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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

### PRAYER

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

Let us pray.

Eternal Spirit, thank You for the miracle of Your love. We discover Your affection in the beauty of nature and the farflung immensity of space. We feel Your embrace in the orderly movement of the seasons, in the laws of seedtime and harvest, and in the unfolding of Your merciful providence. We receive Your kisses in the cry of a new baby, in the softness of a leaf, and in the lilies of the field.

Today, use the Members of this body as agents of Your love. Remind them that they fulfill Your will by loving You passionately and by earnestly caring for their neighbors. Open their ears to the cries of the less fortunate. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 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 MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

### 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 for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided, with the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, as you just announced, there will be a period for the transaction of morning business for 1 hour. Following morning business, we will resume consideration of the immigration legislation. Senator SESSIONS, under a previous order entered, is to be recognized for 2 hours. He will speak until 12:30 p.m. Today, the regular party conferences will be held beginning at 12:30 p.m., so Senator SESSIONS will complete his remarks after 2:15 p.m.

It is my understanding that the first amendment that has been agreed to be

laid down will be by Senator DORGAN. I don't know if there is a consent agreement to that effect. Is there one, Madam President?

The ACTING PRESIDENT pro tempore. There is not.

Mr. REID. I think this has been cleared on both sides. I ask unanimous consent that the first amendment be offered by Senator DORGAN, after the remarks of Senator SESSIONS.

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

Mr. REID. Madam President, if there is any problem with this procedure, the two managers can ask unanimous consent, and we will all agree to change it. But I think that is the agreement which has been made. If it has not, we can start over. That is the general agreement. What we plan to do during consideration of the legislation is to alternate back and forth—Democrat and Republican, Democrat and Republican. That is what we did the last time.

The only thing I will announce—I told both managers and I think Senator McCONNELL agrees with this, and if not, it is something we need to do for an orderly process here—is that we do an amendment at a time. The last time on this bill, we wound up with 30, 40 amendments pending. I am saying we are not going to do that this time. We are going to do one amendment at a time, unless there is something extraordinary to come along to change that procedure.

We have a long amendment list. The substitute amendment was laid down last night. It is now available to all Members.

Tonight, I should announce, as has been announced in the past, there is going to be a dinner in the Botanic Garden to honor the spouses of the Senate. I hope all Members will attend this event.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from New Hampshire.

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



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S6417

Mr. GREGG. Madam President, I believe I am to be recognized for 15 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Chair.

(The remarks of Mr. GREGG pertaining to the introduction of S. 15 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GREGG. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

#### 2003 TAX CUTS

Mr. BENNETT. Madam President, if there is one thing I hear over and over again when I talk to my constituents about where we are in this Congress, it is the request that we get together and work together and that we get something done. There is always some particular issue someone will raise that will have to do with immigration, that will have to do with taxes, that will have to do with Social Security, but underlying all these issues is the refrain: Why can't you people work together? Why can't you get something done? As one constituent put it, almost plaintively: Senator, is there any hope, or are you just going to bicker back and forth between the parties, as you have always done?

Well, this month, there has been a sign of hope that I think we ought to make mention of that demonstrates that, in fact, maybe it is possible for us to work together on some of the more contentious issues. This sign of hope did not necessarily come from the Congress, it was an action that involved Members of Congress and members of the Bush administration, and it has to do with trade.

There are many issues that divide the two parties, but one that has divided us as much as any has been the issue of trade, with the Democrats saying under no circumstances will we approve any more free-trade agreements until we get the kinds of provisions with respect to labor standards that we insist on; and the Republicans have said and Republican administrations have said, those kinds of agreements are deal breakers; if we put those in the trade agreements, we make the trade agreement impossible to enforce. The two sides have yelled at each other over this issue now for years.

Well, this month we have had a breakthrough, and I will quote from the newspaper articles with respect to this, first, from the New York Times and then from the Wall Street Journal. With a May 11 headline "Bush and Democrats in Accord on Labor Rights in Trade Deals," the New York Times said the following:

The Bush administration and House Speaker Pelosi, breaking a partisan impasse that had dragged on for months, reached an

agreement this evening on the rights of workers overseas to join labor unions. Both sides predicted the agreement would clear the way for congressional approval of several pending trade agreements.

This came as happy news to me. I was with the majority leader and a group of Senators when we went to South America, and we heard from the President of Peru that the most significant thing we could do in the United States to maintain good relations with Peru was to approve the Peru Free Trade Agreement. After this conversation, some of the Democratic Senators who were on that trip said to me: BOB, that is going to be very hard. It is going to be very difficult. We are not getting the kind of cooperation we feel we need out of the Bush administration. Well, now they have. It has been worked out.

Again, back to The New York Times:

Negotiations to complete the trade deals have been led by Susan Schwab, United States Trade Representative on the administration side, and by Representative Charles Rangel, the New York Democrat who is Chairman of the Ways and Means Committee on the House side.

Good news. Both sides giving a little and getting something done. Then this paragraph from the New York Times:

Despite the endorsement of Mr. Rangel and Speaker Pelosi, many Democrats say that half or more of the Democrats in Congress may vote against the deal, but the agreement is expected to pass with strong backing among Republicans, whose leaders will urge them to vote with President Bush.

This reminds me of a meeting I had in the White House when Bill Clinton was the President. We were talking about how to deal with trade, and President Clinton said to the Members of Congress who were there: What do we need? The former Senator from New York, Pat Moynihan, sitting next to the President, spoke up and said: Sir, we need more Democrats. The Republicans are fine on this issue, it is the Democrats who are the problem.

Well, we have had that breakthrough on trade. It is encouraging. The Wall Street Journal had this to say about it.

The agreement announced last night by House Speaker Pelosi, Treasury Secretary Henry Paulson, and other top officials and lawmakers clears the hurdle to passage of some small bilateral trade deals, and it could ultimately smooth the way for broader trade measures such as renewing President Bush's soon to expire authority to negotiate trade deals without the threat of congressional amendments as well as a new global trade agreement now being negotiated in the Doha round of world trade talks.

I raise this as a ray of hope and then as the background for a suggestion. I hope the sense of urgency that brought the two sides together on trade can apply to the question of the tax cuts and whether they will be made permanent. I was in New York yesterday with a group of representatives from Wall Street, from the venture capital community and those economists who deal with the question of growth and keeping the economy strong, and was interested to be told the one thing that

would be the most important for them to keep the economy strong and growing was to keep the tax cuts that were enacted in 2003 in the law permanent.

We asked some of those representatives what would happen if the tax cuts were to expire? The reaction we got was: Well, we assume that Congress will, of course, not let them expire because they have worked so well. They have made significant differences with respect to corporate governance and economic growth that, of course, they are going to be extended. Then I pointed out to them that if we stay on the track that was established in the budget bill that was passed, the budget bill that the Senator from New Hampshire talked about, those tax cuts will expire in 2010.

The folks in New York were stunned. How could Congress do this? How could they allow that to expire in the face of the evidence that these tax cuts have been so beneficial? We said: Well, that is the path we are on. That is the glide-path that was set in this budget bill. The budget bill can be trumped by future budgets later on, but if nothing is done and we stay exactly as we are, these tax cuts are certain to expire.

What will be the consequences? Well, we have turned to some experts who will make these kinds of projections and asked that question. We would like to talk about this. I am sure no one can see the detail on the chart, but I will do my best to highlight the visual impact. I will say, in all fairness, as I always say, these are projections, and every projection is wrong. I don't know whether it is wrong on the high side or wrong on the low side, but every projection we ever have about the future, that is specific, is wrong. Nonetheless, I think the basic trend that is shown in these charts is a legitimate trend.

This first one talks about the number of jobs that will be created State by State if the tax cuts are made permanent. Now, don't pay attention to the numbers because you can't see them, look at the bars and let me identify the States that will see significant job growth if the tax cuts are made permanent.

The biggest line is California, followed by Florida, Illinois, New York, Ohio, Pennsylvania, and Texas. It might be interesting to go back to those States and look at how those Senators from those States voted on the budget bill that would have the tax cuts expire. Jobs in California, Florida, Illinois, New York, Ohio, Pennsylvania, and Texas.

Some of those States are complaining about their current economies. They are saying their unemployment rate is too high. Make the tax cuts permanent and you make a significant contribution to creating jobs in those States.

What about economic growth in those States? Let's look at that chart. Basically, they are the same States, but there are some slight changes. Once again, this is the income growth

per State if the tax cuts are made permanent. And the winner, again, clearly, is California, followed by New York and Texas. But Michigan begins to show up, New Jersey begins to show up, along with Florida, Illinois, Ohio, and Pennsylvania. These are States, again, where they are saying: Our economic growth has been anemic, our job growth has been anemic. What can we do?

The answer to what can we do? We can make the tax cuts permanent. Well, no, politically, we don't want to do that. Politically, it makes good rhetoric for us to attack the rich.

One of the things we have to remember as we have these economic debates is the best thing you can do for someone who is poor is to find him a job. The best thing you can do for people who are at the bottom is to have strong economic growth. Who gets hurt the most in a recession? It is the poor. Who loses his job when unemployment goes up? It is the person with the least skills, who can least afford to lose his job.

I remember a hearing in the Joint Economic Committee, when one of my colleagues, in the midst of the boom of the late 1990s, asked Chairman Greenspan: Who has benefitted the most from this boom, expecting the answer to be: Well, it is the people at the top; the people at the top have gotten all the money; the people at the top have benefitted the most from this booming economy are the people at the bottom. The bottom quintile have seen their life change, their lifestyle, their availability to income improve better than anybody else.

We always single out Bill Gates as the richest person in the United States. Did Bill Gates get hurt with the recession? No. His lifestyle didn't change. He didn't lose his house. He wasn't in danger of being late on his mortgage payments because he didn't have any mortgage payments. The growth in the economy did not make that big an impact on his situation. But the people at the bottom, who were unable to get the jobs in the recession that began in 2000; the people at the bottom, who were unable to meet their bills with the recession of 2000; the people at the bottom, whose skills were such that they were the first laid off, they are the ones who have benefitted the most by the expansion that began with the passage of the tax cuts in 2003.

They are the ones who were benefited the most when the unemployment rate fell below 5 percent. It is currently 4.4 percent.

In my home State of Utah, the unemployment rate is 2.3 percent. Who is benefiting the most? It is the people who would otherwise be unemployed if the unemployment rate went back up to 6 percent.

When we look at income growth per State, don't say that only benefits the

fat cats; that only benefits the people at the top. Recognize that the best welfare you can do for anyone is to find them a job. The best life-changing experience you can create for someone is to have a strong economy where that person can work and grow their own savings and get slightly ahead.

Chairman Greenspan was very firm about that, with respect to who benefited the most from the income growth of the 1990s. It is still true today. Who will get hurt if the tax cuts are not made permanent and the jobs represented on these charts do not materialize? It will be the people who lose their jobs.

We, the Congress and the administration, demonstrated that we could get together on the trade deals. It was announced with great gladness that the Democrats who had said "never" and the Republicans who had said "never" were able, finally, to get together and make this thing work. Can't we do that with respect to tax policy? Can't we understand now that the tax policy has worked?

Since the tax cuts were enacted, 8.5 million new jobs have grown up in the United States. More Americans are working today than ever in our history, both in total numbers and as a percentage of the workforce. Can't we celebrate that achievement and say let's keep in place the policies that caused it? Or will we continue to say, no, we can't let anything happen because, for some political reason we want to scare people, we want to use class warfare rhetoric; we want to say, no, this isn't really working, it is an illusion. Ignore the statistics. Ignore the facts.

I think we can work together. I think we should work together. I think the facts are clear. We should endorse them and move ahead in that spirit.

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak for 10 minutes in morning business.

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

#### ENERGY POLICY

Ms. CANTWELL. Madam President, I am coming to the floor this morning to talk about energy policy. I know the Presiding Officer very much understands the importance of energy policy and has represented a State in a region of the country that has been a key component to the U.S. energy strategy. My own State, Washington State, with our long history, with our hydro system, is starting to become a leader in alternative energy and certainly in renewable energy.

But I rise today to talk about the beginning of the U.S.-China Strategic Economic Dialogue that is an ongoing bilateral forum between the United States and China. I think it will help

lay the foundation for important, productive, and mutually beneficial ties between our two countries.

I appreciate that Treasury Secretary Paulson and Vice Premier Wu are starting that discussion today. I hope energy will be among the issues they talk about.

I am under no illusion that we have big challenges in working with China and particularly in embracing a concept I believe is very strategic to how the United States operates in a global economy, that is "coopetition"—you look at those with whom you are competing and also look for ways in which you can cooperate and have strategic benefits by working together. I think that "coopetition" is exactly the policy we ought to embrace with China as it relates to energy, and it is very important we use this Strategic Economic Dialogue to move forward on that issue.

I know they are going to talk about lots of different issues. It is not as if Washington State agrees with China on all issues. I know the currency issue will be part of the discussion. I know there are intellectual property rights and agricultural issues, there are restrictions on Washington products, and many things that will be discussed as part of a larger economic dialogue. But I think it is important to understand the Washington State experience. If you juxtapose our experience to that of the United States, and the U.S. trade imbalance with China, I venture to say Washington State almost has a trade surplus with China. That is, if you look at various aspects of our economic numbers, Washington State and China have been good trading partners.

Back last year, China was the largest export market for Washington State. We sent \$6.8 billion in exports to China. Approximately two-thirds of Washington State's agricultural exports went to Asia and 17 percent to China: apples, potatoes, cherries, and a variety of other products. And Washington State companies have been aggressive at pursuing opportunities in China for a long time. I don't know if it is the proximity of our State to China and the fact that we both look to the Pacific, I don't know if it is the large Chinese-American population that resides in the State, or just the long cultural history on which we continue to build. But Washington State companies have been aggressively pursuing opportunities in China for years.

In fact, Boeing signed its first contract with the Chinese Government for 10 707 jetliners in 1972, shortly after President Nixon made his first visit there. It is amazing that today 60 percent of China's commercial aircraft are Boeing planes.

That relationship has grown over a long period of time, and we have benefited. In fact, in 2006 China purchased \$7.7 billion dollars' worth of Boeing planes. That represents about 112 orders from different Chinese airlines.

Today China is one of the largest opportunities for Boeing. Some have estimated the commercial aircraft market could be as large as \$280 billion.

When we look at these issues, we look at the cooperation and the economic opportunity that has existed for our State. Microsoft is another example. It first opened an office in Beijing in 1992. It is no surprise, when President Hu was visiting the United States, he actually came to Everett and Seattle and Redmond and had an opportunity to be hosted by Bill Gates. Microsoft is benefiting greatly from the sales of computers and legally licensed software in China.

More recently, Starbucks has launched hundreds of stores in China. Who would have thought that a coffee company would go into a tea-drinking country and have so much success. But China represents roughly 20 percent of the new international store growth for Starbucks. It has become Starbucks' most important foreign market.

My point in saying this is that I hope, as we have a debate about currency—and I think it is important that we have a debate about currency—that we also realize that China is a market. It is a market for U.S. products. No export sector could be of greater interest, I believe, than the opportunity in the energy and environmental areas.

Today, China accounts for about 40 percent of the increase in world oil demand. The number of passenger vehicles on China's roads has tripled since 2001 and may equal the United States by 2030. The Chinese face this mass internal transformation from growth and modernization. We have the opportunity to help them with that transition. They are trying to keep pace. In fact, China is adding one huge 1,000-megawatt, coal-fired plant to its grid each week. That is like adding enough capacity every year to serve the entire country of Spain. But even with this new capacity, their country is without predictable electricity.

In 2004, China had power shortages in 24 of its 31 provinces and autonomous regions, so they are dealing with a challenge to deliver energy to various parts of their country.

What is the opportunity? The International Energy Agency estimated that China will spend \$2.3 trillion over the next 25 years just to meet its growing energy demands, and that modernizing its electricity grid will require about \$35 billion annually for the foreseeable future. That is where American technology can come in; that is where we can seek new opportunities for U.S. companies. In fact, the same International Energy Agency has talked about the fact that, if we institute demand-side management programs where we can leverage modernizing the electricity grid, we can show that investments of \$700 billion in the demand side could avoid almost \$1.5 trillion in additional generation, transmission, and distribution costs in China between now and 2030.

That is an interesting number. By the United States partnering with China, we would have an opportunity to help them save on their energy costs. What does that mean for us as far as the great opportunity? It means increasing exports of U.S. goods and services. It means U.S. opportunities to grow in the areas that I have mentioned. Good opportunities already exist in aerospace and software and coffee but they also can emerge in the energy and environmental sectors.

It is interesting to think that China realizes that they have a challenge and that they are trying to diversify into an array of more clean energy sources, including wind, solar, biofuels, and clean coal. They are trying to increase productivity and cost savings associated with modernizing the electricity grid.

I happened to visit Beijing last November with a group of Washington State business leaders that were there to promote long-term opportunities for us to work together. It was then that I realized how much the Chinese Government had embraced and was committed to its goal of cutting energy consumption per unit of GDP by 20 percent by 2010. For that very short period of time they have tremendous energy goals that we, the United States, can help them meet.

Modernizing the domestic energy infrastructure will require an estimated \$35 billion a year. Again, that is an opportunity for the United States, exporting existing U.S. products and services, that could help us turn around the trade imbalance.

In a speech last month, Premier Wen acknowledged that China must focus on energy conservation and emission reduction in order to both develop the economy and protect the environment. I think this is an opportunity that is before us now as we are part of the Strategic Economic Dialogue with China. Increased U.S.-China cooperation on energy and environment would have tremendous economic, environmental, and security benefits for both our nations. It would help make U.S. companies better positioned for economic opportunities both inside and outside China as we develop standards associated with our energy policy.

I recently sent a bipartisan letter to the President asking for a comprehensive U.S.-China energy policy and bilateral energy summit. I am proud to say that the bipartisan letter, signed by several of my colleagues on the other side of the aisle—Senator SMITH, Senator MURKOWSKI, Senator VOINOVICH—also was signed by the four chairs of important committees—the Energy Committee, Finance Committee, Foreign Relations, and Homeland Security Committee—because I believe that they agree that this is an important opportunity for the U.S. and China to work together. In fact, we said, in sending the letter to the President:

The way we approach global energy issues will affect the international economy and

the world's environment for decades to come. A bilateral U.S.-China energy policy and a summit between our nations to focus on ways to cooperate on energy issues would have tremendous economic benefits for both our nations.

I hope as the Strategic Economic Dialogue goes forward this week that a great deal of focus will be placed on energy. When one of my predecessors, Warren Magnuson, went to China, he said, "pretending 700 million people in the world do not exist is the wrong approach." Today it is 1.3 billion people. It is time to understand China's internal transformation, our own global energy needs, and our nations' evolving relationship. It is time to see the great promise in our common interests and time to work together on shared challenges and opportunities involving energy and the environment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I would like to speak for 15 minutes.

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

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 1451 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### ORDER OF PROCEDURE

Mr. CASEY. I ask unanimous consent to be recognized for up to 10 minutes in morning business and that the Senate recess at 12:40 p.m. today.

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

Mr. CASEY. I thank the Senator from Alabama for his courtesy in allowing me this time.

