employer and the NLRB. The result would, in effect, silence the employer and thus deny employees the right to be fully informed about the particular union seeking their support.

Under this bill, the role of the NLRB, which has such a proud history of conducting secret ballot union representation elections, would be reduced to that of handwriting analysts checking to make sure that employees' signatures were not forged, and determining whether the group of employees designated by the union constitutes an appropriate unit. Remember, under NLRB law, the unit petitioned for does not have to be the appropriate unit, or the most appropriate unit, but only an appropriate unit for bargaining where the employees share a community of interest. Thus, in effect, the union organizer can select a group of employees that are most easily organized by means of card check, force NLRB certification by designating ''an'' appropriate unit, and then force a government-imposed first contract, the terms of which could incorporate employer obligations affecting the employer's entire operations, such as contract provisions barring subcontracting of work.

In effect, H. R. 800 is push-button unionism.

Under this bill, to force union representation, union organizers only have to get employees to sign union authorization cards, which the Supreme Court has an ''inherently unreliable'' indicator of true employee support due to peer pressures, intimidation and coercion.

Would the unions like the employers to have the same right, to be able to go privately and intimidate employees as the union organizers will do and get 50 percent plus 1 to throw the union out? Not on your life.

In fact, as one court stated with regard to card check authorization, ''It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a card check unless it were an employer's request for an open show of hands. The one is no more reliable than the other.'' NLRB v. Logan Packing Co., Fourth Circuit Court of Appeals.

Some supporters of the bill have asserted that the bill does not eliminate secret ballot elections. But if they simply read the bill, it provides just the opposite. Just so we are clear, quoting from the bill:

Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the board shall investigate the petition. If the board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection.

How can one say with a straight face that card check for union representation is any more protective than a private ballot election where employees may be solicited, intimidated, and coerced, subtly or not so subtly, to sign union authorization cards by fellow employees during nonwork hours and nonwork areas at the workplace, or by outside union organizers at the employees' homes or at the union hall or simply on the street or at the plant gates.

How is card check more of a free choice than the long-established and hard-won employee protections of a private ballot election, which is supervised, monitored, and shielded by Government officials of the National Labor Relations Board, who are present at the voting booth to prevent improper electioneering and misconduct by representatives of either labor or management?

The compulsory, first contract, interest arbitration is even a greater departure from sound national labor policy because it destroys free collective bargaining.

Under this bill, to force an initial union contract, union negotiators only have to make a pretense of bargaining for 90 days before calling on federal mediation for 30 days. If not resolved, the contract then must go to a federally appointed arbitrator who will write the employment terms binding on the employees and the employer for 2 years. That is long enough to sour employees on the federally imposed terms of employment, and long enough to bankrupt an employer or make it so noncompetitive that it decides to close operations and do business elsewhere—perhaps and probably overseas.

How can one say with a straight face that it is an employee's free choice to have the Federal Government write the terms of employment through compulsory interest arbitration by a federally appointed arbitrator? Under this bill, the arbitrator has unfettered authority to impose the wages, benefits, terms and conditions of employment of an initial union contract, which is then binding on employees and their employers for two years, without the employees even being able to approve or ratify those terms as they can under current law? How is that employee free choice? How is that open collective bargaining?

And how is it an employee's free choice then, by operation of the current contract bar doctrine, to prevent those employees from challenging the union's continuing majority support by an NLRB supervised secret ballot election?

This bill is not about employee free choice. It is about union leaders calling in their political chits in order to increase membership, and being able to deny workers the protections of an NLRB-supervised secret ballot election.

It is about union leaders then being able to get the Federal Government to impose wages, benefits, terms and conditions of employment and deny workers the right to ratify or approve the first union contract that will govern their employment for 2 years.

This is a huge and radical change in national labor policy, which the bill's sponsors are trying to foist on American workers and employers without even the benefit of a committee markup. Imagine, with only one day of committee hearings, completely rewriting and reversing over 70 years of national labor policy by injecting the Government into private sector collective bargaining through compulsory arbitration. The Federal Government steps in, not where the parties voluntarily agree to such intervention, but by congressional mandate, by operation of law, whether the parties agree or not.

That is not the way national labor policy is designed to work. This is not how it worked when the original Wagner Act was enacted in 1935, and in all subsequent amendments including the 1947 Taft-Hartley Act. Consistent with the decisions of every NLRB in Democratic as well as Republican administrations—and enforced by every federal

court including the Supreme Court, it has been bedrock national labor policy that the Federal Government must not set the terms of the private employment contract. The role of the Federal Government through the NLRB and the courts has been to establish the rules for good faith bargaining. And the law does not require agreement, nor does it require a contract, so long as the parties bargain in good faith. Those sound national labor policies are destroyed under H.R. 800, which ignores whether the parties are bargaining in good faith and mandates a first contract binding on both sides.

This bill does not require a finding by the NLRB or the courts that the parties have failed to engage in good faith bargaining. Although misguided and bad policy, at least the 1977–1978 labor law reform bill addressed union complaints about the difficulty of reaching agreement on first contracts by first requiring a finding by the NLRB that the employer was guilty of bad faith bargaining. Then, the so-called make whole remedy proposed was to pay wages equivalent to a BLS index of average hourly manufacturing wages for the period of the employer's refusal to bargain. That, in my opinion, is not something Congress should endorse.

But to show you how truly extreme the current bill is, under H.R. 800 there is no requirement of a finding that the employer had violated the National Labor Relations Act by failing to bargain in good faith on an initial contract. The employer may have negotiated completely in good faith, and the parties need not have even reached an impasse in negotiations, to trigger the supreme sanction of having the Government step in and write the contract. The only trigger is when the parties have been unable to agree on a contract after 90 days of negotiations and 30 days of federal mediation. In effect, we are legislating that it is an unfair labor practice for an employer not to reach agreement on a first contract within 90 days of bargaining and 30 days of mediation, and that unless you agree to the union's terms the penalty is that the Federal Government will appoint an outside, third party to impose a contract on you for 2 years. Now that is not American.

Think of the effect of all this on the Nation's small business community. Informed of union certification because of card check, suddenly dragged to the bargaining table within 10 days of the union's demand, and most likely never having engaged in collective bargaining before, the small business owner will be confronted with professional union negotiators insisting on wages, benefits, terms, and conditions perhaps beyond the small business owner's ability to accept and remain competitive. But unless the small business owner agrees, the Federal Government, through a federally appointed arbitrator, will step in and write the contract.

Do we want the Federal Government writing private sector contracts? I don't think so. I cannot stress enough my concern about the bill's provision for first contract compulsory interest arbitration, especially as it would affect small business. That is even worse than the card check scheme to begin with, but without the card check scheme, you can't get to this.

It is close to socialism to mandate that the Federal Government, through federally appointed arbitrators, should dictate private sector wages, benefits, and other terms and conditions of employment. These are not simply my words and my concerns. Let me quote from the Nation's leading basic textbook on arbitration, Elkouri & Elkouri, ''How Arbitration Works,'' the sixth edition, 2003, which is published by the American Bar Association's section of labor and employment law with editors representing labor and management.

The Elkouri text states:

> Compulsory arbitration is the antithesis of free collective bargaining.

The text then lists several reasons against compulsory arbitration.

> Broadly stated, that: First, it is incompatible with free collective bargaining; second, it will not produce satisfactory solutions to disputes; third, it may involve great enforcement problems; and fourth, it will have damaging effects on economic structure.

The text continues.

> Compulsory arbitration is a dictatorial and imitative process rather than a democratic and creative one.

Summarizing the arguments against compulsory arbitration, the text concludes:

> Compulsory arbitration means governmental—politically influenced—determination of wages and will inevitably lead to governmental regulation of prices, production, and profits; it threatens not only free collective bargaining, but also the free market and enterprise system.''

Can you imagine being a small business owner, especially the owner of a family business, confronted with the choice of capitulating to a skilled union negotiator's unreasonable demands after 90 days of bargaining? Imagine the business being, in effect, turned over to a Federal arbitrator to impose whatever wages, benefits, terms, and conditions of employment the arbitrator chose to impose, as Elkouri states, ''affected by the arbitrator's own economic or social theories, often without the benefit or understanding of practical, competitive economic forces''?

Is that what we want to do to our small business community, much less to larger businesses, whose issues for bargaining are even more complex? Since there are no limits on what an arbitrator may impose through interest arbitration, it is conceivable that the terms could include participation in an industry's underfunded multiemployer pension plan, for example, something which could eventually force an employer into insolvency.

Lost in what little debate we have had on this bill is the unfairness of its provisions for anti-employer punitive sanctions. Once again, these provisions in the bill are a radical departure from the balance of traditional national labor policy which for over 70 years has confined the act to ''make whole'' remedies, and, at least since the 1947 Taft-Hartley Act, has tried to maintain a balance of the remedies for union unfair labor practices and employer unfair labor practices.

H.R. 800 provides, for the first time, punitive rather than remedial sanctions under the National Labor Relations Act and contains only anti-employer sanctions. That is, H.R. 800 contains revolutionary punitive sanctions only against employers. Regardless of how corrupt the union may be, there are no sanctions possible against the union.

It provides for increased damages against employers in the form of back pay and liquidated damages equal to two times that amount for anti-union discrimination from the initiation of a union organizing campaign and until the first collective bargaining. These increased damages are clearly punitive, not remedial and not designed to make whole an employee for anti-union discrimination. Nowhere in H.R. 800 does the law provide for such punitive sanctions against union unfair labor practices.

In addition to back pay, the bill provides civil penalties against employers of $20,000 for each violation. Since each unfair labor practice charge filed against employers or unions often contains allegations of multiple violations, the $20,000 civil penalty could multiply several times for a single charge. Of course, under the bill, the $20,000 simple penalty applies only against employers. How fair is that? Nowhere does H.R. 800 provide civil monetary damages against unions where they commit unfair labor practices against employees.

Finally, the bill provides for a mandatory injunction against employers' alleged acts of anti-union discrimination, including—and I am reading from H.R. 800—allegations that the employer:

> (1) discharged or otherwise discriminated against an employee; (2) threatened to discharge or to otherwise discriminate against an employee; or (3) engaged in any other unfair labor practice that significantly interferes with, restrains, or coerces employees in the exercise of their rights guaranteed in section 7.

This is, in other words, the right to organize, bargain collectively, and engage in concerted activities such as strikes.

Supporters of the bill argue this provision mirrors the act's section 10(I) injunction against unions which is mandatory when unions engage in secondary boycotts affecting neutral parties. Of course, therein lies the reason for the injunction. By current definition a section 10(I) injunction applies only where a neutral third party is involved and the injunction is designed

to prevent harm to the public where labor disputes are expanded to those employers not directly involved in such disputes.

That is not the type of unfair labor practice against an employee during the course of a union organizing campaign, where a make-whole remedy of reinstatement with full back pay is available.

Mandatory injunctions are extraordinary penalties, especially involving small businesses, since they involve expensive Federal court litigation. As such, the threat of a mandatory injunction—which, for example, would mandate the employer reinstate the employee during the investigation and prosecution of the injunction—could operate to silence the employer from communicating its views regarding unionization. This is the employer's right under section 8(c) of the National Labor Relations Act.

There has been much said recently by supporters of H.R. 800 about employer misconduct during union organizing campaigns and collective bargaining for a first contract. This has been used to justify the radical provisions of H.R. 800 denying workers of private ballot union elections, increasing anti-employer sanctions, as well as compelling interest arbitration of first contracts.

Unfortunately, much of what has been said is simply untrue or exaggerated and based on flawed information and studies of dubious quality. I cite as an example one fatally flawed study conducted by Cornell Law School Professor Kate Bronfenbrenner. It is frequently cited regarding the firing of union organizers in over one-quarter of union organizing campaigns. The study is based on a survey of union organizers for their opinion as to how often organizers are fired during a union organizing campaign. That hardly constitutes an objective, unbiased sample, and such anecdotal opinions hardly constitute the type of factual, statistical information we have the right to expect before radically changing over 70 years of national labor policy.

Also, supporters of H.R. 800 claim from an NLRB report that over 31,000 employees received back pay annually and thus presumably were fired during union organizing campaigns, which represent one worker fired every 17 minutes. That figure grossly misapplies the report and its basis. In fact, that number includes a very high percentage of workers who were already represented by unions, some for many years, who were being paid back pay because their employer took some unilateral action, such as contracting out work, without consulting their union. Therefore, a high percentage of such back pay had absolutely nothing to do with union organizing campaigns, and supporters of H.R. 800, who must know better, are simply using this statistic to exaggerate their claims. Also, supporters of H.R. 800 ignore the more accurate number that according to the NLRB's most recent annual statistics only 2,000 employees were ordered reinstated by the Board.

As we debate over whether or not to deny private ballots to workers deciding whether or not to unionize, it is my hope that we will be able to at least hold fast and true to the facts. And there should be full debate on these facts, not simply a cursory one-day hearing, bypassed markup and we move straight to the floor. We must not rely on slogans, anecdotal stories, and questionable secretly-commissioned and selective statistics about alleged unfair labor practices.

In conclusion, those on the other side of this debate have advanced—with fervor—several misleading arguments about the so-called Employee Free Choice Act. I look forward to a debate on the facts of this legislation. We should debate. Let each side be passionate. And of course we will disagree; but let us be respectful. Most importantly, let's make sure that this is an honest debate.

As we enter this debate we should not be fooled by the misinformation from supporters of the bill:

They claim that employers coerce employees to vote no on unionization. The truth is that in less than 2 percent of cases is it found that an employer has inappropriately interfered in a union organizing election.

They claim that under the current system unions are not able to win. The truth is that unions won 62 percent of the National Labor Relations Board elections in 2005—the last year where a complete set of statistics exists.

They claim that the use of a card-check system is the best, most reliable and fair way of judging employees' true intentions of unionizing. The truth is that the use of a card-check system is an inherently unreliable indicator of an employee's true sentiments which lead me to a few other truths on their misleading reliability claim. The truth is that the card acquisition process is unregulated, meaning there is no check on potential undue influence when gathering cards; the truth is that we have found that intimidation, coercion, and pressure tactics can be—and usually are—used to obtain signatures; the truth is that often, bounties and financial incentives are paid to union organizers to obtain signatures on cards; the truth is that intentional deception and misrepresentation are often used by unions when obtaining cards; and the truth is that employees are often induced to sign cards by promises of higher pay, better benefits, and waivers of fees—of course the same employees are not made aware of the potential risks and costs of unionization. And finally, they claim that American workers want to form unions using a card check system.

The truth is that according to a recent poll 79 percent of Americans oppose the elimination of private ballots when voting in union organizing elections.

Senators should be aware this is not a free vote! The bill is not passed this year, or is passed but vetoed, it will put those of us who voted for it on record as supporting a radical change in national labor law and labor policy. It will put us in support of a system which denies workers a secret ballot election, which has been the bedrock underpinning of national labor policy—the crown jewel of the National Labor Relations Board.

A vote for this bill, or for cloture, will put us on record as against free collective bargaining on first contracts and in support of a political, government-dictated system of compulsory interest arbitration where a federally-appointed arbitrator will dictate the wages, benefits, terms and conditions of employment binding on employees without their even having a vote to approve those terms.

And it will put us on record as supporting an unbalanced system of remedies where employers are subject to punitive sanctions, rather than remedial make whole remedies while ignoring sanctions for union unfair labor practices.

In the end, H.R. 800 will hurt workers and will take away rights they currently have under federal labor law.

In the end, it will hurt employers, leading some to look elsewhere to do business and foreign investment to turn elsewhere rather than the United States.

We will be on record, and we will be reminded of our vote today in future congresses. We must vote no on cloture, just as we should vote no on the bill.

Mr. President, I hope my statement reflects why this is such a horribly misnamed and bad bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

## WELCOME TO WYOMING'S NEW SENATOR

Mr. ENZI. Mr. President, minutes ago a new Senator for the State of Wyoming was officially appointed by the Governor of Wyoming, and I want to welcome Dr. JOHN BARRASSO, now Senator BARRASSO, and introduce him to the Senate.

John is an extremely capable person who has gone through a selection process that involved 30 people who were interested in serving as Senator. He went through an interview process and a selection process and was one of three people given to the Governor from whom to select. The Governor gave each of the people a list of 42 issues of critical interest to the State of Wyoming and interviewed each of them and made a selection on that basis. Dr. JOHN BARRASSO was the selection.

I am very excited about this. I am excited about having a full roster from Wyoming. I have known JOHN for many years. I was pleased that he ran for the State Senate. He worked on a lot of conservative issues there. He was a

hard worker, and he was extremely efficient. In fact, one of the amazing things to me was that he was able to answer every e-mail almost immediately and to keep his desk clean. It is different from the way I worked when I was in the Wyoming legislature and it is much different than the way my desk looks here. So his efficiency is unmatched, and he has great knowledge of Wyoming and the issues that are important in Wyoming, which include energy, and of course health. He is an orthopedic surgeon and will make a big difference in our health care debate back here.

He is quiet but efficient and has worked across the aisle in Wyoming, and I am sure he will continue to do that here, much the way Senator Thomas and I have done. We have always worked as a team, the Wyoming delegation, and he will become a very strong team member.

I want to congratulate the Wyoming Republican Party on the process they went through. I want to particularly congratulate Fred Parady, who is the State chairman, for the way he walked into some fairly uncharted waters, particularly for that many people who were interested. He did an excellent and fair job, and one that was timely so we would be able to get to this point. He did an outstanding job.

I congratulate the Governor for the care and concern he gave and the way he went about his job and the comments he made as he did that job and as he introduced the new Senator. I think Wyoming can be a good example for the rest of the Nation to follow.

Of course, no one is going to be able to replace CRAIG THOMAS, but working with JOHN, we can ensure the representation of Wyoming in the Senate will remain second to none.

JOHN has had some interesting things he has worked on in Wyoming. He is extremely well known across the State because he has been doing virtually a nightly television spot helping people to help their own health and has given tips for a number of years doing that. I have no idea how many years he has also been the host for the Jerry Lewis telethon for Wyoming and has raised innumerable dollars for that great cause, and he does it so easily and so naturally and is such a great speaker.

Of course, he is very pleased that both of his children, Pete and Emma, have graduated from high school. Emma graduated this year. So he has gotten to watch them grow up in a very involved way through the years, and now that they are going to college, he can come to Washington, and I know he and his family are very excited about it and are great participants.

So I welcome the newest member of the Senate and let everyone know we are looking forward to a great team and his extreme capability.

Mr. President, I yield the floor.

## PASSAGE OF H.R. 6

Mr. DORGAN. Mr. President, I want to thank my friend from Hawaii, the chairman of the Commerce, Science and Transportation Committee, for sponsoring this amendment that was added to energy legislation last evening.

This energy legislation seeks to expand the Nation's supply of renewable biofuels and to begin moving our base of transportation fuel toward renewable energy. Across America, including in my State of North Dakota, American farmers have the ability to grow abundant supplies of corn and energy crops from which ethanol and other transportation biofuels can be manufactured. However, our Nation's ability to produce an abundant supply of transportation biofuels will be of no use if we are not able to transport these biofuels to the population centers where they are needed. Today, due to the special qualities of biofuels, there are no pipelines that can move them to market. Thus, transportation is dependent primarily on trucks and rail, except in those rare cases where water transportation is available between the areas where the biofuels are produced and consumed.

Last week, the Government Accountability Office released a report entitled ''Biofuels—DOE Lacks a Strategic Approach to Coordinate Increasing Production with Infrastructure Development and Vehicle Needs.'' The summary of the report states, in the second paragraph:

> Existing Biofuel distribution infrastructure has limited capacity to transport the fuels and deliver them to consumers. Biofuels are transported largely by rail and the ability of that industry to meet growing demand is uncertain.

If our Nation is to realize the potential of sustainable, domestically produced transportation fuels, we can have no uncertainty concerning whether the rail industry can transport the amount of biofuels that the Nation will be producing. Therefore, Senator INOUYE and I have joined in this amendment which calls for a joint study by the Secretaries of Energy and Transportation. The study will consider two primary issues and a number of related issues. First, will there be sufficient railroad infrastructure to move the amount of biofuels the Nation will be producing? Second, will that railroad transportation occur in a competitive environment in which the cost is reasonable and the service is reliable?

Ensuring adequate, reliable, and cost-effective rail transportation for ethanol and other transportation biofuels that will become so important to the Nation is an essential element of the Nation's policy to move toward sustainable, domestic supplies of energy. I thank my friend from Hawaii, the chairman of the Commerce, Science and Transportation Committee, for joining with me to pursue this study, and I look forward to working with him to ensure that our national rail system is adequate, reliable, and competitive.

Mr. KERRY. Mr. President, yesterday the U.S. Senate passed comprehensive energy legislation that will set the course for our national energy security in the decades to come. The members of this body were able to reach important conclusions regarding the need for increased corporate average fuel economy standards, improved energy efficiency for buildings and appliances, a national standard to help accelerate the development of renewable fuels, and carbon sequestration technology to capture carbon emitted through the burning of coal. The Energy bill approved by the Senate truly represents a shift toward a comprehensive, responsible, and focused national energy policy.

Not to be forgotten in establishing this policy are America's small business owners. There are nearly 26 million small businesses in this country—nearly 26 million business owners that are focused on keeping their doors open and putting food on the table for their families. And while climate change and national energy security sometimes seem like distant threats compared to rising health care costs and staying competitive in an increasingly global economy, small business owners are telling us that energy costs are indeed a concern. The National Small Business Association recently conducted a poll of its members, asking how energy prices affected their business decisions. Seventy-five percent said that energy prices had at least a moderate effect on their businesses—with roughly the same number saying that reducing energy costs would increase their profitability. Despite these numbers, only 33 percent have invested in energy efficiency measures.

In March of this year, I convened a hearing in the Committee on Small Business and Entrepreneurship to look at what small businesses can do to confront global warming. We learned over the course of that hearing just how much can be done to help small businesses become energy efficient. We also learned just how little the current administration is doing. The Environmental Protection Agency estimates that small businesses consume roughly 30 percent of the commercial energy consumed in this country—that is roughly 2 trillion kBtu of energy per year, and it's costing small business concerns approximately $29 million a year. Through efforts to increase energy efficiency, small businesses can contribute to America's energy security, help to combat global warming, and add to their bottom line all at the same time.

Last night, I worked with Senator SNOWE to include two amendments to H.R. 6 that will go a long way toward helping small business owners become more energy efficient. These amendments, which together represent the provisions included in S. 1657, the

Small Business Energy Efficiency Act of 2007, require the Small Business Administration, SBA, to implement an energy efficiency program that was mandated in the 2005 Energy Policy Act. To date, the SBA has dragged its feet in implementing a program that could help small business owners to become more energy efficient. Administrator Preston should implement this important program today, and this bill directs him to do so.

Second, this legislation establishes a program to increase energy efficiency through energy audits at Small Business Development Centers, SBDCs. The Pennsylvania SBDC currently operates a similar program, and has successfully assisted hundreds of businesses to become more energy efficient. As a result of the program, six of the eight winners of the 2006 ENERGY STAR Small Business Awards given by the EPA went to Pennsylvania businesses. This program should be replicated so that small businesses across the country have the same opportunity to cut energy costs through the efficiency measures.

Third, the SBA Administrator is authorized to guarantee on-bill financing agreements between businesses and utility companies, to cover a utility company's risk in entering into such an agreement. The federal government should encourage utility companies to pursue these agreements with businesses, where an electric utility will cover the up-front costs of implementing energy efficiency measures, and a business will repay these costs through the savings realized in their energy bill.

Fourth, the legislation creates a telecommuting pilot program through the SBA. The Administrator is authorized to establish a program that produces educational materials and performs outreach to small businesses on the benefits of telecommuting.

Finally, the legislation encourages increased innovation by providing a priority status within the SBIR and STTR programs that ensures high priority be given to small business concerns participating in energy efficiency or renewable energy system research and development projects.

As a nation, we have much to do to secure our future energy supply and to solve the international crisis that is global warming. Last night's approval of H.R. 6 demonstrates this body's will to set the right course, and America's small business owners should know that Congress is providing them with the tools they need to join the crusade.

Mr. President, last night, we successfully passed comprehensive energy legislation which included a significant increase in fuel economy standards. For far too long, this has been the third rail of energy policy. It has been one of Washington's great failures in leadership. But thanks to a bipartisan effort on the part of so many of my colleagues, these new requirements will cut automobile carbon emissions dramatically and will help put our country on a path toward energy dependence. The oil savings from the CAFE provision alone will ultimately total 1.2 million barrels per day by 2020.

When we first established CAFE standards for passenger cars and trucks in 1975, within 10 years we increased fuel economy by 70 percent and decreased our oil dependence from 36 percent to 27 percent. Ever since then, we have been stuck in neutral. The fuel economy of the average new passenger vehicle is lower today than it was 10 years ago.

We now have overcome the forces of inertia, and our country is now poised to at last revolutionize the way we drive. I am proud of the bipartisan commitment to this issue, which was demonstrated with historic vote. I particularly would like to thank my colleagues, Senator INOUYE and Senator STEVENS, for their leadership on this issue.

I was proud to cast my vote in support of this important bipartisan energy legislation, which will dramatically increase our use of renewable fuels, incentivize energy efficiency, reduce our oil dependence, and address the growing threat of climate change. This bill truly puts us on a path toward a cleaner, healthier, and more secure energy future.

Mr. KOHL. Mr. President, I rise today to talk about the Energy bill that passed with my support. The bill increases biofuels production from the current mandate of 7.5 billion gallons in 2012 to 36 billion gallons by 2022. The bill also establishes new appliance and lighting efficiency standards in Government buildings and includes Federal grants and loan guarantees to promote research into fuel-efficient vehicles, including hybrids, advanced diesel and battery technologies.