Madam President, I rise today to focus the attention of the Congress, and the attention of the country, upon an issue that is at the heart of why I asked the people of Pennsylvania to allow me to serve in the U.S. Senate.

That issue is the well-being of our children and their future.

When we greet one another in this country we typically say "Hello" and "How are you?" But the standard greeting of the East African Masai people is not, "How are you?" but, rather, "How are the children?" This culture embodies the wisdom that the health of any civilization is always a reflection of the well-being of its most vulnerable citizens—its children.

I am distressed and alarmed that in response to the question, "How are the children," the answer today, here in the richest country on Earth, is this: The children, and particularly children from low income and working families, are not well. Our children are not

faring well because 6 years of this administration's budget cuts have decimated vital services for children and working families—cuts to childcare assistance, Head Start and other early childhood programs that help children get off to a good start.

I am determined to reverse the course this administration has taken in slashing funding for critical children's programs and I know that a great many of my colleagues—on both sides of the aisle—are equally determined. Some of the Presidential candidates have begun talking about the importance of early education and I am heartened by the increased public attention this will garner. If we don't invest money to give children—and particularly the most disadvantaged and at risk children—the services and programs they need in early childhood, they will be at much greater risk of academic failure, drug abuse and even criminal activity when they are older. We can spend upwards of \$40,000 on incarceration, thousands of dollars on drug treatment and special education, or we can spend a small fraction of that now on high quality preschool and give children the good start they deserve. We can pay now or we can pay later. The choice is ours.

On Friday, May 11, I introduced a bill, the Prepare All Kids Act of 2007." The primary goal of my bill is to help States provide high quality prekindergarten programs that will prepare children, and particularly disadvantaged children, for a successful transition to kindergarten and elementary school. My bill reflects the wisdom that an ounce of prevention is worth a pound of cure.

Most States have either begun or are on the way to developing prekindergarten programs. In my own State, the new Pennsylvania Pre-K Counts initiative will provide approximately 11,000 3- and 4-year-olds with voluntary, high-quality prekindergarten that is targeted to reach children most at risk of academic failure. But States need our financial assistance. My Prepare All Kids Act provides this assistance—with conditions and matching commitments from States. Grounded in research and best practices, my bill provides a blend of State flexibility and high quality standards that will serve children well.

Here is a quick summary of the main components of my bill and why they are important for children and families:

The Prepare All Kids Act will assist States in providing at least 1 year of high quality prekindergarten to children. Studies show high quality prekindergarten programs provide enormous benefits that continue into adulthood.

Prekindergarten will be free for low-income children who need it the most. The cost of prekindergarten can be financially draining and even prohibitive for low-income and working families.

Prekindergarten programs will utilize a research-based curriculum that

supports children's cognitive, social, emotional and physical development and individual learning styles. Experts tell us that at the preschool stage, social and emotional learning can be as important, perhaps even more important, than cognitive learning. This is where early socialization takes place—learning to share, pay attention, work independently, express feelings—all these are critical to successful childhood development.

Classrooms will have a maximum of 20 children and children-to-teacher ratios will be no more than 10 to 1. Children need individualized and quality attention to thrive and these requirements provide that.

Prekindergarten programs will consist of a 6-hour day. This requirement supports both children and working parents who need high quality programs for their children while they work.

Prekindergarten teachers will be required to have a bachelor's degree at the time they are employed, or obtain one within 6 years. Funding under my bill may also be used for professional development purposes by teachers.

States will not be able to divert designated funding for other early childhood programs into prekindergarten. We want prekindergarten to build upon and support other early childhood programs like Head Start and child care. We do not want prekindergarten to replace these programs in any way. All these programs are necessary and serve different purposes.

Prekindergarten programs will be accountable to a State monitoring plan that will appropriately measure individual program effectiveness.

Infant and toddler programs will receive a portion of the funding. These programs typically receive the lowest dollars of all early childhood programs, making it difficult for working parents, many of them single mothers, to find quality child care for the youngest of children.

A portion of funding will be used to create extended day and extended year programs. Working families struggle to afford high quality care for their children during after-school hours and the summer months—this provision will increase the availability of good options.

Finally, my bill supports the important role of parents in the education of their young children by encouraging parental involvement in programs and assisting families in getting the supportive services they may need. Children come in families and to truly help children, we have to involve and support their parents.

There is one additional component of my bill that I'd like to highlight. My bill ensures that prekindergarten providers will collaborate and coordinate with other early childhood providers so that prekindergarten programs can support and build upon existing programs and services for children. This is a very high priority for me. For example, Head Start has provided effective

and comprehensive early education to the most economically disadvantaged children for the past 40 years. And community-based childcare providers are absolutely vital to the well being of our children. In crafting my bill and establishing a new Federal funding source for State prekindergarten programs, I have zealously protected the importance of Federal support and funding for Head Start and childcare programs. All these programs are necessary for a system of early childhood education that truly serves children and families by providing families with multiple options, avoiding duplication of services, and giving children access to the services and support they need to get the best possible start in life.

I believe that investing in our children is our moral responsibility. But for anyone who needs additional reasons, decades of research on the life outcomes of children who have attended early education programs prove the wisdom of this investment.

A landmark study of the Perry Preschool Program in Michigan began in 1962. Children were randomly assigned to attend the preschool or not, and then tracked over many years to measure the long-term impact of high quality preschool. By age 27, the children excluded from the program were five times more likely to have been chronic law-breakers than those who attended the program. By age 40, those who did not attend the Perry Preschool program were more than twice as likely to be arrested for violent crimes. Those who did not attend the Perry Preschool Program were also more likely to abuse illegal drugs.

The research also confirms that high quality prekindergarten programs not only keep children out of trouble, they help children succeed academically. Children in the Perry Preschool Program were 31 percent more likely to graduate from high school than children who did not attend the program. Children who were not enrolled in the Perry Preschool Program were also twice as likely to be placed in special education classes.

Another long-term study comparing 989 children in the Chicago Child-Parent Center to 550 similar children who were not in the program showed that children who did not participate in the program were 70 percent more likely to be arrested for a violent crime by age 18. Children who attended the program were 23 percent more likely to graduate from high school.

So we know that high-quality early education is invaluable for children. They do better in school, they're less likely to repeat a grade or be held back, less likely to need remedial help or special education. And they are less likely to engage in delinquency, drug use and other dangerous behaviors. But the research shows much more.

It turns out that these investments in young children save us quite a bit of money. Specifically, for every dollar invested, high quality early education

programs save more than \$17 in other costs. That is what I call a smart investment. Many leading economists agree that funding high-quality prekindergarten is among the best investments government can make. An analysis by Arthur Rolnick, senior vice president and director of research at the Federal Reserve Bank of Minneapolis, showed that the return on the investment of the Perry Preschool Program was 16 percent after adjusting for inflation. Seventy-five percent of that return went to the public in the form of decreased special education expenditures, crime costs, and welfare payments.

To put this in perspective, the long-term average return on U.S. stocks is 7 percent after adjusting for inflation. Thus, while an initial investment of \$1,000 in the stock market is likely to return less than \$4,000 in 20 years, the same investment in a program like the Perry Preschool is likely to return more than \$19,000 in the same time period. William Gale and Isabel Sawhill of the Brookings Institution observe that investing in early childhood education provides government and society "with estimated rates of return that would make a venture capitalist envious."

With research as clear and compelling as this, I defy anyone to give me one good reason why we are not investing more—much more—in sound early education for our children.

I guess we shouldn't be surprised, though, that despite the evidence, this administration has gone in the opposite direction. Under this administration, cuts to early childhood programs have hurt hundreds of thousands of children and the numbers are only growing. Head Start has been cut 11 percent since 2002. The National Head Start Association calculates that by 2008 our country will have 30,399 fewer children in Head Start than in 2007—that figure includes nearly 1,100 children from Pennsylvania.

The President has also called for a freeze in funding for child care assistance—for the sixth year in a row. Currently, only 1 in 7 eligible children receives Federal childcare subsidies. Years of flat funding have already resulted in the loss of child care assistance for 150,000 children. By 2010, 300,000 more children are slated to lose out. In my own State, the current trajectory will mean the loss of \$14 million in childcare assistance by 2012.

This is, very simply, unacceptable. And it is profoundly wrong. And it is fiscally irresponsible.

I began my remarks this morning with the question, "How are the Children?" The current answer to that question is not acceptable.

It is my deep conviction that as elected public servants, we have a sacred responsibility to ensure that all children in this country have the opportunity to grow to responsible adulthood, the opportunity to realize their fullest potential, to live the lives they

were born to live. The Protect All Kids Act is a big step in that direction, and I ask my colleagues to join me in supporting this bill. Everything we do in Congress has some impact—in one way or another and for good or for bad—upon the well being of our children. Our children are our future. With everything we do we must ask ourselves, "How are the children?" We cannot rest until the answer to this most fundamental of questions is: The children—all the children—are well.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

#### COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama, Mr. SESSIONS, is recognized for up to 2 hours.

Mr. SESSIONS. Madam President, I thank the Chair for recognition and want to continue the discussion on the very important piece of legislation that is now before the Senate.

I do believe the immigration system is comprehensively broken. I have said for some time we need a comprehensive solution to it, to comprehensively reform it, but to reform it in a way that will actually work, that will do it with principles we can adhere to in the future, that will move us from a lawless system of immigration.

Most people may not know but 1.1 million people are arrested each year entering our country illegally. Think about the cost and personnel involved in processing that many people. It is a system that is not working. We know many people are getting by the border and not being apprehended.

It rightly causes the American people to question how serious we are in Congress when we say we want to do something about it. They believe we should do something about it. We say we want to do something about it, but eventually, as time goes along, for one reason or another, little ever seems to occur that actually works.

I have stated more than once we can pass a lot of legislation in this Senate dealing with immigration, but if you offer something that will actually work, to actually fix the problem, to actually be effective, we always have much wailing and crying and gnashing

of teeth, and usually those things do not become law.

Last year, I was very critical of the bill that was offered. I said it was fatally flawed. I said it should be withdrawn and urged my colleagues that if we drafted a bill for this session of Congress it should not be based on last year's fatally flawed bill but that we should start over and create a system that would create a genuine temporary worker program, not the flawed program that was there last year, that would move us toward a Canadian-based system where people all over the world could apply to our country, and they would be selected based on their merits and the skills and abilities they bring that would be valuable to our country.

I noted that we needed, of course, effective border enforcement as well as workplace enforcement, and we ought not to create a system that gives someone who enters our country illegally every single benefit we give to those who come to the country legally. The legal people do deserve to be treated in a different way than those who come illegally.

Now, I know as a matter of compassion and practicality we have to wrestle with the 12 million people here. I never doubted that. Nobody doubts that. How we deal with it, though, is a matter that will determine what policies we, as a nation, adhere to. It will send a signal to people all over the world that we are actually going to insist that we have a legal system of immigration and we intend to enforce it.

It is one thing to have a law, but if you are not prepared to enforce it and go through the process that is oftentimes painful to catch someone who violated the law and then have them deported—oftentimes that is a painful process—you either are going to do that or we might as well admit here we have no intention of enforcing any laws.

I do not think that is what we do. Almost every Senator has stated they want a lawful system of immigration, Republicans and Democrats. I do not think we have a problem. I would say yesterday and last week I had a very great concern that a plan was afoot to get cloture on the bill yesterday. The old bill, which I steadfastly believe is not an effective piece of legislation, would then be substituted by a new piece of legislation. That happened last night. It is approximately 300 pages of fine print and maybe 1,000 pages of the kind of legislative bill language we normally use here. It is one of the largest pieces of legislation to be introduced since I have been in the Senate. I think the Presiding Officer, Senator LANDRIEU, might remember some of the omnibus bills may have been that big, but I cannot remember a single piece of legislation since I have been in the Senate that would be 800 to 1,000 pages.

So the scheme or the plan was to try to move that through this week. I am



glad Senator HARRY REID, a man whom I enjoy working with, did agree last night he would not try to move this bill through this week, that we would be able to talk about it this week, that we would be in recess for Memorial Day, and the next week after that we would have another full week of discussions. I think we need more than that.

Madam President, I see my colleague Senator INHOFE is in the Chamber. I say to the Senator, I know he has a tight schedule, and when he is ready to make his remarks, I would be pleased to yield to him.

We are on the track now to have a full week of discussion. But it would be unfortunate, indeed, if my colleagues in the Senate, if the American people, were not to utilize that time to ask seriously what it is we are about in this "grand compromise" that has been proposed for us.

I think there is a possibility that good legislation could yet come out of this that would be worthy of passing. I am aware, as so many of us are, of the language from the supporters of this compromise that, well, they say: Nothing is perfect. The perfect is the enemy of the good. There are a lot of things in the bill I don't like. I think there are things that could be better, and that sort of thing, but I am for it.

I would ask why it is we do not take out those things that are not good? Why it is we do not create a bill we can be proud of and that eliminates weaknesses and problems? Because like jumping across a 10-foot ravine, jumping 9 feet is not good enough. If you jump 9 feet, you still fall to your doom. So let's create a system that will work. Many of the defects are of such a nature that could actually undermine the very principles that have been stated as the basis for this compromise. If we cannot accomplish those principles, why do it?

There are some good things in the bill and some things I am very troubled with. We will talk about them more as we go along.

Madam President, I see the Senator from Oklahoma. We serve together on the Armed Services Committee and I admire him greatly. He cares about our soldiers and has spent more time in Iraq than any Member of the House or the Senate, I suppose, meeting with our soldiers and trying to figure out the best way to handle our efforts there. I admire him greatly, Senator JIM INHOFE.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator very much for the time.

IRAQ

Madam President, before getting into this bill, I want to comment that last week when I was there—it was my 14th time to be in the AOR of the Middle East and where the conflict is—the progress that is being made there is incredible. I sat here and I heard a couple Senators talk about how bad things

were there and that we are losing and all this.

This is the first time—I remember a year ago in Ramadi they actually declared Ramadi was going to be the al-Qaida capital of the Middle East or the terrorist capital of the Middle East. Right now, it is completely changed. IEDs are down 81 percent. Attacks are down 74 percent. Then, next door at Fallujah, they are now totally under the security of the Iraqi security forces.

So all these good things are happening there. I wish Members of this Senate would go over there and see for themselves instead of trying to use it politically to advance their careers. You are doing a great disservice to our troops over there.

But that is not why I am here in the Chamber.

I appreciate the comments that have been made by the Senator from Alabama. I agree with everything he has said. My concern is at 2 a.m. on Saturday morning is when all this came up. We did not have any way of knowing exactly what was in it. Yet I am concerned about all sorts of things, such as how do you make a Z visa work.

But the reason I want to have a little time right now is because I do have an amendment. It is my understanding I will be able to call up this amendment for consideration after the Senator from North Dakota has his up, and that will be later this afternoon.

My amendment is the English amendment. Those Members on the floor can remember a year ago I got an amendment adopted that made English the national language for the United States of America. It passed by a vote of 62 to 35. There are some extremist groups that opposed it and, quite frankly, some of the liberal Members of the Senate were afraid to vote for it without having a backup where they could negate it. This is what happened. They voted for my amendment.

The amendment is very simple. It says there is not an entitlement for language, other than the English language, to be given to people who want Government services. Very simple. That is the same way over 50 other countries, including Ghana in West Africa, have it.

The Presiding Officer knows I have spent a lot of time in Africa on some of the same programs she has been involved with, and most of the countries in sub-Saharan Africa—the ones that speak English—all have English as their national language. Thirty states have it as their national language, but not we in the United States of America.

There is going to be an effort on my part to get this in the bill, and I am going to use the same text I had last time.

It is interesting when you hear different Presidents talk about this issue. In 1999, in his State of the Union Address, President Clinton said:

Our new immigrants must be part of our one America . . . that means learning English.

Everyone said "hooray," and then he came along with an executive order right after that which did away with that statement completely.

President Bush said:

The key to unlocking the full promise of America is the ability to speak English.

We know how many States have adopted this. The polling is incredible. A 2006 Zogby poll reported 84 percent of Americans—I have polls showing up to 91 percent—said English should be the national language. And 77 percent of Hispanics polled by that Zogby poll said the same thing. This poll was in 2006, only a year ago, demonstrating how many Americans believe English should be our national language. Establishing English as a national language should not be viewed as a partisan issue. It is widely supported throughout the country.

In this Congress, in this immigration debate, I am again offering my amendment to make English the national language. My amendment would accomplish three things. No. 1, it would establish English as the national language of the United States of America. No. 2, it would establish that the official business of the Federal Government should be conducted in English, and eliminates all of the entitlements people would have for language other than English. Now, it does respect current law. For example, we have the Court Interpreters Act. The Court Interpreters Act is necessary to support the sixth amendment, the right to counsel, and we are making sure this doesn't affect that in a negative way.

So we create no restriction of providing materials of other languages and allow certain exceptions where it is specifically mandated by statute. We made that very clear.

My amendment does not prohibit the use of other languages. However, my amendment states:

There is no entitlement to individuals that Federal agencies must act, communicate, perform, or provide services or materials in any language other than English.

So it is hypocritical that the immigration legislation we are considering now contains a section generally recognizing the importance of English. However, this section 702 of this immigration legislation does not establish English as a national language.

Now, we had this debate. We were on the Senate floor and debating this about a year ago right now, and people were hesitant to vote against it. We had every kind of excuse in the world. They came trotting in here with State flags that had foreign languages on them saying: We would have to do away with all of these State flags.

It has nothing to do with that. We are talking about entitlements.

We had one Member come in and say: You are going to be responsible for the deaths of Hispanics.

I said: Explain that.

This Member on the Senate floor, right down here, said: Well, you know, they have some bad currents down in

the Potomac, and we have “no swimming” signs that are written in Spanish. If you don’t have those, then people are going to drown.

This has nothing to do with that. You can put up any kind of sign you want that is in the best public interest.

We had one Member come down and say: You would never be able to speak in Spanish on the floor of the Senate.

Well, that has nothing to do with it. I have made a few speeches in Spanish, and there is a reason for it which I will not go into now. But these are things that people say are problems and things that just don’t hold up.

Now, I think it should be pointed out—because a very good friend of mine was on a television station this morning, and I know this individual would not have said what he said if he were aware of the truth, but let me just bring this out. A year ago, when I had my amendment, which would do essentially what the amendment will do if it is passed today, Senator SALAZAR from Colorado came up with an amendment right afterwards. In fact, we voted on it in a matter of minutes after we voted on mine, 62 to 35, and his passed also. All his did was offer language that is totally different from mine.

For example, I am going to read his. It didn’t say English is the national language, it says it is a common language.

Preserving and Enhancing the Role of the English Language: The Government of the United States shall preserve and enhance the role of English as the language of the United States.

But listen to this:

Nothing herein shall diminish or expand any existing rights under the laws of the United States relevant to services or materials provided by the Government of the United States in any language other than English.

There it is, folks: “Nothing herein shall diminish or expand . . .” In other words, it is going to continue to be the same.

Now, there are a lot of people out there who are going to be looking at this amendment. Americans are clamoring to have this done. They don’t understand why we don’t do this. I don’t understand it either. But this language is found in the current immigration bill.