I was pleased that this bill included my very important NOPEC amendment, an amendment that passed with the support of 70 Senators. The NOPEC amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit the supply or fix the price of oil in violation of the most basic principles of free competition. It will authorize the Justice Department—and only the Justice Department—to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. Further, it will give our Government a much needed tool to fight back against the selfish price-fixing conspiracy of OPEC members, a conspiracy that significantly raises the cost of gasoline and other essential energy products to millions consumers every day.

I was also pleased that this bill included an amendment I offered that would allow small manufacturers to access awards under the Advanced Technology Vehicles Manufacturing Incentive title. Considering that small manufacturers that employ roughly 75 employees or less contribute 29.5 percent to all value added to automobiles, it made sense that they should have the opportunity to get these awards.

I was disappointed that the Energy bill didn't include provisions to require utilities to provide 15 percent of their electric power from renewable sources by 2020. The reduction in the use of fossil fuels to generate electricity would have strengthened our national energy security by diversifying our sources of electric generation. Also, the bill did not include an energy tax package that would have created incentives for renewable power, biofuels, plug-in hybrids, clean coal and other technologies.

Taken together, this bill allows the United States to become more energy efficient in a cost effective and responsible way.

Mrs. MURRAY. Mr. President, I rise today to discuss our efforts to address the energy challenges that are facing our Nation today and the solutions we need for tomorrow. I am pleased that the Senate last night passed a comprehensive energy bill that moves our Nation forward.

We all know how important energy is to our economy, our families, and our quality of life. The high cost of energy is putting a painful squeeze on every sector of my home State: Commuters notice every time they fill up the tank; businesses are struggling with the higher costs of transportation; industry is feeling the impact of higher energy costs, and farmers feel the pain both in the price of fuel and fertilizer.

The question is, what are we going to do about it? It is clear there are no silver bullets.

It is going to take smart policies, carried out consistently over many years, to begin to change the way we use and save energy.

Overall, I believe we must focus on several priorities, including: making America more self-reliant so we are less dependent on foreign sources of energy; using innovation to meet our energy needs in creative ways; supporting conservation to reduce our energy demands; investing in education so we can cultivate the scientists, researchers, and workers of the new energy future; and protecting consumers from unscrupulous energy manipulators.

Before I turn to those specific priorities, I want to share with the Senate some of the innovative things that leaders in Washington State are doing to meet our energy needs.

Washington State is moving forward on renewable sources of energy like wind energy.

In April, I had an opportunity to visit the Hopkins Ridge Wind Farm in Columbia County, WA. This is a Puget Sound energy facility that has 83 wind turbines. When they are running at peak capacity, they can generate enough energy on an average basis to supply about 50,000 homes.

In fact, the Ports of Longview and Vancouver in southwest Washington have become a gateway for bringing wind energy components into the United States. I have been able to support their work through the wind energy tax credit. Last year, I got to visit the Port of Longview and see how our longshoremen expertly handle these massive turbines.

Washington's agriculture community is stepping up and embracing renewable sources of energy. This Spring, I was in Colfax, WA, for a roundtable discussion with farmers, and energy was a big part of the discussion.

I can tell you that Washington State farmers are poised to become active players in the renewable energy market. We talked about ways to help them make the transition into biofuel crops.

And there are other innovative projects. In Gray's Harbor, we are moving forward with a biodiesel plant. It will be a new home for Washington state biofuel production, a new source of jobs for the people of Grays Harbor County, and a new way to combat high gas prices. And in the Tri-Cities, we are moving forward with a new research center on biofuels and bioproducts.

In my home State of Washington, we have also been testing some cutting edge technology that puts information into the hands of consumers so they can make informed decisions about how—and when—they use energy.

With the Pacific Northwest National Laboratory and other partners, I helped kick off a GridWise demonstration project to test smart appliances. These appliances give consumers the power to decide when to run them based on the cost of energy. For example, your thermostat could indicate to you when heat costs are at a premium. Or you could set your dryer to run only when energy is a certain price.

We all know that the cost of energy fluctuates throughout the day. Unfortunately, today's consumers don't know the real cost of energy at any given time. So it is hard for them to make informed energy choices.

These innovative appliances were tested for a year in 150 homes, a water-pumping station and a commercial building. The results are impressive. Researchers found that giving consumers these tools helps save energy and reduce demand on the electricity grid. They found that real-time pricing can also alleviate the need to build a new substation.

So I am really proud of the innovative work that is already underway in Washington State, and both Senator CANTWELL and I believe it can serve as a model for the progress we can make in the rest of the country.

Now I would like to turn to my energy priorities and some of the positive steps that this bill takes.

My first priority is to help make America more energy self-reliant. Here at home we have tremendous demand for energy and that demand is growing. Unfortunately, today we are still too dependent on foreign sources of energy, particularly oil. That dependence affects our security and our relations with other countries. We need to reduce our dependence, and we can do that through some of the measures in this bill. This bill includes a renewable fuels standard that will increase our use of renewable fuels, including biofuels like cellulosic ethanol and biogas. It also includes tighter CAFE standards for our auto industry, and it increases the number of bioresearch centers focused on biofuel. This bill will also help us diversify our fuel sources by promoting alternative fuels, such as ethanol, biogas, and biodiesel.

I am disappointed that important tax incentives, which would spur the development of renewable electricity, increase the production of alternative transportation fuels, and help homeowners who make their properties more energy efficient, were blocked in a procedural effort by the minority. I am hopeful that these important investments will be restored as this legislation moves forward.

Second, we need to use innovation to help meet our energy needs. This bill will help move forward our innovation agenda by increasing research and development funding for new technologies. It authorizes funding for research in States with low rates of ethanol production. This investment could help Washington get off the ground in the area of cellulosic ethanol. This bill also boosts research in carbon capture and storage. We are doing some interesting work on that at PNNL in my home State, and I am pleased to support further research.

Third, we need to be more aggressive about conserving energy. It is everything from choosing compact fluorescent light bulbs and energy efficient appliances to consolidating errands so you make fewer trips in your car. Through this bill, the Federal Government will lead by example by using energy efficiently and employing conservation practices. It includes, as I mentioned, higher CAFE standards on our vehicles, which will help conserve gasoline. It will promote efficient lighting technologies, efficient vehicles and advanced batteries.

Fourth, we need to expand education so we have the scientists, researchers, and workers to help us reach a new generation of energy innovation.

The existing and new technologies that we will deploy to increase our self-reliance are complicated, and we need to make sure we have a well-trained workforce that is able to implement these forward-thinking technologies. This entails both continuing education for our current workforce, but also training the workers of tomorrow. We must provide these training programs while our young people are still in our educational system.

In my home State of Washington, several universities are addressing these needs by offering curriculums in this area. For example, Gonzaga University in Spokane has a transmission line worker training program.

Central Washington University in Ellensburg wants to teach its students how to operate the efficiency technologies of the future. I think we should support these efforts by ensuring funding for programs like these. I am pleased that this legislation calls out this important issue.

In Washington State, we are also working to educate the next generation of energy innovators.

Washington State University, the Pacific Northwest National Laboratory, and the State of Washington have worked together to create the Bioproducts, Sciences, and Engineering Laboratory in Richland.

This is a pioneering research center where researchers will develop technology to turn biomass into energy and products. It will have teaching laboratories and classrooms and is located on WSU's Tri-Cities campus. I have been pleased to support this project from its inception, and I will continue to do so.

Finally, we need to protect consumers from those who would manipulate the price of energy to take advantage of high demand. One of the things that the Enron scandal revealed is that some people were happy to create false shortages of energy in order to drive up the price.

This bill helps us fight energy manipulators through a price-gouging bill that I co-sponsored, which is including in the underlying bill.

We have a lot of challenges in front of us as individuals and as a country when it comes to energy. But we also have the ability to craft responsible, smart legislation that will help move us in the right direction.

I am pleased to be working to make our country more self-reliant, to invest in innovation, conservation and education and to help protect consumers. I am honored to come from a State that is producing some of the most innovative energy ideas anywhere, and I am excited about moving this bill forward so we can use that progress to benefit our entire country.

## FAMILY LEAVE INSURANCE ACT

Mr. KENNEDY. Mr. President, every day millions of men and women across America get up and go to work. Their labor—whether it is building bridges or selling groceries, programming computers or cleaning homes—is what makes this country great.

Their work is the foundation of our economy and of our communities and families. Over 100 million Americans rely on their jobs to keep a roof over their heads and put food on the table, pay their doctor's bills, save for their children's college tuition, and retire in dignity. But all of that can be threatened in an instant when serious injury or illness strikes.

Fourteen years ago, we passed the Family and Medical Leave Act to enable employees to take up to 12 weeks

of unpaid leave each year to care for themselves or a seriously ill family member. For the first time, employees could meet their responsibility to their loved ones without risking their jobs. It was landmark legislation—the first bill signed into law by President Clinton in 1993—and tens of millions of families are healthier and more secure because of it.

But for millions of Americans, the ability to meet their family health needs is still out of reach. Most American families can't afford to take unpaid leave because it means they will miss even one weekly paycheck. They need every week's income to meet the rent, pay the electricity bill, and feed their families. A serious illness shouldn't mean choosing between caring for a sick child, spouse or parent, or suffering a financial catastrophe.

That is why I strongly support the Family Leave Insurance Act. This legislation will fill a serious gap in the Nation's health policy. It builds on the Family and Medical Leave Act by providing a safety net for the average working family.

Under this vital legislation, employees would be eligible for up to 8 weeks of paid benefits while they care for their families. With such benefits, workers would not be forced to choose between the families they love and the paychecks they need.

Most important, the program targets the employers and workers who will most benefit from the program. Lower income workers, who are least able to afford time off from their jobs, would be eligible for up to 100 percent of their weekly income. Smaller employers would have the option to participate—and would receive special incentives for doing so.

This is an idea whose time has come. California has led the way with its paid leave program, which has been a great success. Other State legislatures around the country are considering it as well.

The Family Leave Insurance Act is just one of the important new policies we should adopt to help America's working families. We also need to address the nearly half of American workers who don't receive paid sick days at work—and millions more who cannot take paid time off to care for their families.

That is why I will continue to fight for the Healthy Families Act, which will provide up to 7 paid sick days a year to workers, to help them meet immediate and short-term health needs not covered by the Federal Leave Insurance Act.

I commend my colleagues, Senator DODD and Senator STEVENS, for their leadership on this issue. This legislation, together with the Healthy Families Act, removes the risk that a sudden illness in the family will devastate a worker's financial well-being. Hardworking American families deserve no less.

I urge my colleagues to support the Family Leave Insurance Act.

## GUN VIOLENCE

Mr. LEVIN. Mr. President, the plague of gun violence is one that affects our society on many levels. Across the country people are calling out for a change in our Nation's gun policies. A recent article, The Battle Over Illegal Guns, in the June issue of Ladies' Home Journal Magazine, is a case in point. This article detailed the tragic death of Wake County, NC sheriff's department investigator Mark Tucker, and provided yet another example of a pervasive problem in our country that has not yet been addressed.

On February 12, 2004, Mark Tucker returned home from work to eat lunch. As he left his house to return to work, he noticed an unfamiliar car with an open trunk parked in a field near his home. He drove over to investigate it. As he stepped out of his unmarked patrol car, an 18-year-old young man pulled a gun out of the trunk of the unfamiliar car. The teenager, who was on probation for breaking into cars, stated he had only intended to engage in a little target practice that day. However, because he was on probation, he was not legally allowed to possess a firearm. When he saw Mark's badge he panicked, killing Mark with a single shot.

Because the teenager had a felony record, he was not legally permitted to purchase a gun himself. In order to circumvent this, he simply had a friend fill out the required Federal paperwork for him at the gun dealer. This type of transaction, when one customer stands in for another who is not legally able to purchase a weapon, is known as a straw purchase. According to a 2000 report by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, straw purchases are the most common source of crime guns. Approximately half of the 1,530 trafficking investigations examined in the report involved stand-in buyers.

Though Federal law enforcement officials have increasingly teamed up with local officials over the past few years to increase prosecution of firearm-related crimes, not enough attention is being focused on the source of the problem. According to the ATF, nearly 60 percent of the guns used in crimes can be traced to just over 1 percent of this Nation's licensed gun dealers. Five out of six of these guns are obtained illegally.

This article not only detailed the tragic events which occurred in Wake County, it illustrated a problem that plagues our society. Negligent dealers and straw purchasers indirectly threaten the security of our communities by facilitating the transfer of dangerous firearms to potential criminals who may use them in violent crimes. We must do more to help our Federal, State and local law enforcement officials keep guns out of the hands of those who shouldn't have them. Simply put, Congress needs to take up and pass sensible gun legislation.