Down here under “definition” in section 702, which was in the language that was put in 2 minutes after my vote took place a year ago, it says:

For the purposes of this section, law is defined as including provisions of the United States Constitution, the United States Code, controlling judicial decisions, regulations, and Presidential Executive Orders.

Now, this is a very significant one because what you hear about quite often is President Clinton’s Executive Order No. 13166 entitlement, which offers entitlement to translation in any language of your choice, anyone who receives any Federal funds. Well, that completely opens the door for every possible language. A lot of people think

we are only talking about Spanish. That is not correct. That Executive order refers to any language at all. This bill we are considering that I will oppose has language in there that would codify that Executive Order No. 13166, and I think it is one that people have to understand.

The Senator from Alabama is not back, so I will take a little bit more time. I am going to read the language now that is actually in the amendment which says English shall be the national language of the Government of the United States: The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America, unless specifically provided by statute.

Now, I use as an example the court interpreters law, existing law right now. It says, unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or in any language other than English.

Forms—it says:

If any form is issued by the Federal Government in any language other than English, or such form is completed in a language other than English, the English language version of the form is the sole authority for all legal purposes.

Again, there is one sentence in there that says:

Nothing in this chapter shall prohibit the use of language other than English if it is codified into law.

That is what we use the Court Interpreters Act for, and a few others, where there is a constitutional reason—in this case it is the sixth amendment to the Constitution—for having that language in there.

So what I will do until the Senator from Alabama returns is mention a few other things I think are significant. This is not a new issue. This is an old issue, and the old issue goes back to many years ago, to President Theodore Roosevelt in the 1900s:

Let us say to the immigrant not that we hope he will learn English, but that he has got to learn it. He has got to consider the interests of the United States or he should not stay here. He must be made to see that his opportunities in this country depend on his knowing English and observing American standards. The employer cannot be permitted to regard him only as an industrial asset.

Now, that was President Theodore Roosevelt in 1916. I could go through—we have them all the way up, including Ronald Reagan and other Presidents. Later on, I will go over the polling data. Later on, if we have a chance to present this and debate this amendment, I am going to go over all the

polling data. You cannot find any polling data that says less than 84 percent of the American people want to have English as the national language.

So even LaRaza, an extremist, left-wing group, says they found in a 2004 poll that LaRaza did, 97 percent strongly—86 percent—97 percent that is strongly or somewhat agreed that the ability to speak English is important to succeed in this country. That is the extremist group. In other words, if you want to be an attorney or a doctor instead of a busboy, you need to learn the language.

Now, I see the Senator from Alabama is back, but let me just repeat the one thing that I think is very important because so many of our own Members—Republicans and Democrats—believe somehow this bill positively addresses the problem or it makes English the national language. I am going to go ahead and tell you that when they put section 702 in instead of my language, section 701, all they said is English is a common language in the United States. Big deal. But it says in here:

Nothing herein shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

Well, there it is, I say to my friend from Alabama. Nothing in here would diminish or expand. In other words, it is going to stay like it is today. But then it goes on to say—and this is the critical thing—all the criticism of President Clinton when he passed Executive Order No. 13166, which was an entitlement for a translator in any language you want other than English, or the language of your choice if you are a recipient of Federal funds. So that definition, if we pass this bill—which I don’t think we are going to, and which I don’t want to for many other reasons—but if we pass it, we would say for the purposes of this section of law, the law is defined as including provisions of the U.S. Constitution, the United States Code, controlling judicial decisions, regulation, and Presidential Executive orders. In other words, we are codifying this very Executive Order that so many people in America find so offensive.

So I think this is an opportunity to put this in. Quite frankly, I think unless the bill would be dramatically changed, I still wouldn’t support the bill, but we need to have every opportunity we can, when we are addressing problems with immigrants or legislation of this nature, to make English the national language. Ninety percent of the American people are for it, 77 percent of the Hispanics are for it, and I am for it.

I thank my colleague very much for his time, I say to the Senator from Alabama, who has done a great job.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Casey). The Senator from Alabama is recognized.



Mr. SESSIONS. Mr. President, I thank Senator INHOFE for sharing this with us. I think he understands, and all of us need to understand, as we continue the flow of immigration at a level we have not sustained before in our history. Once or twice we have peaked at immigration levels close to what we have today. Most of those immigrants, in fact, or many of them, spoke English. Regardless of that, we are sustaining a level of immigration that is unprecedented in American history.

People are coming from all over the world, and English is being taught all over the world. What we need to understand is that it is even more important now that we officially and systematically and effectively emphasize that English is the unifying language because, as you have greater and greater numbers of people who don't speak English as a native language, encouraging, requiring, incentivizing English as the national language is the glue that can hold us together and can avoid cultural divisions that we might otherwise have.

I think the American people understand that, as the polling data of Senator INHOFE showed. Hispanic voters, when they are told about this, recognize it is critical for their children who are going—for them to receive the greatest benefits of the American dream, to flourish in our culture and our economy, that they be able to speak English. For some reason, we went through a period—and hopefully we are coming out of it—where we felt it necessary to try to communicate in foreign languages to other people, therefore diminishing their incentive to learn English and weakening our commitment as a nation that English should be the unifying language.

I thank the Senator for raising this subject, and I believe it is important.

I will just say one more thing. A lot of nations do have trouble getting along. Oftentimes, it goes down language lines. We have even seen our neighbors in Canada almost divide over French and English portions of the country. They wanted to separate from one another, and we see that around the world. So if we are to remain a nation of immigrants, and we are going to do that, I think it may be even more important today that we emphasize the unifying language of English than we ever have before.

I think most people when they came here wanted their children to learn English, and they did so. But we have a situation today that could get away from us in terms of transmitting to them the benefits of citizenship, the benefits of our economy because, if they can't communicate, it won't be effective.

The bipartisan negotiations that were carried out in an attempt to reach a good bill set forth some principles. Those principles seem to be the ones that were leaked as part of a PowerPoint presentation that the

White House worked on. That presentation was made to me. I thought it was pretty good. I thought it was a much better framework for immigration than last year's bill. I said repeatedly in recent weeks that we had a framework superior to last year's bill that could actually lead us to something important.

Unfortunately, the four main principles that were so often talked about—the trigger, a temporary worker program, the elimination of chain migration, and the creation of a merit system and no amnesty for the illegal alien population—are insufficiently effectuated by this legislation. They have the appearance of doing those things and maybe in a few areas improve over current law or last year's bill, but they don't effectively carry it out. So I am worried about that situation.

I am worried that, yes, our supporters say: We have problems with the bill, but overall it is good. If we have problems with the bill, let's look at those problems, let's see if they can be fixed, and let's make a better bill. Let's not pass a bill that we tell the American people is going to fix the immigration problem in America when it has loopholes and weaknesses that will not work and will not accomplish what we are promising—what some are promising—will occur if it is passed. I worry when people say they disagree with large portions of the bill, yet they are for it.

Let's talk about some of the principles that were asserted.

Last year, when this bill was jammed through the Senate Judiciary Committee, of which I am a member, I came up with the idea—actually, it came to me in an interesting way. I realized, why, when I offer amendments on enforcement and to spend more money on this or that item, people would accept them in committee. If you offered an amendment that would change policy—empower State and local law enforcement officers, for example, to participate—you got a push back from other policy matters, but they would just accept any amendment that would spend more money on enforcement. You ask yourself: Why is that so? That is so because they were not spending any money. We are the Judiciary Committee, an authorization committee. We cannot appropriate a dime. So we can authorize money for border patrol, we can authorize fencing, we can authorize prison systems, we can authorize an entry-exit visa system, but if nobody comes up with the money to pay for it, it never becomes law. Do you see?

So I suggested on the question of amnesty that no amnesty be allowed until we have a certification by the Secretary of Homeland Security that the border was secure and that this would be a trigger. The trigger for amnesty would be a certification that the border laws were enforced. That was the philosophy behind the trigger amendment

on which Senator ISAKSON worked so hard on the floor. It was not adopted in committee last year, and when we had a full debate on it, the people who were supporting last year's fatally flawed bill said: Oh, this goes to the core of the bill. We can't support this. It might be OK, but the coalition that put this bill together won't support it. It will cause it to fall apart. So they voted it down by a fairly close margin, but voted it down.

So now we are told: OK, we need a trigger. So one of the principles of this bill is to have a trigger in it. Let me show why I think there are some weaknesses in that trigger and it is not as effective as it needs to be. As a matter of fact, it is not very powerful at all. It applies only to the new guest worker program, but all other amnesty programs will begin immediately. In other words, the legalization process, the Z visas that allow people to stay here, will be issued before any of these steps are actually taken. See, we want to be sure that steps are not just promised but are actually taken, paid for, and implemented, because in 1986 what happened was amnesty was given—and they did not deny calling it amnesty in 1986—amnesty was given on a promise of enforcement, and they never funded the enforcement. They just never did it. We had 3 million illegal people here in 1986, and we have 12 million today. So Congresses and the Presidents since 1986 and before 1986 have never taken these matters seriously and given them the priority needed to be successful.

We have that weakness in the trigger which I mentioned. The legalization process will occur before any of these items are required to be funded and executed.

Secondly, the trigger only requires enforcement benchmarks already in the works, almost accomplished. So it does not require anything new. It does not require one critical thing, I believe, which is a U.S. visit exit system. You come into the country and show your identification. The new system we should have and proponents suggest is in this bill would say you come in with your identification, you show it at the border, you work. When your time is up, you are supposed to exit the country. But there is no system to record whether anybody exits. This was required to have been implemented by 2005. It has been put off and put off. Why? Because it creates a system, I suggest, that would actually work. It is a key component of an honest, effective border control system. If a spouse comes to visit a temporary worker for 30 days, how do we know they will ever leave? Who is going to keep up with this? Do people think agents are going out knocking on people's doors to see if their visiting spouses are still here? That is not the way the system is going to work. So an exit system is not part of a trigger requirement.

The language we wanted and was in the Secure Fence Act that we passed last year requires the Department of

Homeland Security to attain operational control of the border. That is the fundamental principle of the trigger from the beginning. None of that language is in this bill. It does not require the Secretary of Homeland Security to certify operational control of the border. So we don't have a very great trigger.

Also, it requires under the trigger 18,000 Border Patrol agents to be employed—not that we hire new ones whom we plan to hire even above that but only the 18,000 who mostly are already there now.

Last year, right before the election, we passed legislation that requires the construction of 700 miles of fencing. Will that fence ever get built? I suggest that my colleagues read the fine print. We see already the fence is being undermined. There is no trigger requirement that occurs. Only 370 miles of fencing and 200 miles of vehicle barriers are part of the trigger. These have been in the works and some fencing already exists, and that should be there. But that leaves about 300 miles not part of the contingency, and we don't know if the money will ever be there for this 300 miles which we authorized just last fall. Do my colleagues follow me? Just because we authorized fencing last fall does not mean it will ever be built. If you want to say that is a shell game, I have to agree. It is done all the time around here. It is particularly done on immigration matters.

Bed space: We currently have 27,500 detention beds. What does a trigger require before the amnesty process can go forward? It requires 27,500, what we already have. But the bill, in a separate section of this legislation, would require 20,000 additional beds to be built because we need them. It is an essential part of gaining control of the border. Mr. President, 20,000 is not that large a number in the scheme of things, but it can get us to a tipping point where the border can be brought under control. But that is not part of the trigger. There are other matters in the trigger that are not available.

I will note this: If you want to be dubious about the intent of the drafters of this legislation to follow through on some of the things they promise, let me tell you how the bill words it. It is filled with phrases such as “subject to the availability of appropriations” and “authorized to be appropriated.” Those words are used in the legislation 38 times—“authorized to be appropriated.” You can authorize a fence in this legislation, but this is not an appropriations bill. Unless the Congress comes along and funds it, it will never be built. Worse than that, it has “subject to the availability of appropriations.” That is a real suggestion by somebody, I would argue, who never intends to see that section funded appropriately. That was one of the principles.

I am disappointed in the trigger. We were told we would have a real temporary worker program this year, one

that would fit the needs of businesses, and they do have needs, and the agriculture community, and they do have needs, and we would create one that would actually work. But I am afraid this one is set to fail. It is better than last year's bill in a number of ways. Let me tell you how it is better, and that is the good news.

Last year, the temporary worker program allowed an individual to come to this country as a temporary worker for 3 years, and they could bring their spouses and children with them. Then they could extend that 3 years another 3 years, another 3 years, another 3 years—I think indefinitely. Mr. President, 3 years, 3 years, 3 years, as long as you live, and your spouses and children can be here, and any children born here would be American citizens at birth. The first year the person was here, they could apply through their employer for a green card, permanent legal residence, which would put them on the pathway to citizenship within 5 years. That was a temporary guest worker program.

I say that to my colleagues because we need to be alert to the fact that just because it says we have a trigger, just because we have a temporary worker program, when you read the fine print, it may not be what it appears to be. So that was a disaster. That wasn't a temporary worker program at all. After a family has been here for 8, 10, 12 years, their children are in junior high school. Who is going to come and get them and send them home? That is a program which had no chance whatsoever. But the sponsors went around for months saying we have created a temporary guest worker program. That was not so, and I am glad eventually that came to be exposed for what it was.

This year's bill says, as part of the principles, that we would have a temporary worker program where the temporary workers did not bring families. That changes the dynamics dramatically because if they don't bring families, they have an incentive to go home. If they bring their families, their incentive is to put roots down and stay. It is not a temporary worker program, in my view.

So how did it come out in real fine print? In fine print, what we understand is it is not a 3-year program but a 2-year program; that 20 percent of the temporary workers can bring their families, and of the remaining 80 percent, their families can visit up to 30 days. Well, let's say that your spouse is pregnant and you are working here temporarily. You could ask that spouse to come to America for a visit and have good health care and have a child born who would have dual citizenship, or maybe they would stay in the United States and the child can be a citizen because of birthright citizenship. There are some problems with this.

I am troubled by the 2-year situation and the way it works. You come for 2 years, you would go home for 1 year; you come back for another 2 years, you

would go home for a year; come back a third time for 2 years, and then you could never come back again.

What we have in the agriculture community is circularity, where people come for 8, 10, 11 months a year, maybe, without their families, and they work for a season, maybe 8 months, and go home. They are based and their home is among their family and their kin in the town or city or village they grew up in. They go to their church in their neighborhood.

So that is the way that worked, and I was hoping, or thought we would move in that direction. But, no, it looks like it is a 2-year deal, where you can bring your spouse to visit for 30 days, and 20 percent would be able to have their spouses with them the entire stay. They have to post a small bond. But that is not a defining event, I think.

What about the numbers? When I first asked, as they moved the PowerPoint presentation around, how many guest workers, temporary workers was contemplated in this program, I was told about 200,000 by an official in the Bush administration. Well, what do we have now? We have 400,000 to 600,000 workers a year who come up for 2 years at a time and go home for 1 year in between. But if you have 400,000 in this year and they stay for 2 years, and next year you have another 400,000 to go next year, then in years 2 and 3 you are at 800,000, except there is an escalating clause in there that will probably take it well above 900,000—follow me?—instead of 200,000 or 400,000, the real mechanism involved in the temporary guest worker program is to create numbers that amount to almost a million guest workers.

Now, these guest workers are different from the 12 million who will be given legal status here. It is different from the 1 million to 2 million flow of people who will be coming into the country on the citizenship track. This would be 1 million here as guest workers. So you see, we have to get these numbers straight. How many people are being let in by this bill? We are having a hard time getting it out.

Remember, the bill was only introduced last night. A staff offered draft copy of it was produced Saturday morning. So who knows for sure? Who can say for certain what this actually means? I tell you, we intend to look at it, and we intend to make sure the Members of the Senate and the American people understand how big an impact this is.

What we do know, from last year's bill, even after Senator BINGAMAN offered two amendments that passed, and I offered one to reduce the overall numbers, it dropped from 80 million to 200 million over 20 years. Let me go back and repeat that. Last year's bill, as introduced on the floor, the McCain-Kennedy bill, would have allowed into our country 78 million to 200 million people in 20 years. Now, we only have 300 million in America at this time. Do

you understand the significance of that?

I don't know if they knew those numbers or somebody was trying to pull a fast one, but it was breathtaking. We came up with those numbers. The Heritage Foundation was doing an independent analysis, and they came up with very similar numbers. So Senator BINGAMAN offered two amendments and I offered one that passed and it reduced the number to 53 million. Real progress; right? Not so fast.

The current rate of immigration over 20 years in our country is 18.9 million, maybe closer to 20 million. So it was at 53 million, which is 2½ times the current rate of immigration. So I don't think the American people who thought we were reforming immigration ever understood that the real plan was to increase legal immigration by 2½ times.

So I am worried about the numbers in this year's bill, is all I am saying. We are going to look at it. I haven't been able to figure it out yet, but my super staff is getting close, and we are going to keep working on it. But that needs to be acknowledged. I think there is going to be push-back on this huge number of temporary workers, which appears to me to be three times what the administration suggested to me, this year, would be an appropriate number. Of course, the President is bent on having workers for everybody who needs one.

The 2 years, the 2 years, and the 2 years, let us say a person came as a temporary worker and they worked 2 years and went home; worked 2 years and went home; worked 2 years and went home. There are bad things that occur from that program as a practical matter. Is the employer going to depend on this person every 2 years, when that worker has to go home? That is not practical to me. Then they are finished. They, perhaps, had no desire to live in America permanently or become a citizen of America but wanted to be a temporary worker. Yet now they are put in a position where they have to apply for a green card and citizenship and try to compete on this permanent citizenship track so they can keep working. For people who may have no desire to apply for a green card, they would have to, under this system. So I think it creates a magnet for dual citizenship in a way that is not necessary.

I think it would complicate the life of a business to have this break in their employment. I would like to see a system, myself, in which a person could come 10 months a year in America, or less—they may want to work less—and they would have a good ID so they could go back and forth to visit their family or their home as many times as they chose. They would go home each year for several months and could come back the next year, if they chose and if the employer wanted and if they were certified to come back and hadn't been convicted of a crime or done anything else that would dis-

qualify them. That, to me, makes more sense. Maybe the drafters have a better idea than I do on it—I don't think so at this point.

Now, one of the issues we talked about in last year's debate, and I emphasize it because nobody had even considered it, is why shouldn't we go to a merit-based system—a system that is skill based—where we would have people come into this country based on their opportunity for success here, based on their ability to flourish in our economy? What we learned was that Canada does that. Canada spent several years of national discussion, and then their Parliament got together and decided the question. They passed a law that said to the immigration department in Canada, you work with our economics department and you set up an immigration system for our country that says 60 percent of the people who would enter our country would enter based on skills and merit and education that we think are important for Canada because we believe our immigration policies should serve the national Canadian interest. It should make Canada better. We believe this is the right policy.

That was done and is being executed today. I met, in my office last year, with the gentleman who was the director of that program, and he explained to me that it was very popular. They like it in Canada. We had never even discussed it last year. I tried to get a hearing in the Judiciary Committee on it. No, they didn't have time. Senator MIKE ENZI, who was chairman of the Health, Education, Labor and Pensions Committee, agreed to have a hearing on it, and we did that. We had experts testify on that and very little negative was said about it. The witnesses at various hearings we had all said an immigration policy, in their opinion, should serve the national interest, and a skill-based program serves the national interest. That is why they did it.

Australia does the same thing. Australia has 60 percent enter on merit; New Zealand has a similar program; the United Kingdom is looking at it; and I believe the Netherlands and other countries are considering more movement in that area. The developed world is moving in that area, except the United States. Only 20 percent of the people who enter our country with green cards get those permanent resident green cards based on skills—only 20 percent. Sixty percent, almost, get their permanent residence based on family.

Now, no one disputes, and this bill certainly doesn't, and neither do I, that if we give permanent residence to anyone, to a man, to come to America, he should be able to bring his wife and his minor children. But if you choose to come to America—you tell me, I say to my church friends—tell me why, if you choose to leave your extended family and come to America and establish a new life, what right do you have to demand that your aging parents should

come with you? What right do you have, what moral right do you have to demand that?

That is what we are doing today. Parents are allowed to come, as well as adult children, as well as brothers and sisters—the siblings. So under the current system of chain migration, a person comes to America and they get a green card, or become a citizen, and they are able then to bring their aging parents or bring their brothers and sisters, who are then able to bring their wives and their children. That is how we get nearly 60 percent of immigration in America not based on skills.

That is the policy question I thought had been established when we adopted the new framework that became the basis for the new bill that was introduced late last night. Does the new bill get us there? It does adopt a point system. I have to say I was excited about that because I believe so strongly that was the right direction for us to go. I was excited about that. But as I read the bill, I was very dispirited.

For example, what happens in the years 2008 to 2012 if this bill becomes law? Skill-based immigration will remain capped at the current level of 140,000 for the first 5 years until 2012. Even out of this 140,000, 10,000 will be carved out for temporary, low-skilled workers. I am not talking about temporary workers now but people on a track to citizenship—green card, permanent residence, and then citizenship. The 140,000 green cards we have set aside for that track, they have taken 10,000 of that for the temporary workers who come without a merit-based system.

So there is a step taken in the bill to reduce chain migration, and it reduces it, it appeared, immediately and even back I think 2 years. But it says that if you were an applicant to come into our country for a permanent residence, as part of a chain migration application, you are considered to be a backlogged applicant. As a backlogged applicant, this bill says we are going to give you the opportunity to come and to get permanent residence in America, even though people who applied after a certain date would not get to have that provision applied to them. This will free up some numbers that will not be coming in on chain migration, but the theory was the green card numbers would be shifted to a skill-based, point-based system like Canada's. That is how you get there, and this bill does attempt to do that. Unfortunately, it takes a lot of time to get there.

Under this bill, they will take 8 years of those saved green card numbers and apply them to the backlog. There are about 3 million backlogged chain migration petitions, and each one amounts to about 2.2 persons because they could bring a wife or a child with them, sometimes 3 or 4 children. If you are in the backlog as a brother of a citizen and you have been in the backlog for several years, then you get to come with your family—not just yourself as

a brother, but you get to bring your family—in the next 8 years. So we think it will total up to 6 to 8 million people who are in the backlog. We are not moving to a merit-based system any time soon. Actually, it is going to be 8 years out before it really kicks in. I don't know what will happen in 8 years. I have grown, in my 10 years in this Senate, to be somewhat worried about what we are likely to do when that happens.

I salute my colleagues for making a decision that appears to shift us to a more healthy view of immigration that will be more likely to serve our national interest. But I am disappointed that it is not going to really take effect for 8 years. That is so long, I am not sure I can buy that as a legitimate compromise.

My colleagues say: We did the best we can do. Jeff, there are things in the bill I don't like. I would like to have it take place right now.

Why don't we make it happen right now? Why wait 8 years? We don't have a right to offer amendments and fix that? We need to think about it.

Another thing is, in Canada they have, as I said, 60 percent based on skills. We think the numbers in the United States—from 20 to 22 percent based on skills—will not exceed 40 percent. In fact, Senator KENNEDY, who really opposed this part of the provision, estimates it would only be 30 percent. That is not enough. We need to look at these numbers. If we don't have a proposal which would carry us 50 percent or above, I don't think we have made the kind of real progress in that area that we could.

Also, the system is going to skew, again, to the temporary workers. If you are here as a temporary worker, you get 6 to 8 points for adult sons and daughters who might apply under the point system, 4 points for brothers and sisters of citizens and permanent residents, and 2 extra points if you apply for a chain migration category between May 1, 2005, and now. So a significant number of points are given based on family, I am concerned about that.

Points are going to be given not just for higher skills but for high-demand occupations. That is what the temporary program is for, the high-demand occupations. I think the permanent track to citizenship should clearly shift to a more skill-based system. But we are going to give a lot of this skill-based system personnel—they will get 16 points on the point scale if they are in a high-demand occupation. These could be fairly low-skilled jobs. You could be in the service industry or things of that nature, low-skill personnel and things of that nature, or food processing. That is an undermining of the principle of moving to a merit-based, skill-based system. That worries me, that we are not getting there sufficiently on the point system. It is just frustrating to see that.

Why is that point-based system important in the long run? Just because

Canada has gone through this process and has reached that conclusion? No.

Mr. Robert Rector is a senior fellow at the Heritage Foundation, a premier think tank, a conservative think tank but one of the most respected in America. Mr. Rector has for well over 20 years, I suppose, been recognized as one of the most knowledgeable persons in America on welfare and social policy. He is widely recognized as the architect of the highly successful major welfare reform that was done a number of years ago. Eventually, after 2 vetoes, President Clinton signed it, and it became a very popular program that reduced child poverty and created a system where lots of people went out and found work. The welfare office became an employment office where people can be counseled on how to get work, and people are now out being very proud to be breadwinners, bringing home money—more than they ever thought possible sometimes—just because they got out of the welfare trap and into workplace. That is what Mr. Rector was part of.

At a press conference yesterday, he was very strong in his view that we have a big problem with low-skilled immigrants. He talked about some things you don't like to talk about so much, but it is just a fact, and all these other countries have had to deal with it. When you are low skilled, have low education, you tend to collect more from the government than you put in. That is a big problem. What he concluded was that the necessary fiscal deficit for a house which is headed by a person without a high school degree is \$19,000 a year. He put his pencil on it. He calculated it out. I don't know whether that figure is correct, I didn't calculate the numbers myself but that is what he said yesterday. This is Mr. Rector. He noted that \$19,000 per year in benefits could buy each one of those families a new automobile every year.

He calculated that, over a lifetime, the numbers are worse, that we should calculate the numbers not in the first 10 years where they would be artificially low but calculate them over a lifetime. He calculated that if we pass this bill, the immigrant households headed by non-high school graduates would take out of the U.S. Treasury \$2.3 trillion more than they pay in over their lifetime. That is the group which would be in the 12 million who would be legalized.

There are reasons for that. People with education, with language skills, who have skills and talents America needs, who apply in a point-based merit system, who have any college at all when they come, tend to do very well in America. In fact, the numbers show that if you just had 2 years of college, you tend to do very well and pay much more in taxes than you would ever take out in taxes. We have to be careful that our business friends understand that somebody is picking up the tab if they have low-skilled, low-wage workers. It may not be the employer,

but somebody is paying. It is the Social Security system, it is the Medicare system, it is the American taxpayers who pay.

I see my good friend from Florida.

Mr. MARTINEZ. Will the Senator yield for a moment?

Mr. SESSIONS. I am pleased to yield such time as the Senator wishes.

Mr. MARTINEZ. The Senator is very kind.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. I wanted to point out that last year my colleague rightly pointed to a serious problem with last year's bill dealing with chain migration. I recall the Senator coming to the floor and explaining what had not been well understood until then, which is the fact that, as people were acquiring legal permanent resident status, then they would also have the opportunity to bring family members. That would result in a huge problem. We have 12 million illegals. If those 12 million are somehow legalized and then they can also chain migrate their families, we would end up with a problem manyfold what it would be otherwise.

In this bill, we tried mightily to end chain migration, and I think we have for the most part. I want to say to the Senator from Alabama, it is because of his good work last year in pointing out that flaw in the bill that I think now we have corrected and reversed course in what I think is, by some, a real problem in terms of family reunification. But at the end of the day, I think it is the right thing for America.

If we allow those who are here, after a probationary period, after payment of fines, and ultimately after returning to their home country, to legally apply for readmittance, that then chain migration would not be permitted, I think that is a fair tradeoff and is at the heart of what is called by some the "grand bargain," a massive coming together we had. I want to give the Senator very much due credit for having a real hand in what it is that is at the heart of this new agreement.

I realize the Senator may have many other issues of concern. I hope, as we go forward and talk about them, we will alleviate some of those concerns. I think one of the things that has happened is it is a massive bill. Here we have it now still not in printed form as we go through it. I compliment the majority leader for giving us the extra time so we all have a chance to get into what is in the details of the bill.

There has been a lot of emotion and a lot of conversation and a lot of it not very well based on what is in the bill. The trigger is in the bill, and I know Senator ISAKSON from Georgia will be speaking to that this afternoon. It is fundamental. Nothing happens until the border is secure.

I wish to give the Senator credit where credit is due for a good step along the way.

Mr. SESSIONS. I say to Senator MARTINEZ that I thank him for that,

but he was one of the people who stood firm on this issue of a more merit-based, competitive system of immigration, like Canada. Without his leadership, I know it would not have happened. In fact, his personnel leadership was pivotal in a number of areas in this legislation that made it better than it would otherwise have been. I appreciate that.

My concern on the bill is that by saying the backlog gets approved, we delay about 8 years moving to the full implementation of a merit system. I know, when you are in a meeting and you have to negotiate with people—I know Senator KENNEDY didn't want to do this at all.

Mr. MARTINEZ. Right.

Mr. SESSIONS. You had to reach a compromise. But the compromise of waiting 8 years is troubling to me. I like the move. I thank the Senator for his leadership, and that is the point I have tried to make this morning.

I thank Senator MARTINEZ. The Senator himself is an immigrant from Cuba and has risen to serve as a member of the Cabinet of the President of the United States and now an outstanding Member of this Senate. I am proud to know him. I am also proud his wife is from my hometown of Mobile, AL. She is wonderful also.

As I understand the chain migration matter, in fact, it does end chain migration mostly, but it does allow 40,000 parents to come each year. There are some restrictions on it, but 40,000 parents. So those 40,000 more elderly parents—by the way, Canada gives points for youth. They believe Canada benefits from a younger rather than an older immigrant.

But those parents who come—we have to be honest with ourselves are not going to be net gain like a young skilled person. But that was the compromise they pounded away at. Some said family reunification, we have to have family reunification. So instead of eliminating aging parents, they agreed to cap them at about half the number we currently have of parents who get to come each year.

But what I want to ask you to think about is, here is a young man in Honduras who went to high school, graduated, maybe was valedictorian of his class, taken English, utilizes television and radio to improve his English, has 2 years of college. He applies to get in the United States.

He wants to come here very badly. Maybe he has a distant cousin here or maybe he has read about America. Maybe he wants to come here and work and go to college and earn a degree and be a doctor. I don't know what is in that young man's mind. It is a zero-sum game.

If you let the parent in, you deny someone such as that the ability to come in on a more meritorious basis. That is why this is not an easy call and why we need to be clear about this. Every time we allow a chain migrant or an aging parent to take an immigra-

tion slot, we are denying someone who deeply wants to come, who could be selected on merit from the large number out there who want to come to America, that would be more successful and flourish here. That is all I am saying.

We hear stories about familial reunification. I know that is nice to talk about. That could be important to an immigrant who becomes a citizen and wants to also bring their extended family. It might be important to them personally. But the real question is, what we have to ask is: Is this important to the national interest? What is in the best national interest? The best national interest, I believe, and other nations of the developed world have concluded, requires a movement where you can bring your wife and children, but you don't get to bring extended family in.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 7 minutes prior to the recess.

Mr. SESSIONS. All right. I will use that and then reserve the remainder of the time.

Another principle of the PowerPoint presentation was the question of giving legal status to persons currently illegally in the country through a new visa. But it was stated as one of the principles that there would be no special path to citizenship. That was a direct quote. "No special path to citizenship."

However, the bill clearly creates a system whereby current people here illegally are treated differently, better, than those who tried to come to the country lawfully.

That is a principle I think we have all said we don't want to breach. In fact, the PowerPoint principle about any new immigration bill stated that would be one of the principles. This bill is not jackpot amnesty, as some would say; but I think it is a form of amnesty, however you want to define it.

I have not tried to use that word too much because I am not sure what it means to anybody. If I use the word amnesty, it tends to mean that you allowed somebody who came here illegally to stay permanently. That is a form of amnesty. I mean, normally they would be apprehended and removed. That is what the law would require.

But whatever amnesty is, I have concluded that the principle we should adhere to is, that if someone did come to our country illegally, and we have now not enforced the law as we would expect the law to be enforced but are going to allow them to stay here in our country, come out of the shadows to have a legal status, that we can do that, but we should not provide to that illegal entrant every single benefit we provide the persons who wait in line and come lawfully.

I see no reason to do that. That is what we did in 1986. The speeches were crystal clear: Never again. This is the last amnesty. Because those people in

1986 understood that if amnesty became the rule, we would totally undermine respect for our legal system. So here we are, 20 years later, granting another amnesty. I think we need to maintain some clarity so there is a difference in status of those who come illegally.

Now, Senator MCCONNELL, the Republican leader, gave a definition. He made a statement that is valuable. "One thing is for sure, if this bill gives them any preferential treatment towards citizenship over people who came into the country in the proper way, that is a non-starter."

I would go further. I think we can give some kind of legal status and certain benefits to people who come illegally, but I believe they should not be given benefits that lead to citizenship—that powerful, wonderful thing, citizenship in the United States—based on an illegal act. I do not think we should. I think we should say forever—in 1986, we said the truth then—you come illegally, you are not going to benefit. We are not going to do this again. We should do that.

Now, if they have children born here, the children can become citizens. But there will be detriments to having come illegally that would be permanent, that are not going to be wiped out. That is my personal view. We will see how it goes.

I would say, with regard to the question of moving to citizenship, there are at least five preferential treatments toward citizenship given to the illegal alien population by this bill. Preferential treatment.

First, illegal aliens who rushed across the border between January 7, 2004—the date contained in last year's bill—and January 1, 2007, this January, will be eligible for amnesty. This includes illegal aliens who have been here for a mere 5 months. They would be eligible for the amnesty, be eligible to be put on track for citizenship, even if they came into our country last December 31. Remember, we called out the National Guard, the President did, after the American people put the heat on, called out the National Guard. We are building fences now, not enough, but we are building barriers. We are increasing agents and we are saying: The border is closed. But we turn around and have a bill that says that somebody who got past the National Guard, got past the Border Patrol, got around the fence, is now going to be put on a path, guaranteed path to citizenship.

Now, I don't think that is good public policy. That does not breed respect for the law. I was a Federal prosecutor for nearly 15 years. I am telling you, if you don't enforce a law, it is undermined and undermines respect for the Government in general, frankly.

I will not go any further. I think our time is about finished. I would thank my colleagues for their attention to this bill. I hope they will be reading it. I hope the research we do might be helpful to some of you as you work on

it and try to decide how you should handle this very important piece of legislation. We need to do something. We need to do something that is good. We need to pass a bill. I guess no bill will be perfect, but we do not need to pass bills with serious flaws in them, those that undermine the principles that any effective immigration system should be founded on.

I will have extra time. We will talk about that later and talk about some other things I have.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand under the order, Senator SESSIONS is to be recognized to speak for a period of time.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I have consulted with Senator SESSIONS. I asked if it was OK if I proceeded for 5 minutes preceding his remarks. Accordingly, I ask unanimous consent to proceed for 5 minutes.

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

### PAY RAISE FOR SOLDIERS

Mr. BAUCUS. Mr. President, I rise in support of our troops. There are few things as important as the gift of one's labor, one's love, one's life. Our soldiers are asked to make generous sacrifices of these precious commodities every day. Our finest young soldiers work 19 hours a day in hot, dry, dangerous places such as Fallujah and Kabul. They do so because they have a deep love of country. Many of our soldiers make the ultimate sacrifice with their lives. Increasingly, we are asking more and more of our soldiers. In April, Secretary Gates announced he is extending the tours of duty for active-duty soldiers in Iraq and Afghanistan from 12 to 15 months. Our troops have already accomplished so much: deposed Saddam Hussein, toppled the Taliban, responded to the threats posed by vicious terrorists around the world. They have done everything we have asked of them. I was, therefore, disappointed when I came across a newspaper article this weekend noting that the administration opposes a modest pay raise for American soldiers.

The House Defense authorization bill includes a one-half of 1 percent increase in military pay above the Presi-

dent's request. For the average new enlistee, this will amount to roughly \$75 per year in extra pay—clearly, not enough to cover additional costs: school clothes for kids, a family trip to the ballpark, a few tanks of gas at the prices we are stuck paying.

The increase is aimed at reducing the gap in pay between comparable military and civilian jobs that stands at about 4 percent today. Even after the proposed increase, that gap will remain at least 1.4 percent, clearly not keeping up with civilian pay increases.

Of the billions of dollars we spend on the wars in Afghanistan and Iraq, it would seem absurd to oppose this small pay bump, but that is exactly what the administration is doing. In a May 17, 2007, letter to the House Armed Services Committee, the President's budget director announced the pay increase included in the House bill is "unnecessary." I believe it is necessary. I believe it is necessary to do anything we can to provide for the welfare of our fighting men and women. Salaries for newly minted enlistees start at about \$15,600 per year. To put this in perspective, new enlistees with three or more dependents are eligible for food stamps.

Among the sacrifices we ask of our men and women in harm's way, going hungry should not be one of them. In addition, the administration opposes a \$40 per month increase in allowances for the widows of slain soldiers. Again, this is a modest bump in benefits and pales in comparison to the sacrifice these families have made. Forty dollars a month extra won't make it any easier to face another day without a loved one who is lost, but it could help pay the rent, keep the heat on, and relieve a bit of stress for families facing a new world without their spouse. That is why I am urging the administration to reconsider their opposition to a pay increase and additional survivor benefit. Supporting our troops is something we all agree on, Republicans and Democrats alike.

I ask the President to reconsider his opposition to increased pay for our soldiers and aid for this war's widows. We may not all agree on what we should do in Iraq going forward, but I believe we can and should reach a simple accommodation on troop pay.

Mr. President, I see my friend getting prepared. I ask for 1 or 2 minutes' indulgence.

### CHILDREN'S HEALTH

Mr. President, in the Catholic and Eastern Orthodox Bibles, the book of Ben Sirah counsels: "Observe the opportunity."

This year, the Senate has the opportunity to improve the health of millions of American children, for the next decade.

The Senate has the opportunity to renew and improve the State Children's Health Insurance Program, or CHIP.

Let us seize the opportunity.

There is no greater health care priority for me this year.

In a few short weeks, the Finance Committee will consider legislation to

reauthorize and strengthen this successful 10-year-old program.

Many of us were present in this Chamber when we created CHIP in 1997. Since then, this program has proven to be a true success.

Since its inception, CHIP has brought health insurance to more than 40 million low-income children.

It has saved the lives of many children, and it has improved the availability and quality of care for many more.