## IRAN

Mr. FEINGOLD. Mr. President, the international community's effort to press Iran to suspend its nuclear enrichment has been virtually grounded as of late and there does not seem to be a way out. This deadlock is of great concern to me—particularly because of the threat Iran poses to our national security strategy but also because I do not trust this administration to make the right choices when it comes to our safety and security.

As a known sponsor of international terrorism, and in light of President Ahmadinejad's belligerent statements calling for Israel to be ''wiped off the map,'' we must redouble our efforts to ensure Iran is no longer allowed to violate international treaties, does not develop nuclear weapons, and does not become any more of a threat to our national security than it already is.

History has taught us that we cannot ignore the stated intent of those who seek to destroy other nations. A nuclear Iran would be a grave threat to the region, to Israel, and to the entire international community but that does not mean we should act rashly or act alone. Indeed, recent history has also shown that we are at our strongest—and most secure—when we are part of a strong multilateral team.

And yet, the Bush administration's saber-rattling flies in the face of any effort to legitimately build consensus for effective dealings with Iran. Our allies at the United Nations have worked with us in the past to support a resolution sanctioning Iran but they may not be willing to work with us again if these confrontations in the Persian Gulf become habitual occurrences. Such threats are stunningly counterproductive as they embolden Iranian hardliners to dig in their heels, undermine our multilateral commitments, and jeopardize our national security significantly.

Iran's ability to sniff out and exploit fissures within the international community and use it to their advantage should not be underestimated. Knowing this, it is in the interest of our national security to ensure there is strong unanimity among our allies at the United Nations. Critical to this effort is cooperation from Russia and China. To ensure they are on board, this administration must prioritize robust diplomacy with these two countries to ensure they are on board and engaged. Without them, there can be no real headway.

Just last month an International Atomic Energy Agency, IAEA, report said that Iran has not suspended its enrichment activities and we must take this claim very seriously. We must work with our allies to take concerted, decisive action to break this stalemate. The Security Council must speak with one voice and send a clear signal that continued defiance of the international community will not be tolerated.

It is essential that all U.N. member states and the international community, more generally, continue to condemn the violent and defiant rhetoric of Iran's President. If his aggressive words go unchecked it could signal approval of the Iranian regime's determination to undermine its international obligations.

This Congress can also take critical steps to stop or slow Iran's nuclear enrichment, but we will not be effective in doing so unless we acknowledge that the United States must be in lock-step with the international community if we are to overcome decades of mistrust and ongoing threats to our national security.

## MATTHEW SHEPARD ACT OF 2007

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

On May 12, 2007 in New York, NY, Omar Willock attacked Roberto Duncanson, a gay man, on the street in Crown Heights. Willock allegedly yelled anti-gay slurs at Duncanson when they passed each other on the street. Later, Willock encountered Duncanson again and started a fist fight, eventually stabbing Duncanson. Willock is being held without bail and is charged with a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## WELCOMING THE MINNESOTA NATIONAL GUARD

Mr. COLEMAN. Mr. President, it is my great pleasure to welcome the brave and courageous members of the 1st Brigade Combat Team of the 34th Infantry back to Minnesota today. For nearly 2 years, these troops have selflessly and honorably served our State and our Nation, demonstrating a level of commitment and sacrifice beyond anything our country could ask of them.

To welcome these soldiers home properly, it is important to roll the calendar back to September of 2005, when these men and women learned that they would soon deploy to Iraq for a 12-month mission. The news was difficult for a lot of Guard troops and families in our State. Many of them had already been deployed on active duty to Bosnia or Kosovo since September 11, and they knew how hard it would be to say goodbye once more to their families, friends, and communities.

Because of their previous service, many of these troops were not required to go to Iraq. They had already answered the call to defend this great land, and they could have let others take their turn this time, but that is not the spirit of the 1st Brigade Combat Team of the 34th Infantry. Instead, with the same commitment that their unit has shown since the Civil War, these troops donned their uniforms, made their arrangements, kissed their moms and dads, husbands, wives, and children goodbye, and returned to the fray to serve their country.

For 6 grueling months, these soldiers conducted their mandatory ''uptraining'' on the other side of our country at Camp Shelby in Mississippi and Fort Polk in Louisiana. And just like their Minnesota 1st infantry comrades who mustered at Fort Snelling 144 years earlier, the 1st Brigade Combat Team of the 34th Infantry received ratings of ''outstanding,'' ''excellent,'' and ''perfect'' on their various training demonstrations throughout the winter of 2005.

In March of 2006, when the unit had already been away from home for half a year, it was time to travel the 6,000 miles to the Middle East and Iraq. Before they left, I had the pleasure of attending their departure ceremony in Mississippi alongside my colleagues of the Minnesota congressional delegation and our Governor. There were steaks, music, beer cans, smiles, flags, hugs, and sadly, a lot of tears.

But there was one clear thing everyone had in common that day at Camp Shelby: Pride. Pride in serving their country. Pride in defending our freedom. Pride that their loved one was going to perform their duty in a manner consistent with the finest traditions of the U.S. military.

And off they went. Different units and different companies fanned out in locations across Iraq. Some of them in Fallujah and Taqaddum in Anbar Province, some at Camp Scania near Nippur, and the largest number at Camp Adder in Talil.

And the 1st Brigade Combat Team of the 34th Infantry didn't take much time to make an impact on the ground. By the end of May, when the ink on their transfer authority had barely dried, the 1st Brigade Combat Team of the 34th Infantry had already built a reverse osmosis water plant for the people of al-Feiz. It would be the first of many success stories they would accomplish and be proud of.

Over the course of the next few months, the 1st Brigade Combat Team of the 34th Infantry endured the trials of a unit at war. With every successful patrol, there was a longing for far away loved ones. For every completed reconstruction project, there was anticipation of a return trip home. And on the hardest of days, there was the mourning of a fallen comrade.

And so it went with these selfless soldiers through the end of 2006 and into 2007. When the New Year broke, it brought with it a new energy and a refocused eye on their March 2007 return. But their March return was not to be, as the story of these men and women veered onto a different path.

On January 10, of this year, these soldiers and their families endured a shock that none of them expected. Afternoon reports from CNN and Fox News began to trickle through our State and Nation, indicating that the unit would be extended until this summer. When the official word from the Pentagon confirmed this fact later that day, it shook all of us to our core and left us with more questions and concerns than we could find answers to.

But like Minnesotans always do, they somehow found a way to move forward. The support of their families strengthened them. The spirit of their communities rallied around them. And the countdown from January to July gradually went from months to weeks to days while the moment that seemed like it would never get here finally did: Their return.

Their deployment kept them in Iraq 25 days longer than any other unit serving in this war. During their time, they drove over 4,500 round trip convoy missions completing 99 percent of them on time. That's over 2.2 million miles of convoys in Iraq from the south central part of the country to the Jordanian and Syrian borders. And I don't think anyone needs a reminder of the dangers of IEDs on these convoys, but just for the record, this unit discovered over 350 of them before they were detonated. In other areas they fought al-Qaida and provided critical security to our military bases, saving countless lives of their comrades in arms.

They also worked hard to win the hearts and minds of the Iraqi people. In their time in Iraq, the 1st Brigade Combat Team of the 34th Infantry completed over 90 reconstruction projects from water and powerplants to road construction and media expansion.

And now, after nearly 2 years of sacrifice and dedication, on behalf of a grateful State and Nation we have the privilege to welcome these fine men and women back to the North Star State. With their return will come new challenges. As MAJ John Morris, Chaplain of the Minnesota National Guard, often says, we have to support our troops before, during, and after their deployments. I look forward to joining with my colleagues in the Minnesota delegation to do our part to energize the State to bring these troops all the way home.

I have no doubt there will be plenty of handshakes, hugs, and welcome home ceremonies across our State in the coming days and weeks for this admirable group of Americans. I hope I am there to personally welcome home as many as I can, but because I know I can't make it to all of them—and because I would rather they get home and

go fishing than spend their time talking to me—I want to express in the RECORD the eternal appreciation I have for the service of the 1st Brigade Combat Team of the 34th Infantry.

You gave up time, income, and family togetherness. You risked everything so all our lives could be safer and more free from fear. When your Nation called you to serve, you didn't take a poll, you didn't equivocate, you didn't even question why. You served because you were called to and you did your duty with perseverance, excellence and strength. Your active duty service is now complete, but our debt of gratitude will never end. On behalf of all Minnesotans, we welcome you home.

Thank you and may God Bless you.

## ADDITIONAL STATEMENTS

### 150TH ANNIVERSARY OF R&R MARKET

• Mr. SALAZAR. Mr. President, I wish to commemorate the 150th anniversary of Colorado's oldest family-owned business—the R&R Market in the town of San Luis, in Costilla County, CO. My family has ranched and farmed in the San Luis Valley for five generations just a few miles west of San Luis. I grew up knowing the R&R Market as one of the treasures of the valley, a great symbol of our shared history and heritage.

Colorado was built upon the ingenuity, hard work, and entrepreneurial spirit of people like Don José Dario Gallegos, who traveled from the San Luis Valley by mule train over the Santa Fe Trail to trade centers in St. Louis and Independence, Missouri. Don Dario Gallegos was among the founders of the town of San Luis in 1851 and helped establish some of the first water rights in the area. The irrigation ditches—or acequias—that he and the settlers dug are still in use today.

When Don Dario Gallegos opened his store in San Luis in 1857, Colorado was still a young territory, and statehood was nearly 20 years away.

Though the physical foundation of Don José Dario Gallegos's original adobe structure would be destroyed in an 1895 fire, the people of San Luis came together to form the indestructible foundation rooted in a commitment to community and family that sustains the R&R Market to this very day.

It is this commitment that the people of San Luis will celebrate on June 30, 150 years after the original R&R Market opened its doors. I congratulate the Gallegos descendants—who still own and operate the market—and the people of San Luis on this momentous anniversary.

I have a painting of the R&R Market hanging in my Washington, DC, office. It serves as an everyday reminder of the place I come from—a place where community and family mean everything, a place where the spirit of Colorado was born and continues to thrive. I am honored to represent that place and the people who come from it.•

### TRIBUTE TO GEORGE M. VAN TASSEL

• Mr. SHELBY. Mr. President, I wish to pay tribute to George M. Van Tassel, who passed away on Monday, June 18, 2007. For 13 years, George served as mayor of my hometown, Tuscaloosa, AL. He was a personal friend of mine and along with the entire town of Tuscaloosa, I mourn his passing.

In the 1930s George moved south from New York to attend the University of Alabama School of Law. There, he met a fellow student, Juarine Berrey, with whom he quickly fell in love. They married in 1934. Several years after his gradation in 1939, George was drafted by the U.S. Army to serve in the European theater during World War II. On D-Day, George was among the soldiers who landed on the beach at Normandy, France.

Upon returning to the States, George began his law practice. In 1956, he was elected to serve as mayor of Tuscaloosa, filling the unexpired term of mayor Hal McCall. Although George oversaw many changes that took place in Tuscaloosa during his three terms as mayor, perhaps his most notable achievement was his initiative to dam the North River and create a 5,885-acre water supply reservoir we call Lake Tuscaloosa.

In 1969, George decided not to run for reelection. An avid hunter and fisherman, he wanted more time to enjoy his hobbies. He returned to the law, managing a successful practice until he retired at age 75.

George is loved and will be missed by his daughter, Linda Ayers of Tuscaloosa, and his son, George M. Van Tassel, Jr., of Birmingham. He was an inspiration to many and will be remembered for his dedication and many contributions to the city of Tuscaloosa. I ask this entire Senate to join me in recognizing and honoring the life of George M. Van Tassel.•

### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS AS DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on June 23, 2006, 71 FR 36183.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2007.*

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2771. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes.

## MEASURES REFERRED

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

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal

year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

H.R. 2771. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2339. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruit from Thailand'' ((RIN0579-AC10)(Docket No. APHIS-2006-0040)) received on June 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2340. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Addition of Cumberland County, New Jersey, to the List of Quarantined Areas'' (Docket No. APHIS-2007-0067) received on June 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2341. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Bank Secrecy Act Regulations Regarding Casino Recordkeeping and Reporting Requirements'' (RIN1506-AA29) received on June 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2342. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 6 regulations beginning with CGD01-07-002)'' (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2343. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 6 regulations beginning with CGD01-07-043)'' (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2344. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 5 regulations beginning with CGD01-07-058)'' (RIN1625-AA09) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 2 regulations beginning with CGD05-07-017)'' (RIN1625-AA08) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2346. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations; Port of New York and Vicinity'' ((RIN1625-AA01)(CGD01-06-023)) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2347. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 8 regulations beginning with CGD09-07-039)'' (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2348. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 8 regulations beginning with CGD09-07-042)'' (RIN1625-AA00) received on June 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2349. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Applicability of Federal Power Act Section 215 to Qualifying Small Power Production and Cogeneration Facilities'' (Docket No. RM07-11-000) received on June 20, 2007; to the Committee on Energy and Natural Resources.

EC–2350. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions'' ((RIN1545-BG64)(TD 9333)) received on June 21, 2007; to the Committee on Finance.

EC–2351. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Haitian Hemisphere Opportunity Through Partnership Encouragement Act of 2006'' (RIN1505-AB82) received on June 21, 2007; to the Committee on Finance.

EC–2352. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's Semiannual Report relative to its activities and accomplishments during the period of October 1, 2006, through March 31, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2353. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Locality Pay Areas'' (RIN3206-AL27) received on June 21, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2354. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2355. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Administrator for the Office of Information and Regulatory Affairs, received on June 21, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2356. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Department's review of legislation entitled ''Honest Leadership and Open Government Act of 2007''; to the Committee on the Judiciary.

EC–2357. A communication from the Secretary of Veterans Affairs, transmitting, the report of a draft bill entitled ''Veterans' Authorities Expansion Act of 2007''; to the Committee on Veterans' Affairs.

EC–2358. A communication from the Director of Regulations Management, Office of Information and Technology, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Data Breaches'' (RIN2900-AM63) received on June 21, 2007; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes (Rept. No. 110–88).

## 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 Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 1682. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. LEVIN):

S. 1683. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1684. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself, Mr. BURR, Mr. STEVENS, and Mr. MCCONNELL):

S. Res. 249. A resolution honoring the life of Ruth Bell Graham; considered and agreed to.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. CLINTON, Mr. MCCAIN, Mrs. BOXER, Mr. LUGAR, Mrs. LINCOLN, Ms. MURKOWSKI, and Mrs. DOLE):

S. Res. 250. A resolution expressing the sense of the Senate condemning the military junta in Burma for its continued detention of Aung San Suu Kyi and other political prisoners; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. DEMINT, Mr. DODD, Mr. MCCAIN, Mr. KENNEDY, Mr. CHAMBLISS, Mr. KERRY, Mr. ISAKSON, Mrs. DOLE, Mr. SCHUMER, Mrs. CLINTON, Mr. BIDEN, and Mr. BURR):

S. Res. 251. A resolution honoring the firefighters and other public servants who responded to the fire in Charleston, South Carolina, on June 18, 2007; considered and agreed to.

By Mr. BOND (for himself and Mr. INOUYE):

S. Res. 252. A resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. COLEMAN, Mr. OBAMA, and Mr. LUGAR):

S. Con. Res. 40. A concurrent resolution supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 838

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1259

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1267

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1544

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1544, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 1592

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1681

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S. J. RES. 16

At the request of Mr. MCCONNELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. J. Res. 16, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 235

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAIG), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 235, a resolution designating July 1, 2007, as ''National Boating Day''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 1682. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an ''adversarial'' system that onerously demands wounded soldiers to provide the ''burden of proof'' for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home state of Maine and across this Nation who have gone without the proper advocacy and case management for medical benefits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide Ombudsmen Office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all PEBs report multiple diagnosed medical impairments that, in concert, may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120 days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischarge physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and post traumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veterans' Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental halth disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every

available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the Joint Patient Tracking Application, JPTA. This electronic records system will be identical to the VistA system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes' treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

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By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1684. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, two of the greatest challenges we face today are how to address the needs of postconflict countries, and countries that are suffering from large-scale natural disasters. These are critical issues, and ones that we cannot afford to get wrong, for the sake of the people living in those nations, and for the sake of our own security.

On the post-conflict front, a recent commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that ''failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as posing grave humanitarian challenges and threats to regional stability.''

Currently, the most obvious case in point is the reconstruction of Iraq. In addition to Iraq, unfortunately, we can talk about many other states that are either unstable, or are tenuously recovering from past conflicts including Afghanistan, East Timor, Kosovo, Haiti, and the Democratic Republic of the Congo.

Earthquakes, floods, drought and landslides often have the most dire impacts in developing countries that are the least equipped to respond. The countries ravaged by the 2004 tsunami are recovering, but there is still a long way to go: Indonesia lost over 150,000 people, with half a million left homeless. In India, almost 20,000 people lost their lives and 2.79 million people were affected, losing homes, land, and livestock. The tsunami set back development in the Maldives by 20 years, devastating the country's economic backbone and tourism industry.

We need comprehensive, and creative, strategies to help countries rebound from conflicts or natural disasters. One such strategy is to allow, and indeed encourage, immigrants to the United States to use their skills, talents, and knowledge to help rebuild their native lands. The diaspora is an extraordinary collective resource. These individuals know the communities. They know the culture. They know the language, more than any contractors, and more than any humanitarian workers from the outside, no matter how well-trained they may be or how much expertise they may have.

So today, I am introducing legislation, as I did in the last Congress, that would create a ''return of talent'' visa program.

The idea is simple: to allow legal immigrants in the United States to return home to help with reconstruction efforts, without jeopardizing their immigration status. Legal permanent residents will be able to return temporarily to their countries after a conflict or a significant natural disaster to help rebuild, without their time out of the United States affecting their ability to meet the requirements for U.S. citizenship.

Under current law, a legal permanent resident who wants to apply for U.S. citizenship is required to be physically present in the United States for at least half of the 5 years immediately preceding the date of filing the naturalization application.

This residency requirement could be particularly difficult to meet for those who have family and friends in their countries of origin who are in desperate need of help, and whose skills are especially in demand to help their countries of origin rebuild, for example, teachers, engineers, translators, and health care workers. We should not stand in their way of returning, bringing their talent and expertise home, and helping them help others at a time of greatest need.

This legislation would encourage skilled and committed individuals to return to their countries of origin to revive the business, industry, agriculture, education, health and other sectors that have been weakened or destroyed after years of conflict or devastating disasters.

The program would apply to immigrants from countries where U.S. Armed Forces have engaged in armed conflict or peacekeeping, or countries where the United Nations Security Council has authorized peacekeeping operations in the past 10 years. Immigrants from countries which received funding from the U.S. Office of Foreign Disaster Assistance also would be eligible to participate in the program.

Estimates of the number of individuals who could participate in this program are relatively low. For example, the United States admitted 4,749 Afghani and 4,077 Iraqi immigrants in 2005 who are now legal permanent residents eligible to pursue U.S. citizenship. Immigrants from Indonesia numbered 3,924 and Bangladesh, 11,487 in the same year. Yet while the program would have a small impact on the U.S. naturalization process, the contributions of even a few hundred individuals could have a tremendous positive effect on reconstruction work.

At this moment the Senate is seized with finding a resolution to the massive and critical question of immigration reform. A return of talent program would fit well with whatever decisions we reach because, simply put, everybody wins: The United States is able to support badly needed rebuilding efforts without increasing foreign aid; immigrants are able to use their skills and resources to help communities without disrupting their path to U.S. citizenship; and communities abroad that are recovering from conflict and disaster receive much-needed assistance.

A return of talent program is an important piece of our overall strategy to stabilize and rebuild countries torn by conflict and devastated by natural disaster. I urge my colleagues to support 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. 1684

*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 ''Return of Talent Act''.

**SEC. 2. RETURN OF TALENT PROGRAM.**

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM

''SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

''(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

''(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

''(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

''(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

''(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

''(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

''(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.''.

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

''317A. Temporary absence of persons participating in the Return of Talent Program''.

**SEC. 3. ELIGIBLE IMMIGRANTS.**

Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after ''Improvement Act of 1998'';

(2) in subparagraph (M), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(N) an immigrant who—

''(i) has been lawfully admitted to the United States for permanent residence;

''(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

''(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

''(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

''(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

''(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.''.

**SEC. 4. REPORT TO CONGRESS.**

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by section 2;

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

**SEC. 5. REGULATIONS.**

Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this Act and the amendments made by this Act.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for fiscal year 2008, such sums as may be necessary to carry out this Act and the amendments made by this Act.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 249—HONORING THE LIFE OF RUTH BELL GRAHAM

Mrs. DOLE (for herself, Mr. BURR, Mr. STEVENS, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas Ruth Bell Graham returned to the United States to attend Wheaton College, where she met and fell in love with her future husband, Billy Graham, who would become one of the most acclaimed evangelists in the world;

Whereas Ruth Bell Graham married Billy Graham on August 13, 1943 at Montreat Presbyterian Church in her beloved Western North Carolina;

Whereas Ruth Bell Graham was the devoted mother of five children (Virginia, Anne, Ruth, Franklin, and Nelson Edman) and the grandmother of 19 grandchildren;

Whereas Ruth Bell Graham was a renowned author and poet who penned 14 books that have moved and inspired people around the globe;

Whereas Ruth Bell Graham and Billy Graham were recognized with the Congressional Gold Medal in 1996 for their ''outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion''; and

Whereas Ruth Bell Graham touched countless lives worldwide by sharing her tremendous faith, her deep compassion for the less fortunate, her great talents and her lighthearted wit.

Now, therefore, be it

*Resolved*, That the Senate honors the life, work, and legacy of Ruth Bell Graham, a loyal companion who shined with grace and courage beside her husband Billy Graham, and a dedicated mother who fostered individuality and humility in her five children.

### SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE MILITARY JUNTA IN BURMA FOR ITS CONTINUED DETENTION OF AUNG SAN SUU KYI AND OTHER POLITICAL PRISONERS

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. CLINTON, Mr. MCCAIN, Mrs. BOXER, Mr. LUGAR, Mrs. LINCOLN, Ms. MURKOWSKI, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has dedicated her life to the peaceful, non-violent movement for democracy and reconciliation in the Union of Burma;

Whereas Aung San Suu Kyi and the National League for Democracy won a majority of parliamentary seats in Burma's last election held in 1990;

Whereas the State Peace and Development Council of Burma refuses to cede power and permit representative government and has detained Aung San Suu Kyi under house arrest for 11 of the last 17 years;

Whereas the ruling military junta has committed numerous, well-documented atrocities against the people of Burma;

Whereas Aung San Suu Kyi continues to promote peaceful dialogue and reconciliation despite mistreatment from the State Peace and Development Council;

Whereas the United States recognizes and supports the dedication and commitment to freedom demonstrated by Aung San Suu Kyi: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Nobel Peace Prize Laureate Aung San Suu Kyi for her courage and devotion to the people of the Union of Burma and their struggle for democracy; and

(2) calls for the immediate release of Aung San Suu Kyi and other political prisoners by the State Peace and Development Council.

### SENATE RESOLUTION 251—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE FIRE IN CHARLESTON, SOUTH CAROLINA, ON JUNE 18, 2007

Mr. GRAHAM (for himself, Mr. DEMINT, Mr. DODD, Mr. MCCAIN, Mr. KENNEDY, Mr. CHAMBLISS, Mr. KERRY, Mr. ISAKSON, Mrs. DOLE, Mr. SCHUMER, Mrs. CLINTON, Mr. BIDEN, and Mr.

BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 251

Whereas at approximately 7:00 P.M. on June 18, 2007, a tragic fire started at the Sofa Super Store in Charleston, South Carolina;

Whereas despite the flames that engulfed the building, the brave men and women of the Charleston Fire Department (Department) fulfilled their duty by rushing inside as others fled for their lives;

Whereas the fire quickly grew out of control and trapped 2 store employees inside;

Whereas the firefighters attempted to punch through the building walls in a selfless effort to save the lives of these employees;

Whereas the roof of the building collapsed, trapping the firefighters inside;

Whereas Captain William ''Billy'' Hutchinson, a 30-year veteran of the Department, lost his life in the fire;

Whereas Captain Mike Benke, a 20-year veteran of the Department, lost his life in the fire;

Whereas Captain Louis Mulkey, an 11-year veteran of the Department, lost his life in the fire;

Whereas Engineer Mark Kelsey, a 12-year veteran of the Department, lost his life in the fire;

Whereas Engineer Bradford ''Brad'' Baity, a 9-year veteran of the Department, lost his life in the fire;

Whereas Assistant Engineer Michael French, a 1½-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter James ''Earl'' Drayton, a 32-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Brandon Thompson, a 4-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Melven Champaign, a 2-year veteran of the Department, lost his life in the fire;

Whereas the extraordinary courage and sacrifice of these firefighters reflects the spirit of South Carolina, as well as the spirit of our great Nation;

Whereas the United States has not experienced such a devastating loss of firefighters since the horrific events on September 11, 2001; and

Whereas a grateful Nation mourns the loss of these heroes and vows that their sacrifices were not made in vain: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors William ''Billy'' Hutchinson, Mike Benke, Louis Mulkey, Mark Kelsey, Bradford ''Brad'' Baity, Michael French, James ''Earl'' Drayton, Brandon Thompson, and Melven Champaign, who lost their lives in the course of their duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathy to the families of these 9 brave heroes;

(3) honors all the firefighters and other public servants who contributed to battling the fire; and

(4) pledges to continue to support and to work on behalf of the firefighters who risk their lives each day to ensure the safety of all Americans.