In my home State of Montana, Fawn Tuhy has some pretty active kids. Montana is a State full of active kids, and active kids get hurt.

Fawn's 2-year-old needed stitches after hitting her head. Fawn's 6-year-old broke his arm twice.

Fawn's medical bills could have sunk their family of six. But she credits CHIP with keeping her kids healthy, and her family afloat.

CHIP has made that kind of difference for millions of Americans, in the last 10 years.

Among families with incomes less than about \$34,000 a year—that is twice the poverty level—the share of uninsured children has dropped by a quarter.

CHIP has held the number of uninsured children down, even as the number of uninsured adult Americans has increased.

But Congress cannot rest on its laurels. We have to continue CHIP. We have to build on its success, and we have to do it before CHIP's funding expires, on September 30.

The Finance Committee is poised to act, with a markup early next month.

In this reauthorization, we will pursue five principles:

First, we must provide adequate funds to keep coverage for those who have it now.

Last week, the Congressional Budget Office reported that CHIP needs an additional \$13.4 billion, just to maintain current coverage.

Maintaining level funding is just not good enough. If funding stays flat, then 4 million American children could lose health coverage, over the next 10 years.

Second, we must also reach the 6 million uninsured children who are eligible for either CHIP or Medicaid coverage but not enrolled.

CBO says that the best opportunity to further reduce the number of uninsured children is to target CHIP enrollment toward more families whose incomes are below twice the poverty level.

Third, we must support State efforts to expand CHIP coverage to more kids. States have found innovative ways to reach as many uninsured kids as possible. States have acted according to their unique abilities and needs.

Fourth, we must improve the quality of health care that children receive.

We are making great strides to improve the quality of health care for adults through Medicare. Yet there is no comparable investment in quality



standards for children. We can and must do more.

Fifth, whatever we do, we must not add to the numbers of the uninsured.

Right now, Federal waivers let some States provide CHIP coverage to pregnant women, to parents of eligible children, and even to some adults without children.

Congress may not want CHIP to cover all those groups in the future, but we must not pull the rug out from under anyone who has health coverage today.

Too many CHIP recipients are already in imminent danger. Right now, 14 State programs are facing shortfalls for this year—even before CHIP's 10-year authorization expires.

I worked hard to include funds to cover funding shortfalls in the supplemental appropriations bill.

But even if we fix this year's shortfalls, many more States will face funding gaps in the coming years. We need to ensure greater predictability and stability of CHIP funding.

Ten years ago, we simply did not know how much funding CHIP would take. We know much more now, and we should make the appropriate financial commitment to keep kids healthy. We must take a forward-thinking approach.

We must consider the likelihood of continuing increases in health care costs, and we must consider likely population changes.

We must consider that a child born today may have a shorter life expectancy than his or her parents. But that is what we face, due to the threats of obesity and related illnesses. So reauthorization must strengthen prevention and early screening benefits.

As we tackle CHIP, we should keep in mind the deep need for broader health reform. There are still too many families whose health stories don't have happy endings. CHIP cannot help them all. But it should help more.

One morning last year, Kearstin Jacobson woke up in Whitefish, MT, with a severe headache. Tests showed that the high school senior had a clot, preventing the blood flow from her brain.

Kearstin got wonderful care. But it cost almost a quarter of a million dollars, and her family did not have health insurance.

So even as the hospital staff wheeled Kearstin out of the emergency room, this young lady with a life-threatening condition was worried about money.

She was telling her parents how concerned she was about the financial burdens that her care would cause.

Kearstin feared that her parents would be paying for her care for many years to come, and they are.

This year, Congress has a historic opportunity to help families like Kearstin's.

We have an opportunity to make a good health policy for children even better.

An overwhelming majority of Americans support CHIP.

I extend my hand to my colleagues on both sides of the aisle. Let's work together.

CHIP is not a Democratic priority or a Republican priority. It is an American priority.

America's kids are depending on us to do this right. We must not disappoint them.

Let us observe the opportunity to improve the health of millions of American children. Let us observe the opportunity to give peace of mind and financial security to millions of families. And let us renew and improve the Children's Health Insurance Program.

I thank the Senator from Alabama and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I was sharing with my colleagues before the leadership break a number of issues about the immigration bill. Perhaps it will cause some to think unless it is improved, it should not be passed. Some will be encouraged, hopefully, to support amendments that could make it better. To some, I am sure it will make no difference. They intend to vote for it, maybe, or against it, as it is today. But I am glad we will now have all week. The Democratic leader has changed his previously stated view that we would vote this week. We brought the bill up only last night. If it was written in formal bill language, it would be one of the longest pieces of legislation ever considered in the Senate, maybe the longest piece of legislation since I have been here, other than perhaps an omnibus bill, but not a legislative bill.

We need to be thinking about the basic principles that are important to immigration reform. That is what I wish to continue discussing. The Republican leader, MITCH MCCONNELL, said:

One thing's for sure, if this bill gives them any preferential treatment towards citizenship over people who came into the country in the proper way, that's a nonstarter.

I have made a number of points about some of the things that actually are in the bill that provide for a person who came into our country preferential treatment toward the process of being a citizen that are not given to somebody dutifully waiting outside the country to be called up when their time comes. I want to point that out in a number of ways.

For example, only illegal persons would be eligible for these Z visas, visas that would allow them to live and work here forever, as long as they are renewed every 4 years. That visa would not be available to anyone currently living in the United States who came here to work legally or someone who did not overstay their visa but went home when they were supposed to. So if you came here for a work visa and your work visa is 1 year, and you are complying with the law, and you don't want to go home at the end of your year, you still have to go home. But if

a person broke into the country illegally and they don't want to go home, they are given the Z visa, they get to stay, and they get to apply for a green card that leads to citizenship. Even if they entered the country last December 31, getting past our National Guard, the new fences and the Border Patrol, and got into the country as late as last December, a single person with no skills, that person is eligible for the Z visa and could be here forever.

A Z visa plan is a better plan than the plan we had last year, I have to say, but it still has some real problems with it. Namely, it still leads to citizenship.

My colleagues say: Well, nothing is perfect. Yes, there are things in it I don't like, but we have to do something.

Well, why don't we fix things such as that? If it is not right, why should it be in the bill? We don't have to let the Z visa be a pathway to citizenship, it could just be renewable forever.

Well, they say, we can't touch anything that affects the core of the bill. All of us—the senators in the secret room—have agreed.

Who agreed? This group that met for several months with one another and outside groups, and they wrote up this bill and plopped it down on the floor last night. Until last night, we were still on last year's fatally flawed bill that should never, ever have become law. Although it passed this Senate, it never had a dog's chance of passing in the House. That is where we are, and I am concerned about that.

A third example of preferential treatment is Z visa holders get legal status 24 hours after they apply, even if their background checks aren't complete. The bill says "No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner." Nobody else gets immigration status benefits if their background check is not complete. Fourth, visa holders are exempted from a long list of inadmissibility grounds, including fraud or misrepresentation to obtain an immigration benefit and false claims for U.S. citizenship, and their prior deportation or removal orders can be waived, even if they never left, if they can show extreme hardship to their illegal alien family members.

An illegal alien who applies to be a Z visa holder is exempted. That includes anyone that got here before January 1 of this year. They can walk in and they get a Z visa. They don't have to pass a background check to get the visa immediately—at the end of the next business day. Presumably, they will check pretty quickly. But what if we had hundreds and thousands of people showing up with convictions for crimes and that kind of thing that makes them ineligible, how are we going to find them? They will have the probationary z visa.

If they have participated in a scheme to obtain immigration benefits or have

falsely claimed with official documents to the U.S. Government that they are a citizen, this is a crime under Title 18, section 911, that does not bar them either. What would happen if an American citizen made a false claim to the Government? Title 18, section 1001, false claims to the Government is a Federal felony that can put you in jail for 2 years, 5 years. But if you made a false claim to be a citizen or some other benefit under immigration law and you are one of the people who came here illegally and not through a system, you get immunity from those cases, whereas a citizen does not. We have to be careful about what we do in legislation such as this. This is why amnesty deals are important. We should not be put in the position of ever having to do this. We said we would not do it again. After 1986, we said we were not going to ever do another amnesty again because it was so painful. It worked so poorly. All it did was encourage additional immigration, as those who opposed it in 1986 predicted.

It is very interesting. I looked back at the debates. You could see who was right and who was wrong. The people said: This is going to be a one-time thing. Don't worry about it. This will end the backlog and bring people out of the shadows, and we don't have to enforce the law on these people. Let them stay, and we will give them for one time amnesty. We won't do it again.

Others said: Wait a minute. This is a principle of importance. How can we say in the future we won't give amnesty if people come illegally, when we did this time? Doesn't this put us on the road to repeat amnesty in the future? Aren't we afraid it won't work?

What happened? After the 1986 bill, 3 million people claimed the benefits of amnesty. Twenty years later, we now have maybe 12 to 20 million that will be claiming amnesty. There are consequences to making these kinds of choices. That is a preference given to people who have come illegally over someone waiting outside the country to come legally.

Fifth, a Z visa holder will be able to get a green card through their own separate point system and without being subject to the regular annual numerical limits. This is a huge benefit to them. In other words, they will not have to compete with other persons around the world on a merit basis, as we are supposed to be moving to, but, in fact, they will have an inside track. They will not be in a line that has the standard numerical limit, instead they will have their own like, so that at most they will have to wait only 5 years for a green card after they are eligible for one.

That makes clear to me—I think it is clear to anyone—the way the bill is now written there is a preference given in quite a number of areas on the question of citizenship, as well as other questions, frankly, that they get benefits over persons who came here waiting to come legally or came locally.

In fact, another thing they have left out of the bill—and it was in last year's bill—they do not have to pay back taxes. So the illegal alien community that has been working here for half a dozen years—and we hear there are so many of them, and many of them have decent-paying jobs. I think that is true, quite a number do have decent-paying jobs and are supposed to be paying taxes, they don't have to pay them as a condition for getting a visa amnesty. American citizens have not been exempted from paying their taxes for those same years. That is just true.

You may say: Well, you are just harping and complaining, SESSIONS. Well, I pay my taxes. Most Americans pay their taxes. If somebody has come here illegally and makes \$50,000, \$80,000 a year—some do—and they did not pay taxes, we are just going to wipe that tax debt out? I do not think so. It is not a principle, to me, that I could adhere to, instead it is one I would dispute.

So what about the chain migration question? Are we eliminating that? And what should we do?

Let me say it this way—and this is accurate, and there are other ways to look at it—it is accurate to say that instead of eliminating chain migration, which was one of the principles in the talking points that circulated around as this new bill was drafted, the bill actually escalates chain migration two to three times over the next 8 years. That is an indisputable fact.

Not only are the current chain migration numbers maintained—the 140,000 that was eliminated is now used to adjust backlogged chain migration applications.

They did eliminate chain migration. No new applications will be accepted. Let's go back and be fair about the bill. The bill eliminates chain migration in the future. That is an important thing. Chain migration means collateral relatives; it does not mean your wife or your child. They would get to come with you. If you are a citizen or a permanent resident, your wife and children get to come with you. It is the question of the brothers and sisters, adult children that perhaps are married and have their own families, or aging parents that are part of chain migration.

If a person comes, then you can bring your brother and sister. If your brother is married, the wife comes with your brother. If they have three children, those come. If she moves forward to a green card or citizenship, she can also bring in her relatives. Then the wife can bring in her brothers and sisters. So that is how this system works. It is unrelated to skills and the productivity of the person intending to come. It is unrelated, therefore, to the national interests of the United States. It is unconnected to them. It is their interest they are concerned about and not the national interest, which is to make sure the persons who come are

honest, hard-working, decent people with skills and capabilities to be successful in America.

So how did all this work out in reality? Not only are the current chain migration numbers maintained—the 140,000 was eliminated, so to speak, but it will be applied during the 8-year period after the bill to provide more green cards, increase the numbers of green cards for family migration, most of which are for chain migration persons who are waiting to get green cards as a result of their applications over a period of time. So if a brother applies to come to the United States with a wife and child, because they have a brother here who is a citizen, they apply and they are put on a list. This is non-skill-based immigration. It is purely based on kinship. Those numbers have been set aside to allow the people who are backlogged to clear, and it is going to take 8 years, they estimate 8 years. As we look at the numbers, it looks as if it could well be longer than that. It looks as if the backlog will not be eliminated in 8 years but could be much more.

So what we will do then I am not able to say because we have not had a chance to read the bill sufficiently from last night. So I just would say we are concerned about that aspect of it. So the first 8 years we can expect, as we calculate it this way—hold your hat—in the first 8 years, there would be family-based green cards—not skill based—lots of them chain migration-based green cards—issued in numbers over 920,000 each year. That is almost a million each year who would come in under that program, unrelated to skill-based immigration that the bill purports to establish.

I will admit, after that 8 years, if the bill is unchanged—and who knows what would happen in that period—there would be a bigger shift to merit-based immigration and well over a million people will enter the country legally—probably closer to 2 million per year under this plan—whereas the current number of legal immigrants each year into America is about 1 million. So it is going to increase quite a bit the number of people entering the country with green cards, but it is not going to shift us to a merit-based system until at least 8 years go by. That is a serious defect, in my mind.

They say: Well, it is implemented for those who qualify. That is right. Out of a million, a million and a half, 2 million—closer to a million and a half to 2 million—who will be coming legally in the next 8 years, only 150,000 of those will enter based on the Canadian point system, merit-based system. That is not much. It is a disappointment to me that the hopes that were held out for a system like Canada's point-based system were not realized. I am disappointed in that.

I will read an example prepared by the Senate Republican Policy committee, which did a nice study on merit-based permanent immigration. It is a look at Canada's point system.

Remember now, there are a number of categories of issues we will deal with. One is a temporary worker program. We are going to have two votes on that, I understand, this afternoon. I intend to support Senator BINGAMAN's amendment, although I have not seen it. But based on what I know about it, it would reduce the number of people who would come in under the temporary worker program from 400,000 to 200,000.

Now, this is all, in my view—I do not want to be too cynical—a little bit of a put-up job. I talked to administration officials earlier in the year, and I asked: Well, how many would be expected to enter under the temporary worker program? They said: Well, about 200,000.

So the bill comes out, and it is 400,000 per year, and you stay for 2 years. There is an escalator clause in it that could take the cap to 600,000. So under the bill that was plopped in last night, you would have 400,000 the first year—and it could be fifteen percent more than that with the escalator clause—plus 400,000-plus the second year. Now, at that point, in the second year of the new program, you have about 900,000 temporary workers here competing for jobs in our economy—at one time, almost a million. That is a big number. That is bigger than I think anybody ever intended.

So we are going to have an amendment this afternoon, and it is going to allow the Senators to impact the agreement, and they are going to bring those numbers down, and we are all going to pat ourselves on the back, I guess, and go back to our working people in our communities and union people and say: See, we knocked that business bill down to a rational number that is much better. Now we may be able to vote for the bill. But I have to tell you, that was the number I was told some months ago was the appropriate number by an official in the Bush administration who certainly is not timid about asking for temporary workers in America.

So I am inclined to support the Bingaman amendment. I do, however, have concerns about the Dorgan amendment because it strikes me that a good temporary worker program is good for America; it just needs to work, it just needs to be effective. I can tell you one good example. A portion of my State and a large portion of Louisiana and Mississippi were devastated by Hurricane Katrina. There is tremendous construction work there. A lot of people moved out of the neighborhoods and no longer live or even work there. So immigrant labor in numbers larger than you would normally expect to be needed were needed and were helpful and remain helpful. So a good system of temporary workers would consider those kinds of things because those workers in New Orleans, right now, are not likely to be putting Americans out of work or even pulling their wages down any noticeable degree.

I think a temporary worker program is good. I am not inclined to vote for the Dorgan amendment, as I understand it at this moment. But we do need to work to examine the temporary worker program that is in this bill because it still has defects.

Now, let's take an example of a would-be seeker of permanent residence as they apply to Canada according to the RPC paper. This is a made-up example of how the system works.

Stella, an individual from Cyprus, desires to reside permanently in Canada. She has a master's degree in computer science. For that, she would get 25 points. She has a job offer from Nortel. That would give her 10 points. She has 3 years of paid work experience in her home country. Canada gives her 19 points for that. She is 23 years old, and because she is younger and Canada prefers younger people—unfortunately, for some of us, she is younger—she gets extra points for being younger, an extra 10 points. She has a moderate to good proficiency in English. She gets 10 points for that. So she has a total of 74 points. She has met the minimum of points required to apply for permanent residency in Canada. But she previously studied in Canada, and that gives her another 7 points. And the fact that her sister resides in Toronto gives her another 5 points—for a total of 86 points. She can apply to be a permanent resident at the Canadian Embassy in Cyprus and would be eligible promptly—immediately. So that is the way the system works in Canada. It is something that I think without doubt should be a part of our immigration reform.

So we are a nation of immigrants. We are at a point in our history in which the influx of immigrants into America is as high as it has ever been. Once, I believe, in our country's history we peaked at this high of an immigration rate, but along came the Depression and World War II and we almost stopped immigration entirely. We went to very low immigration rates. Then we have gone back into a new cycle of very strong immigration.

It looks as if there is not any likelihood that this Nation will stop this current rate and go back to zero. Most of us believe immigration, properly handled, is good for America, but we do have to consider the actual numbers. The numbers cannot be too great, or it takes jobs from Americans and can, in fact, create cultural problems that wouldn't occur if it was a little slower. So we have a situation where we would like to see immigration continue.

Now, if we are going to maintain a very high level of immigration at historic highs for America, it only makes good sense and common sense, it seems to me, that we would look around the world and we would give points like Canada does to the persons who are most likely to be happy and prosperous in our country, who are most likely to not go on welfare, most likely to have good jobs and pay taxes, who will help

us balance the budget rather than causing a drain on the budget, and in fact attract people who really desire to be an American and who want to be a part of our society and deeply desire to make a permanent move, and who want to create a new allegiance from their prior country to their new home in the United States. That was the ideal of American immigration, and I certainly think that remains our ideal today. We ought to keep that in mind as we go forward.

Doing the right thing, creating the right number in the right categories with the right skill sets, while at the same time having a legal system that really works, is within our grasp.

Forgive me if I am disappointed that the framework which I thought had so much great potential has not been fleshed out with statutory language that meets the ideals of that framework. My concern is it is so far from the ideals of that framework that it is not a good choice for us at this moment. There will be time for us to fix it on the Senate floor. There will be time for us to pass amendments that could make it better, but it is troubling to me at this point.

I hope our colleagues who are involved in actually writing this bill will not be so hard-headed about their commitment to sticking together on the core principles that they all agreed to and pull out all the stops to make sure they have the votes to not allow any significant amendments. We do need some significant amendments to make this bill appropriate.

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

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, I think there is a previous unanimous consent agreement by which I will be recognized for the purposes of offering an amendment. The Senator from Georgia has asked if he could be recognized in morning business for 10 minutes. I have no objection to that, providing that I be recognized following the presentation by the Senator from Georgia so that I might offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I thank the distinguished Senator from North Dakota for his graciousness in allowing me 10 minutes.

Two years and five months ago, I made my first speech as a United States Senator on the floor. It was a speech about the issue of immigration, both legal and illegal. A year ago today I made another speech about immigration on the day I offered an amendment

that has become known as the trigger amendment on immigration.