## SENATE RESOLUTION 252—RECOGNIZING THE INCREASINGLY MUTUALLY BENEFICIAL RELATIONSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF INDONESIA

Mr. BOND (for himself and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 252

Whereas the historical ties between the United States and the Indonesia go back to the period of Indonesian struggle for independence and the early years of its independence in 1945;

Whereas the constitutionally required ''free and active'' foreign policy of Indonesia has largely resulted in a close relationship with the United States, and this relationship reflects the growing connections between the developed and the developing world;

Whereas, following the effects of the Asian financial crisis in 1998, Indonesia has instituted numerous democratic reforms, including—

(1) amending the country's constitution in order to be more democratic and transparent;

(2) holding the country's first ever direct presidential election in 2004 and direct, nationwide local elections starting in 2006; and

(3) giving the judicial branch independent administrative and financial responsibility for all courts in 2004;

Whereas the government of President Susilo Bambang Yudhoyono, the first directly elected President of Indonesia, is strongly committed to strengthening the country's democracy and remains focused on developing good governance and promoting and protecting human rights, civil liberties, a free press, and a vibrant civil society;

Whereas the Government of Indonesia continues to reform its military in accordance with internationally accepted democratic principles;

Whereas Indonesia signed a peace agreement in August 2005 ending the conflict in Aceh, met its obligations under the agreement, oversaw the return of normalcy to Aceh, and held free, transparent, and peaceful elections for local government leaders in December 2006;

Whereas the Government of Indonesia has worked and continues to work toward peaceful solutions to other internal conflicts, including Papua, with concern for the welfare and security of the entire population;

Whereas, in parallel with the recovery of Indonesia's economic and political stability following the 1998 Asian financial crisis, the country has regained its pivotal role in the Association of Southeast Asian Nations (ASEAN) and continues to work toward a secure, peaceful, and vibrant Southeast Asia, particularly by proposing successfully the ASEAN Security Community, the ASEAN Economic Community, and the ASEAN Socio-cultural Community;

Whereas the Government and people of Indonesia have endured several terrorist bombings, have shown resilience in the fight against international terrorism by apprehending and bringing to justice numerous perpetrators, and remain open to international cooperation in this area;

Whereas the Government of Indonesia, together with the Governments of Malaysia and Singapore as fellow littoral states and user-countries, has maintained and is further strengthening efforts to secure the important international shipping lane in the Malacca Strait;

Whereas, as shown in international fora, the Government of Indonesia remains committed to addressing the problems related to the control of the spread of weapons of mass destruction;

Whereas the Government of Indonesia has deployed a military battalion to support the United Nations Interim Force In Lebanon (UNIFIL) peacekeeping operations, and as the world's largest Muslim democracy, has made important contributions to the facilitation of various dialogues among Islamic factions in the Middle East; and

Whereas, though the Government of Indonesia has shown significant progress in the areas of democracy, good governance, human rights, and counter terrorism, there remains much to be done and many reforms yet to be implemented: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the progress made by the Government of Indonesia in its efforts to promote democracy;

(2) expresses ongoing support for further democratic reform in Indonesia and the efforts of the Government and the people of Indonesia toward developing good governance;

(3) encourages the Government and the People of Indonesia to continue working to ensure the promotion and protection of human rights, civil liberties, a free press, and a strong civil society in Indonesia; and

(4) encourages the President, the Secretary of State, and other officials of the United States Government to continue assisting the Government of Indonesia in its efforts to promote democracy and ensure the liberty and welfare of the people of Indonesia.

Mr. BOND. Mr. President, as a Member of the Senate who has traveled every year to Southeast Asia and met frequently with government leaders from that region when they visited the United States, I believe America has great interests in that region, and that we need to pay more attention here in Washington, DC and across the Nation, to our allies and partners in Southeast Asia.

This region, economically, politically, strategically important, it is our 5th largest in total volume trading partner. Serving as a cornerstone to SE Asia and the lynchpin to its stability, prosperity and security lie in Indonesia.

When I have asked leaders from all over Southeast Asia how they are doing, they always include a reference to Indonesia. Indonesia is the world's largest Muslim country and as a democracy, that makes it the largest Muslim democracy as well.

On the darker side, it is also a key country in what many in the intelligence community, and I agree, is the second front in the war on terror that we confront. It is home to the Islamist terrorist group, Jemah Islamiya, which next to al-Qaeda, is one of the greatest threats to American security and peace in the world.

Indonesian President Susilo Bambang Yudhoyono has been executing an ambitious agenda for anti-corruption, political and economic reform. He represents Indonesia's best hope for continuing down a path towards stability, prosperity, pluralism, democracy and security. Such a path is not only in our own economic interests, but is also essential to control the terrorist threat and the reach of al-Qaeada and Jemah Islamiah in Southeast Asia.

Since the fall of President Suharto, the Indonesian people have elected three new presidents, impeached one, and experienced several peaceful transfers of power. They have held direct elections of a president. They have amended their constitution in order to

be more democratic and transparent. They have given the judicial branch independent administrative and financial authority. They continue to reform their military in accordance with democratic, civilian-controlled principles.

They have recently provided a battalion to support the UNIFIL forces in Lebanon; and Indonesia was recently cited by Freedom House as Southeast Asia's only truly ''free'' nation.

But despite all the progress being made, we in Congress seem to continue to look for every transgression to put our relationship on hold and move it backwards.

The truth is that as a country, Indonesia has made truly remarkable progress in a very short period of time. As such, they deserve continued support and engagement, not restrictions and retractions.

We should recognize the accomplishments of the Indonesian people and encourage them in their pursuit of a successful transformation to a democratic nation.

This is why I, along with my distinguished colleague Senator INOUYE, am proud to introduce a resolution recognizing Indonesia's accomplishments and the increasingly mutually beneficial relationship between Indonesia and the U.S.

As an archipelago of over 200 million people, if Indonesia were superimposed over the top of the United States, it would span from Florida to Alaska. The size of Indonesia and the fact that they have 17,000 islands at low water, 13,000 at high tide, presents a tremendous challenge in defending its borders and dealing with potential terrorist activities on its distant islands or remote jungles.

The Indonesian armed forces are a necessary partner in this battle. When Jemah Islamiah bombed the Bali nightclub in 2002, killing 202 people, Indonesia's military, policing and intelligence capabilities were in poor condition. Of late however, Indonesia's security forces have ''gained the upper hand,'' according to the Economist, June 16th, 2007 with the capture and arrest of some of Jemah Islamiah's top commanders.

Leadimg the fight against terror is Indonesia's new police unit 88, which was set up with the help of American and Australian Security forces. Among the terrorists captured was Abu Dujana, one of Indonesia's most wanted terrorists. Dujana apparently took over as military leader of JI when their former leader and bomb maker, Azahari Husin, was in 2005 killed and had earned the dubious honor of being named the most wanted terrorist in the country. And over the last 12 months, the Indonesians have captured or killed 47 terrorists, including several key leaders.

The article also went on to say. . . .

No large-scale attacks have taken place since 2005. With the help of their Australian and American counterparts, Indonesia's national police have greatly improved their tracking of militants and have rounded up some of JI's top leaders.

In the recent past, there have been various forms of restrictions on our relations with the Indonesian military in light of terrible abuses that were committed by the TNI in East Timor. However, our reinstatement of military relations and the restoration of International Military Education & Training or IMET, has resulted in continued positive trends.

It is interesting to note that the current President, when he was a military leader, was in the last class of IMET leaders from Indonesia to come to the United States. He, in his own person, demonstrates the appreciation of civilian control. Some in this body and the other body want to impose new restriction to hinder, not help, the productive influence our military can and has had on the TNI.

We must expand and continue to improve our relations with the TNI, not restrict and retract. IMET provides for adherence to the Code of Military Justice, civilian of the military, respect for human rights, and proper treatment of population principles that should be instilled in military forces.

Further, IMET establishes important relationships and alliances among our military leaders and commanders of friendly foreign forces. It assures they understand how to conduct military or relief operations together. and, it keeps the U.S. engaged in a region where China is increasingly, extending its influence. When I visited the North Western province of Ache, right after the Tsunami, the fact that their military had not trained with us caused us great military operational difficulties.

Some in Congress apparently want to reimpose sanctions on IMET participation because of the past and perceived military abuses, but as Walter Lohman, Director of Asian Studies at the Heritage Foundation, has said:

accountability for past human rights abuses and the proper role of the militia are legitimate. But the United States needs to get to a point where it addresses these concerns with the same respect it affords other democratic partners, like the Europeans or the Japanese

Many leaders in that region have told me, privately, they believe U.S. active engagement and association with their countries is essential to stop China from extending hegemony over the region. Whether China is viewed as a threat or an opportunity, they are actively courting their neighbors in SE Asia; They are sending official trade missions, signing trade agreements and investing their large reserves in securing sources of energy and natural resources. Make no mistake about it, they are aggressively building up a military force navy capable of extending beyond the straits of Taiwan.

The opportunities and the challenges related to China seeking to extend its influence over Southeast Asia should concern us both economically and militarily. States of Southeast Asia, notably Indonesia, Singapore, and Malaysia, control the important Malacca Straits; Straits through which one quarter of all the shipping in the world passes and one half of the petroleum products carried by ocean-going vessels pass.

Beyond those interests, it remains my thesis that we should pay attention to Southeast Asia—particularly Indonesia—as the second front in the war on terrorism.

Indondsia represents the best hope for fostering a moderate Islam that recognizes the true peaceful nature of that religion in opposition to the radical terrorist-inspiring versions of Islam.

With Southeast Asia and its large Muslim population, we have an opportunity through constructive forms of engagement; to ensure they become a solid foundation for peace, security and economic prosperity in this critical part of the world. Whether it is more peace corps volunteers, education initiatives, leadership exchanges, IMET or sending Navy ships such as the USS Mercy and USS Peleliu on humanitarian missions to the region.

We can do it without the need for massive military actions such as those we have undertaken in Afghanistan and Iraq to root out the terrorists and in those cases, the governments that harbored them. In other words, more sandals on the ground now, will prevent having to put boots on the ground in future.

I urge my colleagues to support countries like Indonesia in their path towards peace, democracy and pluralism, as opposed to restricting and pushing them towards more radical, terrorist-inspiring versions of Islam.

I ask or behalf of Senator Inouye and myself that the resolution be sent to the desk and ask that it be referred appropriately.

I ask unanimous consent to have printed in the RECORD the articles from the June 16th Economist and from Walter Lohman of the Asian Studies Center at the Heritage Foundation.

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

[From the Economist, June 16, 2007]

WOUNDED BUT STILL DANGEROUS

When Jemaah Islamiah (JI), a South-East Asian Islamist group, bombed nightclubs on the Indonesian island of Bali in 2002, killing 202 people, it exposed the poor state of the country's anti-terrorist intelligence and policing. And the attack did not seem to lead to much improvement. The bombers struck again in 2003, at an American-run hotel in Jakarta, and in 2004 at the Australian embassy there. In 2005 they returned to Bali to attack three tourist restaurants. Of late, however, Indonesia's security forces seem to have gained the upper hand over JI.

No large-scale attacks have taken place since 2005. With the help of their Australian and American counterparts, Indonesia's national police have greatly improved their tracking of militants and have rounded up some of JI's top leaders. This culminated on June 13th with confirmation that they had

arrested Abu Dujana, a JI leader whom police had recently begun to describe as their ''most wanted''.

Mr. Dujana is said to have fought in Afghanistan and hobnobbed with Osama bin Laden. He is believed to have taken charge of one of JI's military wings, and control of its weapons and explosives, after the death of the group's chief bombmaker, Azahari Husin, in a shoot-out with police in 2005. It has even been suggested that Mr. Dujana is JI's emir, or paramount leader. Another leading figure, Noordin Muhammad Top, is still on the run. But the capture of Mr. Dujana and several other terrorists in recent days follows the discovery of a huge arsenal of guns and bomb-making materials in March. It marks a ''very significant'' blow against JI, says Sidney Jones, in Jakarta for the International Crisis Group (ICG), a think-tank.

Indonesia's arrests came shortly after Singapore revealed that it was detaining four JI members, arrested between last November and April, and freeing five detained earlier who had ''responded positively to rehabilitation''. However, the Philippines' army admitted last weekend that another JI leader, known as Dulmatin, suspected of involvement in the 2002 Bali bombs, had again escaped its clutches. The army believes he is hiding in the Tawi-Tawi Islands, off Borneo. He and other fugitives in the southern Philippines are suspected of teaching local Islamist militants how to make bombs.

Indonesia's recent policing successes are a tribute to two new units set up after the 2002 bombings. One, which has stayed out of the spotlight, is an intelligence-gathering taskforce. The other, Detachment 88, is a high-profile anti-terrorist squad, trained by American and Australian federal police in making arrests and gathering forensic evidence. Since their formation Indonesia's terror-fighting capabilities have ''come on in leaps and bounds'', says Nigel Inkster, an analyst at the International Institute for Strategic Studies in London and until recently the deputy head of the British external-intelligence service, M16. Indonesia's army and its domestic-intelligence agency, BIN, are not much good at anti-terrorism work, says Mr. Inkster, so until the new police units were formed, foreign agencies had no competent Indonesian counterparts.

Despite Detachment 88's successes, Ms. Jones says the unit is too small. When it raids terrorist bases it must rely on help from Brimoh, a poorly trained paramilitary-police unit. In January, for example, the two forces combined to storm a JI hideout on Sulawesi, an Indonesian island plagued by conflict between Muslims and Christians. Fifteen suspected militants and one policeman died. An ICG investigation found that the heavy casualties made local Muslims see extremists as victims. Such incidents are counter-productive, encouraging civilians to shelter JI militants.

Another worry is lenient sentencing by Indonesia's courts. JI's spiritual leader, Abu Bakar Basyir, was let out of jail after serving 26 months of a 30-month sentence for his alleged involvement in the 2002 bombings. The courts later overturned his conviction altogether. The country's prisons, riddled with corruption and incompetence, may serve as recruiting and training centres for JI. Bringing terrorism convicts together in a specially built new jail, as is planned, may simply make the job of JI's ''tutors'' easier.

For all the success in tracking down JI's military leaders, the group's current plans and the extent of its network remain something of a mystery. Unlike many terrorist groups worldwide, JI lacks an overground political wing to elaborate its demands. A study by the ICG last month reckoned the group may still have around 900 members. But the scale of its recruitment in universities and Islamic boarding schools in unclear. There are signs that, as its bomb-planting and fund-raising activities are more successfully curbed, the group is simply turning to cheaper and easier forms of terrorism, such as assassinations.

Along with the arrests and the seizure of weapons in March, Indonesian police found a handwritten diagram showing that JI operatives on Java, Indonesia's most populous island, had been reorganised into a sariyah (possibly meaning ''platoon''), implying that this was part of a new military structure covering South-East Asia. But there have recently been few signs of activity outside the group's Indonesian heartland. Last week a general in Thailand's military-backed government implied that Cambodian Muslims linked to JI were somehow involved in the insurgency in Thailand's mainly Muslim southern provinces. But he backtracked after the Cambodian government furiously denounced his comments.

There has been little recent evidence that JI or, for that matter, al-Qaeda, has a hand in the Thai south's rising violence. But it is just the sort of strife-torn place, full of alienated, angry Muslims, where those seeking to organise jihad find fertile ground. Police have pruned JI's top ranks. But its roots may still be spreading.

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[From the Economist, June 16, 2007]

STREET LIFE

Filthy children and fingerless lepers, tapping on car windows and pleading for ''paisa, khana'' (cash, food), hang around every busy traffic junction and market in Delhi. Begging in Delhi is illegal though few are locked up. But if the authorities have their way, it will soon be wiped out, as part of a big clean-up before the capital hosts the Commonwealth Games in 2010.

Plans to obliterate other familiar features of Delhi ahead of the games are controversial. A ban on some 300,000 stalls selling freshly cooked snacks has enraged well-off foodies and the poor alike. Animal-rights activists protested when hundreds of unruly monkeys were rounded up and shut in cages. A new scheme to herd the city's stray cows into a vast dairy complex will doubtless anger many cow-revering Hindus.

A radical plan to corral Delhi's beggars, in contrast, has provoked little reaction. After an order from the High Court that begging be stamped out, a report commissioned by Delhi's Department for Social Welfare recommends that beggars be rounded up by a special police squad and placed in beggar's homes, which resemble jails more than hostels. The report, by academics at the University of Delhi, also wants the public to be educated about the ''evils of alms-giving'', which ''promotes parasites''.

The report entailed the fullest survey ever conducted of Delhi's beggars. It offers revealing insights into their earning potential. Of the 58,570 beggars counted, 5,003 were interviewed in depth. Nearly half the adults earned between 50 and 100 rupees ($1.20–$2.40) a day, not much less than the income of many daily wage labourers. About 3% said they earned 100 to 500 rupees a day.

Tales of high-earning beggars have often been used in India to justify intolerance. But the survey also hints at the underlying injustices. One-third of adult beggars were disabled; 88% said they had no skills; almost all were migrants from other parts of India—mostly the poor northern states of Bihar and Uttar Pradesh—and had taken up begging because they could not find work.

More than one-third were under the age of 18, like Mohammed Alam, a ten-year-old orphan, who left Bihar with his aunt and uncle a month ago. On arriving in Delhi, Mohammed's aunt found a job ironing clothes; the boy, whose polio has left him with a deformed leg and a limp, works a busy traffic intersection for five hours at a stretch, earning between 10 and 20 rupees. The rest of the time he spends at home (''in that park over there''). He has not been to school since he was seven, he says, his small face a complete blank.

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[From the Economist, June 16, 2007]

A MUSEUM BOOM

Cities and towns across China are rushing to build museums. These are not the dour edifices of the Mao era that until recent years were the dreary repositories of the nation's historical treasures. Governments, and even some individuals, are lavishing huge sums on vast and exotic new buildings. Sadly, this does not imply a new-found respect for history.

In 1977, a year after Chairman Mao's death, there were only 300-odd museums. Most of them were little more than displays of Communist Party propaganda. Within a decade, say official press reports, the number had grown to nearly 830. By the turn of the century there were more than 2,000 of them. By 2015, officials estimate, there will be around 3,000.

Beijing alone now has at least 131 museums, up from 96 a decade ago. In January the Stalinist-looking National Museum overlooking Tiananmen Square was closed down for a three-year makeover costing $330m. Last year saw the formal opening of the city's new Capital Museum, which cost more than $160m. Shanghai is fast catching up. It plans to have 150 museums by 2010, up from 106.

Local governments, caught up in what the Chinese press call a ''museum fever'', are vying to outdo one other with architectural wonders. Most are paid for out of government budgets. But near the city of Chengdu, in south-western China, a local businessman, Fan Jianchuan, opened a 33-hectare (82-acre) museum complex two years ago. Its exhibits are boldly revisionist, highlighting the contributions made by the Kuomintang, the party's enemy, in the anti-Japanese war of the 1930s and 40s.

Officials worry that the museum boom is getting out of control. The country has a dearth of people qualified to run them. Local governments are often unwilling to subsidise running costs, forcing museums to rely on ticket sales. Prices are often too high for many ordinary townspeople.

The museum fad is a refreshing contrast to the culture-destroying ethos of Mao's rule. But the penchant for vandalism still lurks. This week Qiu Baixing, a deputy minister of construction, said historical architecture and cultural sites were being ''devastated'' by rapid urban construction. He even compared this to the destruction wrought by Mao's Great Leap Forward and Cultural Revolution. The museums may look splendid, but, around them, history is being pulverised.

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ADJUSTING TO THE REALITY OF A NEWLY DEMOCRATIC INDONESIA

(By Walter Lohman)

JAKARTA, JUNE 18, 2007—In Washington, inertia often carries the day on even the most anachronistic policy ideas. Congress proved this axiom on June 5 when appropriators in the House of Representatives slashed and conditioned the Administration's request to provide military assistance to Indonesia.

Indonesia today is a large, vibrant democracy and a key piece of the geostrategic puzzle in Asia. It is also among the United

States' most important partners in the War on Terror. Approached wisely, the U.S.-Indonesian relationship embodies a convergence of interests on values, geopolitics, and security that is rare among U.S. relationships in the developing world.

The House Appropriations Subcommittee on State and Foreign Operations has charted a strikingly unwise course. Under the leadership of Representative NITA LOWEY (D–NY), it has covered its collective ears to the history of the last decade and has forged ahead with a policy that ignores reality and the vital American interests at stake in the region.

Military assistance to Indonesia first became a matter of contention in Washington following the Dili Massacre of 1991, in which hundreds of protestors in East Timor were murdered by the armed forces of East Timor's erstwhile ruler, Indonesia. The debate was stoked in 1999 by the scorched earth reaction of Indonesian troops and pro-Indonesia militias to East Timor's overwhelming vote in favor of independence. For good reason, these unconscionable abuses strained relations between the United States and Indonesia.

But since 1999, the world has been turned upside down. An emerging, unstable democracy then, Indonesia is now a flourishing democracy. In October 1999, Indonesia elected a president—albeit indirectly—for the first time in 50 years. Five years later, an astounding 350 million votes were cast in three national elections—including a direct election for president.

The final round of the 2004 presidential election, involving 117 million voters and 77 percent of eligible voters, was the largest single election day in history. Among the many remarkable facets of Indonesia's democracy, the 2004 elections produced 61 women members of the 550-seat lower house and 27 out of 128 in the upper house.

Acknowledging that elections do not necessarily equal democracy, it should also be pointed out that Indonesians have taken to vigorously exercising their civil liberties. There are 16 political parties, hundreds of newspapers and magazines, independent television and radio outlets, and countless web sites commenting on Indonesian politics. Lively political debate reverberates across many forums and media. According to Freedom House, Indonesia is the freest country in Southeast Asia. Symbolic of Indonesia's progress, in 2005, Indonesian President Bambang Susilo Yudhoyono visited the site of the 1991 Dili Massacre to pay his respects. The East Timorese Prime Minister reciprocated by telling his countrymen to ''Forget the past and look to the future.'' Today, Indonesia and East Timor enjoy a close, cooperative relationship due in major part to the effort of former president and independence-hero Xanana Gusmao.

The same week that House appropriators were taking Indonesia to task, in fact, the current president of East Timor, Jose Ramos Horta, was in Jakarta echoing the same sentiment offered by his government in 2005, saying, ''The important thing is we don't allow ourselves to be hostage of the past but look forward with courage.''

Despite its searing, up-close experience in the 1990s, East Timor has come to peace with Indonesia. Yet, its well-meaning supporters in the U.S. Congress seem unable to acknowledge new realities.

STRATEGIC CONCERNS FOR THE UNITED STATES

Two other things have changed since 1999.

First, the meteoric rise of China has made the presence of a strong, U.S.-friendly ASEAN—the association of 10 Southeast Asian nations on China's strategic doorstep—a critical U.S. interest. Indonesia, straddling waters that accommodate half of the world's commercial cargo transit, is an important part of U.S. geopolitical calculations in its own right. But, as a nation of 235 million people and 17,000 islands, it is also ASEAN's indispensable power.

Every day, China becomes a more effective competitor for the region's interests. Particularly since 2002, its focus in Southeast Asia has shifted from its territorial claims in the South China Sea to lavishing the region with diplomatic attention. Without due vigilance, commitment, and wise policy choices, the time is not far off when the U.S. role as guarantor of regional security and stability will be up for grabs. The United States needs friends in the region; and Indonesia, by wholeheartedly embracing universal democratic ideals, has made being friends as easy as any nation in the world.

Second, the United States is six years into waging the good fight on global terrorism. Indonesia and the U.S. share fundamental interests in this war. Indonesians themselves have been victims of terrorism. Terrorists have directed major acts of violence against the country's tourism industry and foreign communities, killing many innocent foreigners as well as Indonesians.

For many years, the terrorists have sought to inflame sectarian divisions in the same way that al-Qaeda has done so effectively elsewhere in the world. Terrorists have also sought to establish training beachheads in Indonesia's far-flung territories. But the terrorists in Indonesia are losing: There have been no major acts of terrorism in Indonesia since October 2005. Moderation is in the DNA of Indonesia's national character. Certainly, there is a battle going on for Indonesia's soul, as is being waged in much of the Muslim world.

But in Indonesia, the extremists are faced with an extraordinarily resilient foe in Indonesia's famously syncretic, diverse, and tolerant culture. Congress can help strengthen the Indonesian government's hand through assistance and partnership, or it can hamper it by caveating its assistance. Indonesia will fight the war against terror without the United States; but American cooperation certainly improves its prospects. It is in the national interest for the United States to be there for its natural partners.

None of this is to suggest that the United States does not have differences with Indonesia. Indeed, Representative Lowey's concerns about accountability for past human rights abuses and the proper role of the military are legitimate. But the United States needs to get to a point where it addresses these concerns with the same respect it affords other democratic partners, like the Europeans or the Japanese.

Limiting and legally conditioning military-to-military relations is not the best way to address differences; it is a page from the past. The recent action by House appropriators is counterproductive and damaging to vital American interests in Asia.

Mr. INOUYE. Mr. President, I rise today to join Senator BOND in submitting a resolution, which recognizes the mutually beneficial relationship between the United States and the Republic of Indonesia.

Indonesia is the world's fourth most populous country, the third largest democracy, and the most populous Muslim nation. It possesses extensive natural resources, and a considerable amount of trade passes through the straits of Malacca. Without question, Indonesia is a valuable partner to the United States in the global war on terror.

Indonesia has made great strides in continuing to democratize and develop its civil society as well as rule of law, particularly under the leadership of President Susilo Bambang Yudhoyono. This resolution acknowledges many of the Government's positive reforms and encourages the Republic of Indonesia to continue its commitment to human rights, democratic principles, and good governance.

Mr. President, it is my hope that my colleagues will join me in recognizing this very important nation in Southeast Asia.