I rise for the third time in 2 years and 5 months to talk about the most significant issue facing the United States of America as far as domestic policy is concerned.

Our borders to the south have been leaking far too long and in too great of numbers. We have had an immigration policy that for the better part of 21 years has been to look the other way as people flowed across our southern border to calibrate on a low basis legal immigration to say we are doing something about it, while millions come into this country. It has to come to an end. It is the reason the controversy is so great over this issue today.

I, first of all, want to thank the Members who have worked with me over the last 6 weeks on the concept of putting a trigger in the underlying bill, to be the trigger upon which immigration reform either takes place or doesn't. There is so much misinformation out there right now about this issue, so I want to spend the remainder of my time talking about what trigger must be pulled in order for immigration to be reformed.

The underlying bill we are debating today says the following: No program granting status to anyone who enters the United States of America illegally may be granted until the Secretary of Homeland Security has certified that all the border security measures in section 1 are completed, funded, and in operation. There is no wiggle room. There is no Presidential waiver. There is no possibility of the Secretary saying: Well, maybe we are OK. This is absolute.

Let me tell my colleagues what those five are. No. 1 is 370 new miles of walls. Many of us got this in the mail last year. When Congress attempted to debate a flawed immigration bill that called for no border security, they mailed bricks because they wanted barriers. This bill calls for 370 miles. It calls for 200 miles of obstacles on those areas where vehicles might come across the border. That 200, plus the 370 miles of walls, is 570 miles.

It calls for four unmanned aerial vehicles, eyes in the sky, 24/7, each with a 150-mile radius. That 600 miles, added to the 570 miles, is 1,170 miles. Then it calls for 70 ground-positioning radar systems with a radius of 12 miles, or 1,680 miles of seamless security. That 1,680 on top of the 1,170 is almost 2,800 miles of seamless security. There are not 2,800 miles on the border. We have redundancy all along the border.

The next trigger is 27,500 detention beds on the border so when somebody is intercepted, they are held until their court date comes up. No more catch and release. Then, importantly as well, 18,000 Border Patrol agents have to be trained and in place and functioning. We have 14,500 right now. That is another 3,500. Those agents, by the way, are trained ostensibly in Georgia at FLETC, the Federal Law Enforcement

Training Center. They are trained on border security, on intervention, and on capture. Then, it requires the seamless border security. It requires the ID that is biometric and is secure. It ends the largest growth industry on the southern border, and that is the forged document industry.

When those five triggers are in place and when the Secretary of Homeland Security has certified them, then and only then is the immigration reform in place because we have stopped the bleeding.

There are a lot of people talking about this issue of immigration from a lot of different standpoints, but I know one thing: When you go to the doctor, you don't want him to treat the symptom. You want him to treat the cause. If you are cut, you want him to sew up the cut, not just put a Band-Aid on it. If you hurt and you hurt badly, you want him to x-ray and find out whatever that source is.

We know what the source is in America. The source is we have a 2,000-mile land contiguous border with a country that is less developed than ours and has less opportunity, and the United States of America is a magnet without obstacle for them to get in. We have to stop the source of the problem or we will never be able to reform it for the future.

I come to this debate as a second-generation American. My grandfather came here in 1903 from Sweden. In 1926, he became a naturalized citizen. It took him 23 years to follow what is the only right pathway to citizenship, and that is legal immigration.

I stand before my colleagues today to say the American people want border security. I want border security. If it is the trigger for immigration reform, it ensures that we will never have to repeat the mistakes of 1986 and that America once again will restore confidence in its borders, confidence in its immigration policy, and legitimacy with its people.

I am where I began. There is no wiggle room in this trigger. There is no waiver. There is no looking the other way. If we in Congress don't fund the money, it doesn't work. If the President doesn't do what he is supposed to do, it doesn't work. If the Secretary of Homeland Security doesn't do what he is supposed to do, it does not work.

The American people, for the first time, have an ironclad guarantee that our biggest problem, and that is an insecure border in the south, will be fixed and fixed forever.

I again thank the distinguished Senator from North Dakota for giving me the chance to make this presentation.

Madam President, I yield back the remainder of my time.

AMENDMENT NO. 1153 TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am going to offer an amendment. I believe by a previous unanimous consent agreement, I will be recognized for of-

fering an amendment. I don't know whether my amendment is at the desk.

I believe my amendment is at the desk, and I will offer that amendment on behalf of myself and Senator BOXER, who is a cosponsor of that amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. Dorgan], for himself, and Senator BOXER, proposes an amendment numbered 1153 to amendment No. 1150.

Mr. DORGAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 1153

(Purpose: To strike the Y nonimmigrant guestworker program)

Strike subtitle A of title IV.

Mr. DORGAN. Madam President, we will hear ample discussion today—and we heard it yesterday and we will hear it the rest of this week and perhaps another week going into the month of June—about this issue of immigration. It is not an insignificant issue; it is a very significant issue with great policy implications for our country. We will hear that it is a moral imperative that we deal with the issue of immigration.

We have a lot of moral imperatives in this country, and particularly in this Chamber of the Senate. I don't disagree that the issue of immigration is one of them. There are people living among us in this country who have been here 10, 20, 25 years who came across the border decades ago. They found work here, raised a family here. They were model citizens. I understand that we are not going to round up people who have been here for 2½ decades and deport them to say: You have come illegally and therefore you are not entitled to stay. That is a different sensitivity, however, than what is in the underlying bill that says: By the way, if you came here by December 31 of last year, we will deem you to be here legally.

I think there are serious problems with that approach. What about someone overseas who has been waiting to come to this country and they know that we have a legal method of coming to this country. There are quotas for each country, and we allow people to sign up and make application and then over a period of time their name comes to the top of the list and they are able to come to this country under their immigration quota. Some, perhaps, have waited 5 years, some 10 years and are now near the top of the list.

What they discover today is they would not have had to wait 5 or 10 years for a legal mechanism by which to come into this country. They could have come across the border at the end of last December, and by this legislation would have been deemed to be legal, would have been deemed to have been here legally.

I understand this country is a magnet for people from across the globe who would like to come to this country. I was flying via helicopter one day some time ago between Honduras, Nicaragua, and El Salvador. Regrettably, the helicopter I was flying in on ran out of gas. I learned one of the beautiful laws of the air that afternoon. That is, when you are in a flying machine and it runs out of fuel, you will be landing very quickly.

We landed, and we were safe, but, nonetheless, in the mountains and jungles, somewhere—we were not sure where—in an Army helicopter. We were there 4 or 5 hours before other helicopters found us and pulled us out. While there, the campesinos came walking to see who had come down in these helicopters. So I had a chance with some hours to talk to the campesinos, the poor people from around the area.

I recall visiting with one woman, a young woman in her early twenties. She told me she had only three children. She seemed disappointed by that fact. It was explained to me later that because they have no social security system in her country, you have as many children as you can in your childbearing years, hoping that enough of them will survive, and if you are lucky enough to grow old, you will have enough children to provide for your support. That was a form of family social security. Only three children, she said.

I said: What do you aspire for yourself and your children?

Oh, that is easy, she said through an interpreter. To come to America, to come to the United States of America.

I asked why.

She said: The United States of America, that is a country with opportunity and hope for me and my children. Standing there in the clearing near the helicopters, this young woman was telling me what people would tell you in many parts of the world. They would aspire to come to the United States because this is the land of opportunity.

Ask yourself what would happen were this country to have no immigration quotas, no immigration restrictions, no border security of any type, and instead a public policy that said the following: To those of you who live on this planet, let us say we welcome you. Come to America. See the United States. Stay here. Live here. Work here. We welcome you. We welcome any number.

I ask the question: How many people would migrate to the United States and from where? Before you answer, let me explain that this wonderful planet we live on circles the Sun, and on this planet there are, I believe, close to 6.5 billion neighbors, many of them living in very difficult conditions. Half of them have never made a telephone call, one-half of them live on less than \$2 a day, and 1.5 billion do not have access to clean, potable water on a daily basis. It is a challenging planet on which we live.

So if the United States of America, this great beacon of hope and opportunity, said to the rest of the world: Times have changed, we no longer have any immigration laws, come here, join us, live here, be a part of the American experience, we would, I venture to say, have tens and tens, perhaps hundreds of millions of people journeying to this great country. Why? Because many live in abject poverty. Many, if they can find work, are working for 10 cents or 20 cents an hour in unsafe plants, in unsafe working conditions, in circumstances where they would be put in prison if they decided to organize the workplace. That is a fact of life in many parts of the world. We would be overrun by those who wish to come to this country.

As a result, what we have done is understand that immigration is good for our country. It refreshes and nurtures a country such as ours. So we have a process by which legal immigration occurs, with quota systems from various countries around the world, and immigrants come to live in this country.

I venture to say that almost every Member of the Senate found their way to this country or found their way at least to this Senate by looking back in the rearview mirror and seeing some unbelievable ancestors—mine were the same—people who came to this country with nothing.

One of my ancestors was a woman named Caroline. She came to this country with her husband. Her husband died of a heart attack, and with six children—think of this, six children and virtually no assets at all—she got on a train and went to the southwest corner of North Dakota and pitched a tent on the prairie to homestead. She, from that tent, built a house, raised a family, and operated a family farm. Think of the strength and courage of that Norwegian woman who decided: I am going to do this.

All of us have that story in our backgrounds. So we understand the value of immigration, the value of immigrants, and we provide for it in a quota system by which we accept people from around the world.

Last year, nearly 1.5 million people came into this country through that system. In addition, there were other people who came in as agricultural workers. In addition to that, there were people who came in illegally. So here we are on the floor of the Senate saying: Now we have about 12 million people who have decided to come to this country, no, not through the process by which we accept immigration on a legal basis but come to this country in other ways—get a visitor's visa, come in, get dropped off by an airplane, never go home, stay here illegally, or they come across the border, walk across the border without a visitor's visa and decide they are going to stay here without legal authorization. So we have, some say, 12 million people who are in that status.

The underlying bill says: Let's decide, as a matter of course, we say to

all who came into this country or those who came to this country up until and through December 31 of last year: OK, you are no longer an illegal immigrant. You entered without legal authorization, but as of this day forward, when this legislation passes, you have legal authorization to stay. We will give you an opportunity to work and an opportunity to gain citizenship.

In addition to that, which is the ingredient of a compromise that was created in the last week, this legislation says we wish to add something called guest workers or temporary workers. I will talk at some length about those temporary workers. The issue of temporary workers is an important one because we live in a time in this country where there is downward pressure on income for American families.

This morning, Tuesday, a whole lot of people, millions of people got up this morning to put on clothes and go to work. When they got to work, they discovered, as they do every day these days, that there is no opportunity for upward mobility at their job. In fact, every day their employers are trying to find ways to push down wages, eliminate retirement, and eliminate health care.

What has happened in this country, with what is called the "new global economy," is dramatic downward pressure on income for American workers.

I couldn't help but notice a story recently—I mentioned this on the floor of the Senate a while back—that Circuit City, a corporation most people know about, decided they were going to fire 3,400 of their workers. Those folks got up in the morning, went to work that morning, probably kissed their spouse goodbye and said: Honey, I will see you this evening. I love my job. I do a good job. I have been there 8 years. I know my business. But they found out when they got there that the corporation that has a chief executive officer who makes \$10 million a year decided they are going to eliminate 3,400 of these people. We are going to fire them. Why? Because they make \$11 an hour, and we want to rehire people at a lower wage. So 3,400 people came home that night and said to their families: I lost my job. No, it wasn't because I did something wrong, it wasn't because I was a bad worker, it wasn't because of performance. My company told me that \$11 an hour was too much money, and they want to replace me with someone with less experience and someone to whom they can pay a lower wage.

There is dramatic downward pressure on income all across this country for American workers, and that is especially true for workers at the bottom of the economic ladder.

I don't need to go through all the data, but it is unbelievable when you take a look at what is happening in this country. Those at the very top are getting wealthier, much wealthier, and those at the very bottom are being squeezed with substantially less income.

Incidentally, the bill that has been offered—this document—has been put on all our desks a few minutes ago, or in the last hour or so. This is the immigration bill. I think I can speak with certainty that no Member of the Senate has read this. It just became available. So I assume everyone will have their evening reading going through a bill that size and a bill of such importance.

Earlier, I stated that if we had no immigration quotas and no restrictions, we would have massive numbers of people who live and work in poverty, who in many cases can't find a job at all in other parts of the world, who are experiencing famine and war, pestilence and disease, who would want to find their way to this country.

It is interesting. You can now go to your computer and Google "Earth." If you haven't done that, I encourage people to do that. Google "Earth," and you can, from the air, come down and find out what is happening on Earth—any spot on the Earth. So if you Google "Earth" and try to evaluate what is happening on this planet, the United States doesn't look so much different than anyplace else. It is just a piece of property on this planet of ours. But it is a very different piece of property, a very unusual piece of property. It was born and nurtured by those who wrote a Constitution starting with the words "We the people" that has created the most affluent country on Earth, with a dramatic expansion of the middle class and opportunity that is universal opportunity—universal education, saying that every child can become whatever their God-given talents allow them to become in this country of ours.

What a great place we have created. But given what is happening on this planet, we have had to at least provide some order and some limitation with respect to immigration into this country because so many would want to come. So we have a legal system of import quotas. That is a system that many have used. They have waited for years to be at the top of the list to come to this country. But it is a system that many have ignored, instead deciding they wanted to get a visiting visa, jump on an airplane, and when it lands, disappear into the populace, never to be seen again, and stay here illegally, or others have come across on foot, across the Rio Grande or from other areas, deciding to remain here without legal authorization.

Border security has become very important. It was something discussed at great length in the year 1986, when the Simpson-Mazzoli bill was passed by the Congress. That was a period of time when we had an immigration crisis. The Simpson-Mazzoli bill was designed to address the immigration crisis. It was going to shut down employment opportunities for illegal immigrants by providing employer sanctions. It was going to provide for border security, employer sanctions, and it was going to shut down this system and, there-

fore, we were going to solve the immigration problem. Even as that bill was passed, it provided for amnesty for 3 million people at that point who had come here illegally.

Well, we know that since 1986 that didn't work. All the promises that were offered then have been promises that were not kept. So we find ourselves, from 1986 to 2001, with Osama bin Laden, al-Zawahiri, and others associated with al-Qaida deciding to launch an attack on our country and murder a good number of Americans, thousands of Americans, on that fateful day of 9/11/2001. All of a sudden, we have another spurt of interest in border security. Not with respect to specifically the issue of immigration but border security with respect to keeping terrorists out of our country. Because if you don't control your border, if you don't know who is coming in and keep track of them, you have unbelievable security problems for this country.

So we, at various times, have had these spurts of interest with respect to border security. Now we come to the year 2007, and the issue again is a comprehensive immigration bill—but as a portion of it, border security. Of course, border security ought to be, should be, some say will be, but certainly must be the first and foremost important element of any immigration reform. If you can't provide for border security, let us not spend a lot of time thinking about how we are going to keep people out if you can't keep them out. Border security is first and foremost the responsibility of any immigration reform plan—border security that works.

Yes, it is important for terrorism; it is also important with respect to this bill dealing with immigration. If border security is important, and I believe it is the most important issue at this moment, then other issues—if you have solved the border security issue, and I don't believe this piece of legislation has—other issues are also important as well, one of which is the issue I came to talk about, and that is the issue of the guest worker amendment.

The guest worker amendment in this compromise on immigration provides that 400,000 people who are not in this country now, who are living outside of our country, will be able to come in to assume jobs in our country per year—400,000 a year. The bill says there are 12 million people who came here illegally who will be given status to stay here and to work here. That is what the bill says. So it gives us 12 million people who will have legal status. It says to someone who came across December 30, 2006: You are going to be deemed to be here legally, or at least have legal status to stay, and we will give you an opportunity to work. So we have 12 million in that circumstance.

In addition, there is a provision dealing with guest workers. My understanding is that provision comes at the request of the Chamber of Commerce and big business that want an oppor-

tunity to continue the flow of cheap labor. That is not the way they would describe it, that is the way I am describing it. This is a country in which we are seeing more and more jobs being outsourced in search of cheap labor overseas, particularly to China, Sri Lanka, Bangladesh, and Indonesia, and the same interests that wanted to move American jobs overseas in search of cheap labor, enjoy the opportunity to bring, through the back door, cheap labor from other countries.

So we have what is called a guest worker or temporary worker provision. Here is how it works. I don't know how one can construct something this Byzantine, but it nonetheless got done. Here is how this system will work. A so-called guest or temporary worker will be able to come in, and 400,000 of them will come in the first year. They are able to stay for 2 years. They are able to bring their family, if they choose. Then they have to go home for 1 year, take their family home with them, and then they are able to come back 2 years later. So they are here 2 years working, then they go home for 1 year; then they can come back for 2 years, then they have to go home for 1 year; then they get to come back for 2 years. That is the case with 400,000 a year.

This grid shows you what it looks like and what it adds up to do. If you talk about the years of employment, you are talking about 18, 19 man-years of employment here with respect to this grid. It is a kind of Byzantine proposition. We say: Come here and work, bring your family and stay here 2 years. Then you all go back and stay where you came from for 1 year. Then everyone is welcome back for 2 more years, but you have to leave again and stay back 1 year and then come back for 2 more years.

I guess there is a provision that if you bring your family one of the first 2 years, which is your choice, then you only get to come back twice for 2 years. I don't know how you concoct something like that. It makes no sense at all. But aside from the merits of deciding that we don't have enough workers in this country so we need to import cheap labor, aside from that, how on Earth would you construct this approach to importing cheap labor?

I wish to make some comments about this suggestion that we don't have enough people in this country to assume jobs and, therefore, we must have a temporary worker or a guest worker program. There are plenty of big businesses, including the U.S. Chamber of Commerce, that take that position: We need to bring in people who aren't here now to assume American jobs. I mentioned earlier we are suggesting that is the case at a time when a whole lot of people at the bottom of the economic ladder in this country are trying to keep up and not doing well at all.

This chart shows from 1979 to 2003—and this is from the Congressional Budget Office—what has happened with



respect to income for the various income groups. Look at what has happened to the top 1 percent. A 129-percent increase in income in nearly a quarter of a century.

Look what has happened to the bottom fifth in a quarter of a century. In a quarter of a century, these folks who are going to work every day, the people you don't see very often, they are the people who pass the coffee to you across the counter or help out at the gas station and do those kinds of jobs, they get a 4-percent increase in 25 years. Unbelievable.

In that circumstance, in an economic circumstance where the people at the top are doing well, where there is substantial inequality of income with greater income going to the people at the top and much less income going to the people at the bottom, we are told we need to bring in additional workers from overseas.

We are told they are to be brought in because, for example, in the area of food preparation jobs, we just can't find enough American workers. There are just not enough people, we are told, in food service.

Let's look at food service jobs: 86 percent of the people working in food service in this country are legal citizens, U.S. citizens, or legal immigrants. We are told these are jobs Americans will not take, so let's bring in some guest workers. Explain this. Explain how it is that, at least in food preparation, 86 percent of the people working in those areas are Americans or people here legally.

If you want to bring in people at the bottom of the economic ladder, low-wage workers, you know what that does to the other 86 percent. It pushes down. It puts downward pressure on income. We don't have to debate about that. That debate is over. That is exactly what that does.

We are told we have other industries like that, such as the construction industry. We can't find enough people in the construction industry. But 88 percent of the people in the construction industry in this country are U.S. citizens or legal immigrants. Once again, we have people who would love to bring in low-wage workers at the bottom to put downward pressure on wages. But it is simply not true that we need low-wage workers to come in, more workers to come in because we cannot find Americans to do this job.

I understand those who support the temporary worker provisions by and large want lower incomes. I am talking about the interests outside of this Chamber. There are plenty of them who want to pay less income. Transportation jobs—93 percent of the workers in transportation are U.S. citizens or legal immigrants. Is someone going to debate this issue, that we cannot find Americans to work in these jobs? Clearly, that is not the case.

I understand there are those who have these jobs who do not want to pay a decent wage for them. There are a

whole lot of companies that do not want to pay a decent wage. They want to strip the retirement benefits away, they want to strip health care benefits if they ever gave them in the first place, and then they want to try to depress the income to the extent they can. I understand that. But it is not the right thing.

What is the moral imperative in this country? We have a moral imperative to stand up for all of the people in this country who get up in the morning and go to work and do a good job and hope at the end of the day they get a fair day's pay. Productivity is on the rise in this country. Productivity increases but workers' incomes do not increase. Why? Those who hire them do not have to increase those incomes even as workers become more productive because they have a supply of cheap labor coming in.

Transportation jobs—you can't find Americans to do them? Not true.

Manufacturing jobs—94 percent of manufacturing jobs are jobs that are performed by American citizens or legal immigrants.

I have made the point before that there is no one in this Chamber who has lost their job because of a job being outsourced. But there are so many Americans who understand this. There is a man named Blinder. He used to be the Vice Chairman of the Federal Reserve Board. He is a mainstream economist. With respect to the outsourcing of American jobs to China and other areas of low wages, he says there are 44 million to 52 million jobs that are able to be outsourced or tradable. He says not all of them will leave our country. But, he says, even those that stay will have downward pressure on their income because they will be competing with 1.5 billion people in the rest of the world, many of whom work for pennies an hour.

As American workers confront that issue, we are told we can't find enough workers in manufacturing and we need to bring in temporary workers who do not now live here. That is not true. Most of the workers in manufacturing are U.S. citizens and legal immigrants.

If someone wants more workers, I will tell you where you can get them. Go find the people who used to work for Levis. They don't make Levis in this country anymore. They got fired. Find the people who used to work for Fruit of the Loom underwear. They got fired, too. They must have some opportunity for some manufacturing jobs if you can find them. Find the people who used to work for Huffy bicycle. Their jobs went to China. They got fired. Go find the people who worked for Radio Flyer Little Red Wagon. They got fired. Go find the people who worked for Fig Newton cookies. They got fired. Their jobs went to Mexico.

I could talk at great length about where you might find American workers who lost their jobs because they couldn't compete with 20-cent-an-hour labor in China.

In my State of North Dakota, last week we received some pretty somber news. The Imation Corporation decided they were shutting down their plant in Wahpeton, ND, with 390 workers. After I pried it out of them, I discovered that slightly less than half of those people are going to lose their jobs because the product of their work is going to go to Juarez, Mexico, where you can pay 1/10 the wage. That is what is facing the American worker, that downward pressure on income.

Now we are told in this bill, let's ignore that. What we need is to bring in some more temporary workers to assume jobs Americans will not take. Again, how about paying a decent wage in this country? How about paying a decent wage? You will find plenty of people to take these jobs.

There is a study by Professor George Borjas at the John F. Kennedy School of Government, and he talks about the impact of immigration from 1980 to 2000, 20 years, on U.S. wages by ethnicity of workers. Over the last 20 years, as a result of immigration—that is low-wage workers coming into this country and putting downward pressure on wages—the average wage is down 3.7 percent; for the average Asian, 3.1; average White, 3.5; average Black, 4.5; Hispanic, minus 5 percent in wages. The fact is, it doesn't require a huge study to understand the consequences of that. We all understand that would be the result of bringing in a low-wage workforce. That is not unusual at all.

Let me be clear. None of the discussions we are having now have anything to do with agricultural workers. In addition to the temporary worker program, there is a separate program dealing with agricultural workers. So you have three things: You have legal immigration through import quotas and so on; then you have agricultural workers, well over 1 million of them, I believe 1.5 million in legal immigration; and then you have a temporary worker permit which, if you add up with the chart I have shown you, you are talking about millions of jobs. We are told, no, this doesn't matter much because, frankly, businesses say they just can't find Americans to take these jobs.

I believe that is not the case. I understand what is really at work. What is at work, in my judgment, is the handprints of those who want to bring in additional cheap labor. I do not support it.

The amendment I have offered is an amendment that is simple on its face. It addresses that provision, that title in this immigration bill that deals with temporary workers. I am not talking about the status of the 12 million people. I am talking about the creation of a status for people who are not in this country now, for people who live outside of this country who, as a result of this bill, are going to be told: You come on in to this country. We will give you a temporary worker status.

You can come for 2 years at a time, 3 times, a total of 6 years. I do not understand the urgency of putting a provision like this in this bill.

I am told again, as we are always told, if you offer an amendment that is successful, you will kill this bill because it is a fragile compromise. It is the old argument. It is about the loose thread on a cheap sweater. You pull the thread and the arm falls off. God forbid if you pass an amendment, it is going to destroy this compromise.

In my judgment, part of offering amendments and getting amendments agreed to to improve this legislation should be beneficial even to those who represented a part of this compromise.

I say clearly that I think immigration has, for as long as this country has existed, refreshed and nurtured this country. I support immigration through the legal means of immigration quotas each year. I also support, at this point, strong, assertive border enforcement, border security. Let me describe why we have failed so miserably.

Here is a chart. When you talk about the need for border security and employer sanctions, here is a chart that shows what has happened in the last 6 or 7 years with respect to enforcement. As you see, there is a decline in the worksite enforcement to almost zero. It has gone back up a little bit. I haven't put the last 2 years on there. But you will see enforcement with respect to employer sanctions and worksite enforcement has gone down to almost zero. This administration didn't do anything with respect to worksite enforcement.

Let me describe what has happened with respect to fines that have been levied. In 1986 they passed an immigration bill and said we are going to impose fines if someone would hire illegal workers. Here is what has happened with the fines. It was \$3.6 million nationally, across the whole country in 1999. It is down to \$118,000 in 2004. That is pathetic enforcement. That is not enforcement, that is just looking the other way.

Yet we come to this floor with an urgent problem with immigration, and the compromisers say: Let's put all these things together to legalize 12 million people, up to those who came across on December 31, and let's decide, as well, we are going to bring additional people in who do not now live here. That doesn't make any sense to me.

One of the moral imperatives, as I indicated, is to stand up for the interests of workers in this country yes, all workers in this country.

Let me conclude. There is so much to say, but let me conclude by telling a story about a piece I saw in the New York Times one day. It was just a small piece. It was a few years ago. It was about a New Yorker who died. I thought it was a curious piece, so I asked a staff person: Can you track down and see what this little news

item in the New York Times is? They did.

It was a man named Stanley Newberg who died in New York City. Stanley Newberg, my staff discovered, was a man who came to this country with his parents to flee the persecution of the Jews by the Nazis. Stanley Newberg and his parents landed in this country as new immigrants. Stanley was a little boy, and he followed his dad around the lower east side, apparently, peddling fish. This young boy walked with his dad peddling fish in New York City as a very young man.

As his parents made a living peddling fish, Stanley learned English. Then Stanley went off to school and Stanley became a pretty good student. Then Stanley graduated from school, he went to college, he graduated from college and then got a job in an aluminum company. He worked in this aluminum company, did really well, was a good worker, and he rose up to manage the aluminum company and then eventually he was able to buy the aluminum company.

So here was Stanley Newberg, this young boy who came with his father and mother to this new country and walked in the lower east side of New York peddling fish and now owns an aluminum company in this country. It is a very wonderful American success story.

Then Stanley Newberg died. They opened his will and that became the subject of a very small item in the New York Times. Stanley Newberg's will left \$5.7 million to the United States of America. He said "with deep gratitude for the privilege of living in this great country."

This little boy who followed his daddy peddling fish, who went to school, became a successful businessman and then died, wanted in his will to remember this country and left \$5.7 million to the United States of America "with deep gratitude for the privilege of living in this great country."

This country did not become this great country by accident. "We the people," the framework of our Government, a wonderful Constitution, a series of initiatives that created a body of law, initiatives in the private sector, the genius and the entrepreneurship of inventors and investors and business men and women—it is a wonderful place.

But we have obligations. As I indicated earlier, if we had no immigration quotas we would be overrun by millions, tens of millions of people who want to move from where they are on this planet to this spot because this is the land of opportunity.

We have a process of legal immigration. That process needs to work. First and foremost, we need border security. Second, it seems to me, we need to be sensitive to find a way to deal with the status of those who have been here a long while. Third, and most importantly, we ought not decide to bring legislation to the floor of the Senate

that says: On behalf of those big interests, big economic interests that want to hire cheap labor through the back door—even as they export good American jobs through the front door—we ought to say this provision needs to be stricken.

My amendment is very simple. On behalf of myself and Senator BOXER, I offer an amendment to say: Strike this provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Tester.) The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak briefly in opposition to the amendment of the Senator from North Dakota. I certainly concur with several of the comments he made, about the need to secure our borders, about the need to have a workable immigration system, and the need for reform that ensures the rule of law is restored in the United States.

Where I differ with him is in his belief that we can actually achieve these goals if we have no ability for temporary workers to come to the country. His amendment would eliminate the temporary worker program from this bill.

Now, there are several reasons why a temporary worker program, within certain constraints, is a good idea. The first reason is because it will help to relieve the magnet for illegal immigration. This is one of the things President Bush has talked about frequently.

The reason most of the people are crossing our border illegally is to get employment. There are jobs available for them. Some people say this is work Americans will not do. That is actually not true. In all of the different work areas, whether it be construction or landscaping or working in a hotel or motel, whatever it might be, roughly half the people working in those industries are American citizens. But there are not enough American citizens to do all of the work that needs to be done. So naturally the law of supply and demand sets in here. People come across the border illegally, and they take that work. What we want to do is both close the border, secure the border of the United States, but also eliminate the magnet for illegal employment here, because the reality is desperate people will always try to find some way to get into the country.

It would be nice if, instead of having to rely strictly on fences and Border Patrol agents, we also relieved the pressure so American employers would have the workers they need and there would be no opportunity for illegal workers to come into the United States. Another way we have done that, by the way, is to have a very good employee verification system put into this legislation.

But the key here is to, in effect, have a pressure cooker safety valve. When there is too much employment need here to match up with the number of workers, then we let off the pressure by allowing some visas or temporary

workers to come here temporarily. In the bill they either come 10 months out of the year—that is the seasonal workers—and then return home, or they can get a 2-year visa, which enables them to come here and work for 2 years, then go home for a year. They could reapply. They could reapply twice for a total time of 6 years. But in between each 2-year time period working in the United States, they would have to return to their home country for a year, in order to try to prevent the situation in which they put down a stake in the United States and believe after a period of time they are entitled to stay here, thus raising the same kind of problem we have had in the past where a group of people come here and then do not want to go home, and somehow America doesn't have the will to enforce its law, in this case to require them to go home.

That is why the program was set up the way it was. The concept here is if you relieve that pressure for employees, by having an opportunity for people to temporarily come here as the guests of the United States to work here under our conditions and our rules and then go back home, that will both serve our needs and serve their needs. That is the rationale for a temporary worker program.

Now, why wouldn't you want to immigrate all of the people here as legal permanent residents? Well, obviously you are talking about millions of people, as the Senator from North Dakota said, in addition to the quotas we currently have. But, secondly, you need to have some ability to adjust. Let me mention the construction industry in my home State of Arizona as a good example of this.

Two or three years ago we could not find enough workers to build homes in Arizona. The reality is, the Home Builders Association was candid in saying this, that if they had to guess, they would guess about half of the people building homes in Arizona were illegal immigrants. They had the legal papers, but we all know that is a joke. That is why we have to have a workable employee verification system, which we have put into the bill we are now debating. But the law currently is not good in terms of verifying employment documents.

So you have a construction boom that is occurring in Las Vegas, Phoenix, Tucson, and other cities in the Southwest, and we need workers desperately. About 6, 8 months ago, the market began to taper off, and today we are in a situation where we have an excess of workers for the jobs available. The market has not tanked completely, by any means, but there is clearly a downturn in the housing construction industry in Arizona. So we do not need nearly as many workers now. Now that is depressing wages.

The Senator from North Dakota is correct in one respect here with regard to wages. If you have a greater supply of labor than you have jobs available,

you will depress wages. That indeed has happened in some sectors of our economy, particularly in some low-skilled areas. But the reason is because you have a glut of workers. The workers who came here illegally find it very difficult to go home. Moreover, they will undercut the wages of American workers or depress those wages. They are here and they are depressing wages. Wouldn't it be better to have a temporary worker program, where everyone is working within the law so when we need the temporary workers to build houses, for example, we issue more of these 2-year visas, but when we don't need them, we stop issuing the visas? When those visas run out, we wait until we need more workers. Then we issue more visas. That is the way the temporary worker program is designed to work.

The alternative some people want—well, there are two alternatives. Either you allow the illegal situation to continue, which nobody wants—that is not a solution—or you adjust all of the quotas Senator DORGAN was talking about and let everyone come in as a permanent worker.

That totally upsets our immigration quotas, for one thing. Secondly, you do not have the flexibility of moving up or down depending upon what the labor requirements or demands are. Again, in housing, if we had let all of these workers come in as green card holders, as legal permanent residents, they are here and there is no ability to send them back where they came from. They have a legal right to be in the United States for the rest of their lives. That is why you do not want to try to deal with temporary, especially low-skilled worker categories, with extra green cards. That is why you have a temporary worker program, in addition to relieving the magnet for illegal employment.

Let me make a couple of other points here. The Senator from North Dakota says even the temporary worker program will depress wages. Well, there are two reasons why that is not true. The first is it is adjusted based on the labor needs. So at least ideally you never have a glut of workers, an oversupply of workers compared to the demand. The market works to set the wages at the proper rate.

If you have green cards, for example, you can easily get a depression in wages, because you never can adjust that downward once the workers are here. Secondly, in order to get a temporary worker under this bill, you have to advertise at a wage which, in effect, is the average wage that is being paid in that area in that industry. Now, you have to do that to be fair to American workers, because otherwise what would happen is you say: Hey, I have got a construction job; it pays \$8 an hour. Well, there are not very many Americans who would do heavy construction for \$8 an hour, so nobody shows up.

Then the employer goes to the Department of Labor and says: Well, gee,

I could not get an American to take the job. Let me have some temporary workers. You cannot do that. If it is a carpenter—I am not sure what the wage is; maybe it is \$18 an hour, maybe more. If he says I need 10 carpenters, he has got to say the wage I am paying is \$18 an hour. Then if American workers are out of work and want to work for that wage, that is the average wage in that industry in that place, and they can come in and work with the knowledge that they are not receiving a depressed wage.

If you have Americans willing to do the work, then there is no temporary worker. But if there is not an American to come do the work, the temporary worker comes in at the same wage that is paid to everyone else, so there is no wage depression under this temporary worker program. I think that argument is not an argument to eliminate this program.

Finally, the Senator from North Dakota began his argument with something that is absolutely true. He made the point that we cannot allow everybody in the world to come to a better place, to come to the United States. That is absolutely true. We have got a big heart, but we have only got so much room.

As a result, we have an immigration system that tries to establish quotas, and it establishes areas of immigration in which we will allow people to come here: countries from which they can come; some family immigration; some work visas; asylum, and all of the other categories we have. Then we draw a limit. We say that is it, except for certain categories, except for the nuclear family.

A temporary worker program allows us to remain true to that general immigration philosophy we have always had in this country. That is to say, when we need more workers temporarily, we will bring them into the country, but when we no longer need them here, they return home. That way you are not, as the Senator from North Dakota said, opening your doors to all of the people in the world who want to come here. I agree with him; we cannot do that. But when we have a need that is not being satisfied and we have advertised the job for the same wage Americans are earning, and we cannot get an American to do that work, then it is appropriate to say to a foreign national: If you want to come here and work under our conditions, abiding by our rules, we will allow you to do that and, of course, when you are done, you will return home.

That is the essence of the temporary worker program here. It is a good program. I hope my colleagues will appreciate that there are strong reasons for including it in this legislation, as I said, starting with the proposition that it will eliminate the magnet for illegal employment that exists today.

I urge my colleagues to oppose the amendment of the Senator from North Dakota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the Comprehensive Immigration Reform Act we are debating right now is a long and complicated bill that touches on a number of important issues. It addresses the concerns I believe all of us have about securing our borders, something I strongly support, and that is long overdue. It addresses the need to hold employers accountable when they knowingly hire illegal immigrants, something which certainly under the Bush administration has not been the case.

This bill addresses the very contentious and difficult issue of how we respond to the reality that there are some 12 million illegal immigrants in this country today, and how we can carve out a path which eventually leads to citizenship, which is something I support.

But today I want to concentrate on one major aspect in this comprehensive bill, and that deals with the Dorgan amendment and the whole issue of guest laborers. That point centers around the state of the economy for working people in the United States and, in my view, my strong view, the negative impact this overall legislation will have for millions of Americans.

Let me begin by pointing to this quote, this quote right here, from Mr. Randel K. Johnson, the vice president of the U.S. Chamber of Commerce, which was reported in the New York Times on May 21, the other day. This is what Mr. Johnson said:

We do not have enough workers to support a growing economy. We have members who pay good wages but face worker shortages every day.

Mr. President, let me suggest that Mr. Johnson and many of the other big business organizations and multinational corporations that have helped craft this legislation are not being quite accurate when they make statements such as this. The major economic problem facing our country

today is not that we do not have enough workers to fill good-paying jobs. Rather, the problem is we do not have enough good-paying, livable wage jobs for the American people, and that situation is getting worse. Over the last 6 years, 5.4 million more Americans have slipped into poverty, with the national minimum wage remaining at a disgraceful \$5.15 an hour.

By the way, Mr. Johnson's organization, the U.S. Chamber of Commerce, opposes raising the minimum wage.

With over 5 million more Americans slipping into poverty, where are all those good-paying jobs these workers can't seem to find? Over the last 6 years, nearly 7 million more Americans have lost their health insurance. Where are all those good jobs that provide benefits such as a strong health insurance package? Where are all those good jobs Mr. Johnson talks about when millions of Americans are losing their health insurance completely or are asked to pay substantially more for inferior coverage?

In the last 6 years since President Bush has been in office, some 3 million American workers have lost their pensions. If all of these good jobs are out there, why are more and more Americans slipping into poverty, more and more Americans losing their health insurance, and more and more Americans losing their pensions?