## SENATE CONCURRENT RESOLUTION 40—SUPPORTING THE GOALS AND IDEALS OF OBSERVING THE NATIONAL DAY OF HUMAN TRAFFICKING AWARENESS ON JANUARY 11 OF EACH YEAR TO RAISE AWARENESS OF AND OPPOSITION TO HUMAN TRAFFICKING

Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. COLEMAN, Mr. OBAMA, and Mr. LUGAR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON RES. 40

Whereas the United States has a tradition of advancing fundamental human rights;

Whereas because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent;

Whereas to combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery;

Whereas beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking exist in the United States and around the world;

Whereas the United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking;

Whereas the United States must also work to end human trafficking around the world through education;

Whereas victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization;

Whereas human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave;

Whereas although laws to prosecute perpetrators of human trafficking and to assist

and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting; and

Whereas the effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1867. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

SA 1868. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1869. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1870. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1867.** Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; as follows:

Amend the title so as to read: ''An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.''.

**SA 1868.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.**

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking ''section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))'' and inserting ''subparagraph (H)(ii)(a) or subparagraph (Y) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))''; and

(2) by inserting ''or forestry'' after ''agricultural''.

**SA 1869.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. 6___. MANDATORY DISCLOSURE.**

(a) IN GENERAL.—An alien may not be granted Z nonimmigrant status under this title unless the alien fully discloses to the Secretary all the names and Social Security account numbers that the alien has ever used to obtain employment in the United States.

(b) ENFORCEMENT.—If the Secretary determines that a Z nonimmigrant has not complied with the requirement under subsection (a), the Secretary shall revoke the alien's Z nonimmigrant status.

(c) NOTIFICATION OF RIGHTFUL ASSIGNEES.—The Secretary may disclose information received from aliens pursuant to a disclosure under subsection (a) to any Federal or State agency authorized to collect such information to enable such agency to notify each named individual or rightful assignee of the Social Security account number of the alien's misuse of such name or number to obtain employment.

**SA 1870.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 672, between lines 19 and 20, insert the following:

**SEC. 704A. LOSS OF NATIONALITY.**

(a) IN GENERAL.—Section 349(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(3)) is amended to read as follows:

''(3) entering, or serving in, the armed forces of a foreign state if—

''(A) such armed forces are engaged in, or attempt to engage in, hostilities or acts of terrorism against the United States; or

''(B) such person is serving or has served as a general officer in the armed forces of a foreign state; or''.

(b) SPECIAL RULE AND DEFINITIONS.—Such section 349 is amended by adding at the end the following new subsections:

''(c) SPECIAL RULE.—Any person described in subsection (a), who commits an act described in such subsection, shall be presumed to have committed such act with the intention of relinquishing United States nationality, unless such presumption is overcome by a preponderance of evidence.

''(d) DEFINITIONS.—In this section:

''(1) ARMED FORCES OF A FOREIGN STATE.—The term 'armed forces of a foreign state' includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

''(2) FOREIGN STATE.—The term 'foreign state' includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

''(3) HOSTILITIES AGAINST THE UNITED STATES.—The term 'hostilities against the United States' means the enticing, preparation, or encouragement of armed conflict against United States citizens or businesses or a facility of the United States Government.

''(4) TERRORISM.—The term 'terrorism' has the meaning given that term in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))''.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR— NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent the Senate proceed to executive session and the Foreign Relations Committee be discharged from further consideration of the following: Lorne W. Craner, to be a Member of the Board of Directors of the Millennium Challenge Corporation; Alan J. Patricof, to be a Member of the Board of Directors of the Millennium Challenge Corporation; Dell Dailey, to be Coordinator for Counterrorism with the rank and status of Ambassador at Large; Reuben Jeffery III, to be Under Secretary of State; that they and the nominations on the Executive Calendar, Nos. 155 through 160, be considered and agreed to, the motion to reconsider be laid on 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 are as follows:

MILLENNIUM CHALLENGE CORPORATION

Lorne W. Craner, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Alan J. Patricof, of New York, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

DEPARTMENT OF STATE

Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Reuben Jeffery III, of the District of Columbia, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

NATIONAL COUNCIL ON DISABILITY

Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2008,

Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

DEPARTMENT OF EDUCATION

Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2008.

Michael Schwartz, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2012.

Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2009.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

## HONORING THE LIFE OF RUTH BELL GRAHAM

## CONDEMNING THE MILITARY JUNTA IN BURMA

## HONORING THE FIREFIGHTERS IN CHARLESTON, SOUTH CAROLINA

Mr. REID. I ask unanimous consent the Senate proceed en bloc to the consideration of three resolutions submitted earlier today, S. Res. 249, S. Res. 250, and S. Res. 251, that the resolutions be considered and agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid on the table en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 249

Whereas Ruth Bell Graham was born on June 10, 1920 in Qingjiang, China, the daughter of Presbyterian medical missionaries;

Whereas Ruth Bell Graham returned to the United States to attend Wheaton College, where she met and fell in love with her future husband, Billy Graham, who would become one of the most acclaimed evangelists in the world;

Whereas Ruth Bell Graham married Billy Graham on August 13, 1943 at Montreat Presbyterian Church in her beloved Western North Carolina;

Whereas Ruth Bell Graham was the devoted mother of five children (Virginia, Anne, Ruth, Franklin, and Nelson Edman) and the grandmother of 19 grandchildren;

Whereas Ruth Bell Graham was a renowned author and poet who penned 14 books that have moved and inspired people around the globe;

Whereas Ruth Bell Graham and Billy Graham were recognized with the Congressional Gold Medal in 1996 for their ''outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion''; and

Whereas Ruth Bell Graham touched countless lives worldwide by sharing her tremendous faith, her deep compassion for the less fortunate, her great talents and her lighthearted wit.

Now, therefore, be it

*Resolved,* That the Senate honors the life, work, and legacy of Ruth Bell Graham, a loyal companion who shined with grace and courage beside her husband Billy Graham, and a dedicated mother who fostered individuality and humility in her five children.

S. RES. 250

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has dedicated her life to the peaceful, non-violent movement for democracy and reconciliation in the Union of Burma;

Whereas Aung San Suu Kyi and the National League for Democracy won a majority of parliamentary seats in Burma's last election held in 1990;

Whereas the State Peace and Development Council of Burma refuses to cede power and permit representative government and has detained Aung San Suu Kyi under house arrest for 11 of the last 17 years;

Whereas the ruling military junta has committed numerous, well-documented atrocities against the people of Burma;

Whereas Aung San Suu Kyi continues to promote peaceful dialogue and reconciliation despite mistreatment from the State Peace and Development Council;

Whereas the United States recognizes and supports the dedication and commitment to freedom demonstrated by Aung San Suu Kyi: Now, therefore, be it

*Resolved,* That the Senate—

(1) honors Nobel Peace Prize Laureate Aung San Suu Kyi for her courage and devotion to the people of the Union of Burma and their struggle for democracy; and

(2) calls for the immediate release of Aung San Suu Kyi and other political prisoners by the State Peace and Development Council.

S. RES. 251

Whereas at approximately 7:00 p.m. on June 18, 2007, a tragic fire started at the Sofa Super Store in Charleston, South Carolina;

Whereas despite the flames that engulfed the building, the brave men and women of the Charleston Fire Department (Department) fulfilled their duty by rushing inside as others fled for their lives;

Whereas the fire quickly grew out of control and trapped 2 store employees inside;

Whereas the firefighters attempted to punch through the building walls in a selfless effort to save the lives of these employees;

Whereas the roof of the building collapsed, trapping the firefighters inside;

Whereas Captain William ''Billy'' Hutchinson, a 30-year veteran of the Department, lost his life in the fire;

Whereas Captain Mike Benke, a 20-year veteran of the Department, lost his life in the fire;

Whereas Captain Louis Mulkey, an 11-year veteran of the Department, lost his life in the fire;

Whereas Engineer Mark Kelsey, a 12-year veteran of the Department, lost his life in the fire;

Whereas Engineer Bradford ''Brad'' Baity, a 9-year veteran of the Department, lost his life in the fire;

Whereas Assistant Engineer Michael French, a 1½-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter James ''Earl'' Drayton, a 32-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Brandon Thompson, a 4-year veteran of the Department, lost his life in the fire;

Whereas Fire Fighter Melven Champaign, a 2-year veteran of the Department, lost his life in the fire;

Whereas the extraordinary courage and sacrifice of these firefighters reflects the spirit of South Carolina, as well as the spirit of our great Nation;

Whereas the United States has not experienced such a devastating loss of firefighters since the horrific events on September 11, 2001; and

Whereas a grateful Nation mourns the loss of these heroes and vows that their sacrifices were not made in vain: Now, therefore, be it

*Resolved,* That the Senate—

(1) honors William ''Billy'' Hutchinson, Mike Benke, Louis Mulkey, Mark Kelsey, Bradford ''Brad'' Baity, Michael French, James ''Earl'' Drayton, Brandon Thompson, and Melven Champaign, who lost their lives in the course of their duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathy to the families of these 9 brave heroes;

(3) honors all the firefighters and other public servants who contributed to battling the fire; and

(4) pledges to continue to support and to work on behalf of the firefighters who risk their lives each day to ensure the safety of all Americans.

## NATIONAL DAY OF HUMAN TRAFFICKING AWARENESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of a concurrent resolution submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 40) supporting the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year to raise awareness of and opposition to human trafficking.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; that any statements in the RECORD.

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

The concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 40

Whereas the United States has a tradition of advancing fundamental human rights;

Whereas because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent;

Whereas to combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery;

Whereas beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking

exist in the United States and around the world;

Whereas the United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking;

Whereas the United States must also work to end human trafficking around the world through education;

Whereas victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization;

Whereas human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave;

Whereas although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting; and

Whereas the effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

## ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 1099.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1099) to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1099) was ordered to be engrossed for a third reading was read the third time, and passed, as follows:

S. 1099

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

**SECTION 1. HEALTH INSURANCE.**

Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by inserting ''and'' after the semicolon; and

(3) by inserting before the matter following subparagraph (I) the following:

''(J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,''.

## THANKING STAFF

Mr. REID. This morning, I talked about the Energy bill and the work of Democrats and Republicans to get it passed. I failed—and I apologize—to mention two of the most important people for getting that passed, two staff members.

Chris Miller, who works in my office, is such a wonderful, hard-working public servant. Chris is originally from Detroit. He has worked in Congress for 20 years, 18 years with the Senate. He worked for Senator JEFFORDS and for me on the Environment and Public Works Committee. His work ethic is unsurpassed. He has become a resource for the entire Senate, Democrats and Republicans. During the Energy bill, staff members came to him and some Members themselves came to him, asked where we were. He gave them information as to where we were, where we were going. Chris has a master's degree from the University of Michigan. That is in natural resource management. He has a bachelor's also from the same institution in political science. I told him personally last night, after the bill passed, how much I appreciated his hard work. I want the record spread with the fact that he is an exemplary employee.

I also want to talk about someone I have worked with over the years because he has been in the Senate for a long time, and that is Bob Simon. Bob has a Ph.D. in inorganic chemistry from MIT in 1982. He is a person with a wide range of knowledge. Before coming to the Senate about 14 years ago or so, he worked at the Department of Energy and the National Research Council for the National Academies of Science and Engineering. He has served in a variety of science- and technology-related positions in the Senate since 1993. He became a staff director for the overall committee the month the Democrats won the majority. He works very well with Senator DOMENICI, the ranking member and until recently the chairman of that committee.

He is really a good person, works so hard—another example of people we have here on Capitol Hill who are here because they believe in public service. That is why he is here. He is a person who works extremely hard, and his work on this bill was instrumental to its passage.

I ask if the distinguished Republican leader has anything to say?

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank the majority leader. Let me just make the point that we have recently adopted S. Res. 250, which condemns the military junta in Burma and calls for the immediate and unconditional release of Aung San Suu Kyi. The State Peace and Development Council, which rules Burma, is a truly outrageous, pariah regime that deserves universal condemnation. I only wish there were more countries that would join us in publicly criticizing the regime and in taking action to help bring about positive change in this troubled nation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

## ORDERS FOR MONDAY, JUNE 25, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m., Monday, June 25; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 800, with the time until 7 p.m. for debate with respect to the motion, with the time equally divided and controlled between Senators KENNEDY and ENZI or their designees; that at 7 p.m. Senator SESSIONS be recognized to speak for up to 1 hour.

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

## ADJOURNMENT UNTIL MONDAY, JUNE 25, 2007, at 1 P.M.

Mr. REID. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:16 p.m., adjourned until Monday, June 25, 2007, at 1 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 22, 2007:

NATIONAL COUNCIL ON DISABILITY

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008.

DEPARTMENT OF EDUCATION

KERRI LAYNE BRIGGS, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2008.

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2012.

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2009.

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

DEPARTMENT OF STATE

DELL L. DAILEY, OF SOUTH DAKOTA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS).

MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.