From the year 2000 to 2005, median household income declined by \$1,273. For 5 consecutive years, median household income for working age families has gone down. In other words, despite Mr. Johnson's assertion about all of the good-wage, good-paying jobs that are out there waiting for the American worker, the reality is, all over our country people are desperately looking for jobs that pay a livable wage. The real income of the bottom 90 percent of American taxpayers has declined steadily from \$27,060 in 1979 to \$25,646 in 2005. While women have done somewhat better in recent years, real median weekly earnings for males has actually gone down since 1979. Despite Mr. Johnson's

assertion, the economic reality facing our country is that the middle class is shrinking, poverty is increasing, and the gap between the very rich and everybody else is growing wider and wider.

I am assuming most Members of the Senate took economics 101 in college. One of the major tenets of free market economics is the law of supply and demand. Under that basic economic proposition, if an employer is having a difficult time finding a worker—and Mr. Randel Johnson tells us that is the case—then the solution to that problem on the part of the employer is to provide higher wages and better benefits. That is what the free market economy is supposed to be about. That is what supply and demand is all about. If you are having a difficult time attracting workers, you pay them higher wages and better benefits, and they will come. I wonder how it could be that with a supposed scarcity of workers out there, wages and benefits are going down. That doesn't make a lot of sense to me. If Mr. Johnson were right, you would expect that wages would be going up, benefits would be going up. In fact, the opposite is true.

What this legislation is not about is addressing the real needs of American workers. It is not about raising wages or improving benefits. What it is about is bringing into this country over a period of years millions of low-wage temporary workers with the result that wages and benefits in this country, which are already going down, will go down even further.

Let's talk about what really is going on in our economy today. I ask unanimous consent to have printed in the RECORD a document entitled "May 2005 Occupational Wages and Estimates" which comes from the State of Vermont Department of Labor. That is the latest such report available.

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

## MAY 2005 VERMONT OCCUPATIONAL WAGE ESTIMATES

SOC	Occupation title	Reporting units	Employment	Mean
41-2011	Cashiers	399	9,950	8.71
41-2031	Retail Salespersons	537	9,910	11.88
25-9041	Teacher Assistants	183	5,840	n/a
43-3031	Bookkeeping, Accounting, and Auditing Clerks	1,660	5,710	14.14
29-1111	Registered Nurses	309	5,560	24.07
35-3031	Waiters and Waitresses	170	5,420	8.97
43-6014	Secretaries, Except Legal, Medical, and Executive	860	4,660	12.91
43-9061	Office Clerks, General	889	4,190	11.17
25-2021	Elementary School Teachers, Except Special Education	117	4,040	n/a
37-2011	Janitors and Cleaners, Except Maids and Housekeeping	640	4,020	10.51
53-3032	Truck Drivers, Heavy and Tractor-Trailer	315	4,000	15.64
43-6011	Executive Secretaries and Administrative Assistants	938	3,840	17.28
47-2031	Carpenters	182	3,550	16.20
49-9042	Maintenance and Repair Workers, General	600	3,280	15.06
43-5081	Stock Clerks and Order Fillers	333	3,240	10.19
43-4051	Customer Service Representatives	421	3,220	13.48
25-3099	Teachers and Instructors, All Other	132	3,070	n/a
31-1012	Nursing Aides, Orderlies, and Attendants	96	2,890	10.47
35-3021	Combined Food Preparation and Serving Workers, Incl	146	2,860	8.58
25-2031	Secondary School Teachers, Except Special and Vocati	75	2,770	n/a
21-1093	Social and Human Service Assistants	109	2,740	13.40
53-7062	Laborers and Freight, Stock, and Material Movers, Hand	238	2,650	10.75
35-2021	Food Preparation Workers	257	2,570	9.04
37-2012	Maids and Housekeeping Cleaners	160	2,530	9.68
13-2011	Accountants and Auditors	730	2,490	26.10
17-3011	Landscaping and Groundskeeping Workers	229	2,440	11.32
43-4171	Receptionists and Information Clerks	542	2,400	11.22
41-1011	First-Line Supervisors/Managers of Retail Sales Workers	514	2,360	19.43
51-2092	Team Assemblers	70	2,330	12.71
43-1011	First-Line Supervisors/Managers of Office and Administr	743	2,230	22.36

## MAY 2005 VERMONT OCCUPATIONAL WAGE ESTIMATES—Continued

SOC	Occupation title	Reporting units	Employment	Mean
41-4012	Sales Representatives, Wholesale and Manufacturing, E	408	2,210	24.81
53-3033	Truck Drivers, Light or Delivery Services	263	2,100	12.77
49-3023	Automotive Service Technicians and Mechanics	132	2,040	14.66
35-2014	Cooks, Restaurant	130	1,920	11.46
11-1021	General and Operations Managers	950	1,830	46.22
39-9011	Child Care Workers	79	1,810	9.97
35-9021	Dishwashers	164	1,760	8.06
51-1011	First-Line Supervisors/Managers of Production and Ope	464	1,650	24.46
35-3022	Counter Attendants, Cafeteria, Food Concession, and C	91	1,600	8.33
43-5071	Shipping, Receiving, and Traffic Clerks	428	1,590	12.96
25-2022	Middle School Teachers, Except Special and Vocational	88	1,580	n/a

Notes.—n/a = not available because employment or wage estimate was either not reliable or not calculated; + = indicates the top reportable wage, actual wage is at least this high and probably higher.

Source: Occupational Employment Statistics (OES) survey—released May 2006.

Mr. SANDERS. Let me discuss the 10 largest categories of employment in my State of Vermont and the wages workers earn who do that work. We will talk on some of them, not all 10. The occupation in Vermont with the most employment is that of being a cashier. Those are people who obviously work at retail stores and who take in money, make change. The average wage for this category of worker 2 years ago—these are the latest figures we have seen—was \$8.71 an hour. Many of those workers have inadequate or no health care at all. That is \$8.71 for that category of work in which more Vermonters perform than any other. Are these the good wages to which the Chamber of Commerce is referring?

In that same survey, the second largest job category in Vermont is that of retail salespersons. That mean hourly wage was, as of 2 years ago, \$11.88 an hour. That is better than cashiers earn but less than \$26,000 a year.

On and on it goes: bookkeepers in Vermont, \$14.14 an hour; waiters and waitresses, \$8.97; secretaries, \$12.91; office clerks, \$11.17 an hour; janitors and cleaners, \$10.51 an hour.

I ask unanimous consent to print in the RECORD a list of jobs available today in northern Vermont and in the Littleton, NH, area as posted by the Vermont Department of Labor.

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

[From Vermontjoblink.com, May 22, 2007]

#### 1. Flagger

City: Newport, VT  
Order Number: 47463  
Basic Job Information: \$10.00–\$10.00, Full-time  
Required Education: No Educational Requirement  
Required Experience: No Experience Requirement

Flaggers are needed to work throughout the state. Employer will train and certify—no experience is nec., however ALL applicants must have valid VT Driver's License, their own, reliable transportation, and a telephone in their home. Work hours will not be flexible—40+ per week. Applicants must also be 18 years old. Please have company application completed before coming to course—DOL to hold. Those planning on attending course (to be held on May 29th from 9 am to noon CCV-Newport) must . . .

#### 2. Dispatcher/Scheduler

City: St. Johnsbury, VT  
Order Number: 47466  
Basic Job Information: \$11.00–\$11.00, Full-time  
Required Education: High School Diploma or Equivalent

#### Required Experience: 1 Year 0 Months

The Dispatcher/Scheduler reports to the Executive Director. Primary responsibilities include carrying out all procedures in dispatch, verifying client eligibility for Medicaid and/or other program subsidy. Verifying and changing appointments, questioning necessity or nature of treatment to the closest available facility. Schedules the passenger with a driver, notifying driver of specific information regarding trip/passenger. Schedules all rides with taxi companies at clients requests for . . .

#### 3. Web Designer

City: Saint Johnsbury, VT  
Order Number: 47470  
Basic Job Information: \$12.00–\$25.00, Full-time or Part-time  
Required Education: Associates Degree  
Required Experience: 2 Years 0 Months  
Web Technician Responsibilities include, Basic Web HTML maintenance, creating and sending weekly newsletters to e-mail data base, Creative internet marketing, and understanding and set up of merchant account cart options.

#### 4. Home Care Attendant

City: St Johnsbury, VT  
Order Number: 45721  
Basic Job Information: \$7.53–\$7.53, Part-time  
Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 3 Months  
Home Care Attendant opening offering flexible schedule, weekdays and every other weekend required. Duties include providing household management assistance and minimal personal care to clients in their homes. May include light meal preparation, doing errands, cleaning, laundry and some socialization skills. If you enjoy helping others, working independently and having flexible hours you should apply. There is a shift differential for weekends/evenings. Training and orientation are provided . . .

#### 5. Operations Manager

City: Lyndonville, VT  
Order Number: 46723  
Basic Job Information: \$40,000.00–\$50,000.00, Full-time  
Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months  
Earth Tech operates the Lyndon Wastewater Treatment Facility on behalf of the local community under an operation and maintenance contract. The Operations Manager will oversee the daily operations and maintenance of a .750 mgd extended aeration activated sludge secondary treatment plant with 3 employees. The plant has an ATAD system, Air Scrubber, and a Land Application program. Responsibilities include monthly reporting to the ANR, the client and Earth Tech. This position is responsible for . . .

#### 6. Residential Crisis Counselors

City: Newport, VT  
Order Number: 47441

Basic Job Information: \$0.00–\$0.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 6 Months

Dynamic new crisis program is looking for mature, responsible, empathic counselors to work with adults with complex issues who need brief crisis intervention. Counselors will work with a team of clinical professionals providing supervision, peer recovery support, crisis intervention and discharge planning. All shifts and weekend coverage available. (This is shift work and not live-in employment). Will provide training. Full time & part time positions available.

#### 7. Assistant Director. Adult Outpatient Services

City: Newport, VT  
Order Number: 47442  
Basic Job Information: \$0.00–\$0.00, Full-time

Required Education: Masters Degree  
Required Experience: 4 Years 0 Months  
Administers, coordinates and manages programs and services for Adult Outpatient Services, Mental Health & Substance Abuse, for St. Johnsbury area. This includes clinical and administrative supervision, budgetary controls, initiation and review of policies and procedures, and participation in quality control, assurance and improvement. Takes an active role in the development and implementation of new programs and services. May be assigned to act as the division director.

#### 8. Store Clerk

City: W Danville, VT  
Order Number: 47452  
Basic Job Information: \$8.00–\$8.00, Part-time  
Required Education: No Educational Requirement

Required Experience: 1 Year 0 Months  
Job is fast paced therefore you must be able to multi-task. Lifting, stacking, cooking and cleaning involved. Must be customer service oriented and be able to run a cash register. Waitstaff experience a plus. Employer is looking for a self motivated, independent, reliable person. This job has potential of moving into a management position. Serious applicants only please.

#### 9. CNC Mill or Lathe Setup Operator

City: Bradford, VT  
Order Number: 46876  
Basic Job Information: \$11.00–\$16.00, Full-time  
Required Education: High School Diploma or Equivalent

Required Experience: 3 Years 0 Months  
3–5 years experience on CNC equipment. Experience editing programs and/or programming would be a plus. Learning to program could be included in this position. Candidates need good math skills and attention to detail. Knowledge of geometry and trigonometry highly desirable. Full time position 6:30–3PM Monday-Friday with some flexibility of schedule possible.

## 10. Teacher

City: Lyndonville, VT

Order Number: 47415

Basic Job Information: \$1,000.00-\$1,000.00, Full-time

Required Education: Bachelors Degree

Required Experience: 0 Years 6 Months

This is a teaching position for an alternative high school for 9th through 12th grades with teaching experience in Math and Social Studies. This position would most likely involve troubled youths. This is a salaried position for the academic school year of 2007-2008. There is also a possible one-on-one paraeducator position opening with experience relevant to the above. This one would be an hourly position. Applicants must pass a criminal background check.

## 11. Real Estate Title Abstractor/Searcher (Legal Secretary)

City: St Johnsbury, VT

Order Number: 47423

Basic Job Information: \$10.00-\$13.00, Full-time or Part-time

Required Education: Associates Degree

Required Experience: 0 Years 6 Months

Full or part time Real Estate Abstractor/Searcher (Legal Secretary) needed. Qualified applicants will have excellent computer and communication skills as well as good writing, grammar and compositions skills, willing to learn, dependable with valid drivers license and reliable vehicle. Employer prefers someone with an Associates Degree and 3-5 years office experience. Job duties will include travelling to Orleans, Essex and Caldonia counties to search for land records.

## Construction Laborer/Bridge Carpenters

City: Concord, VT

Order Number: 47409

Basic Job Information: \$11.00-\$11.00, Full-time

Required Education: High School Diploma or Equivalent

Required Experience: 0 Years 6 Months

Local construction company is seeking construction laborers and bridge carpenters to work in various sites throughout Vermont and Northern New Hampshire. Current jobs are located in Bradford, VT and West Lebanon, NH. Applicants must have a valid drivers license and employer would prefer someone with some construction experience. Job includes heavy physical work and occasionally work on Saturdays.

## 13. Loan Admin Support Staff

City: Littleton, NH

Order Number: 47359

Basic Job Information: \$0.00-\$0.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: No Experience Requirement

The successful candidate will perform a variety of clerical and administrative functions working within the Loan Administration department. Responsibilities include maintaining and updating loan files and insurance files, order supplies, reconcile loan checks, completing all loan files, and assisting the administration personnel when needed. This position is full time and comes with Career Opportunities and excellent benefit package.

## 14. Receptionist/Switchboard Operator

City: Littleton, NH

Order Number: 47360

Basic Job Information: \$8.00-\$10.00, Full-time or Part-time

Required Education: No Educational Requirement

Required Experience: No Experience Requirement

The successful candidate will greet and direct visitors in professional manner, sorts and distributes incoming mail, keeps current

information up to date on locations, absences, travel plans, and is responsible for all incoming calls. The right candidate must have excellent communications and computer skills. This position has career opportunities, and comes with an excellent benefit package.

## 15. Director of Operations

City: Littleton, NH

Order Number: 47362

Basic Job Information: \$0.00-\$0.00, Full-time or Part-time

Required Education: Some College

Required Experience: 5 Years 0 Months

The right candidate will have direct leadership to ensure high quality patient care, fiscal responsibility, and employee satisfaction. Responsibility includes the overall business management. In addition to strong technical skills, you should be comfortable working in a team environment and fostering cross-functional teamwork. The individual in this role needs to have business savvy and be able to take initiative to identify/communicate/resolve discrepancies and drive process improvements.

## 16. Soldering

City: Littleton, NH

Order Number: 47363

Basic Job Information: \$8.00-\$12.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

Previous experience in manufacturing as a machine operator is a plus.

Candidate will be responsible for soldering cables, working with hand tools, hand held machines, as well as assembling. On the job training is available.

## 17. Shipping / Order Processor

City: Littleton, NH

Order Number: 47365

Basic Job Information: \$11.00-\$11.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 1 Year 0 Months

Excellent opportunity to work for a small business with worldwide clientele. This position entails the following responsibilities: prepare product for shipping using various shipping methods, ability to lift 30 lbs on a frequent basis, all aspects of order processing including, but not limited to the following: quote/bid prices, customer service, invoicing, purchase orders to suppliers, and all accompanying paperwork. Experience in a manufacturing environment and a resume is required. Thi. . .

## 18. Machine Operator

City: Littleton, NH

Order Number: 47212

Basic Job Information: \$8.00-\$10.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: No Experience Requirement

Previous experience in a manufacturing environment as a machine operator is a plus.

## 19. Payroll Administrative Assistant

City: Littleton, NH

Order Number: 47215

Basic Job Information: \$10.00-\$14.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 2 Years 0 Months

This position is full time and is responsible for payroll, payroll taxes, general ledger, inventory, excellent follow through and communications skills.

## 20. Sales and Marketing Analyst

City: Littleton, NH

Order Number: 47217

Basic Job Information: \$8.00-\$12.00, Full-time or Part-time

Required Education: High School Diploma or Equivalent

Required Experience: 2 Years 0 Months

This position requires a candidate who is detail oriented, multitasking, and can work in a fast pace environment. Excellent benefits come with this opportunity.

Mr. SANDERS. These are the jobs which are available today. If any Member of the Senate wanted to retire today and they wanted to run up to northern Vermont or to the Littleton, NH, area, these are the jobs which are available today, posted by the Vermont Department of Labor: If you wanted to be a flagger, you can make \$10 an hour; if you want to be a dispatcher, \$11 an hour; home care attendants, thousands of home care attendants taking care of the elderly and the frail make all of \$7.53; store clerk, \$8 an hour; construction laborer, \$11 an hour; receptionist, \$8 to \$10 an hour; shipping, \$11 an hour; machine operator, \$8 to \$10 an hour. On and on it goes. Those are the jobs available today in northern Vermont, what we call the Northeast Kingdom, and the Littleton, NH, area.

Over the years in Vermont and throughout this country, people have been trying to understand a very important concept: How much money does an individual and a family need in order to survive economically with dignity? That means having an adequate home, having a car that works, paying your electric bill on time, having some health insurance, having childcare for a child if that is what you need. That whole concept is called a livable wage—the means by which an American citizen can live in dignity.

For a single person living alone in the State of Vermont, that wage is \$14.26 an hour. That is substantially more than the wage being paid in Vermont for a cashier, which is what more people do than anything else. If you are a single parent with one child, that livable wage is \$21.40 an hour; single parent with two children, \$20.59 an hour; two parents, two children, and one wage-earner, \$24.89.

What is my point? My point is a simple one: Despite the Chamber of Commerce assertion that there are all these great-paying jobs out there and the major problem facing our economy is that we just can't find the workers to do them, I can tell you, in the Vermont-New Hampshire area, there are thousands and thousands of decent, hard-working people making 10 bucks an hour, 11 bucks an hour, 12 bucks an hour, less than that, and many of those workers have no health insurance. Many of those workers are having a hard time making ends meet.

Here is my concern about this legislation. At a time when millions of Americans are working longer hours for low wages and have seen real cuts in their wages and benefits, this legislation would, over a period of years, bring millions of low-wage workers from other countries into the United States. If wages are already this low in



Vermont and throughout the country, what happens when more and more people are forced to compete for these jobs? Sadly, in our country today—and this is a real tragedy—over 25 percent of our children drop out of high school. In some minority neighborhoods, that number is even higher. What kind of jobs will be available for those young people?

This is not legislation designed to create jobs, raise wages, and strengthen our economy. Quite the contrary. This immigration bill is legislation which will lower wages and is designed to increase corporate profits. That is wrong, and that is not an approach we should accept.

Today, corporate leaders are telling us why they want more and more foreign workers to come into this country to compete with American workers. I find it interesting that just a few years ago, during the debate over our trade policy, this is what these same people had to say. Let me quote. According to an Associated Press article of July 1, 2004, Thomas Donohue, president and CEO of the U.S. Chamber of Commerce, was quoted as saying that he “urged American companies to send jobs overseas” and that “Americans affected by off shoring should stop whining.” Then he told the Commonwealth Club of California that “one job sent overseas, if it happens to be my job, is one too many. But the benefits of [outsourcing] jobs outweigh the cost.” That was from an AP story, July 1, 2004.

Carly Fiorina, former CEO of Hewlett-Packard, said in January of 2004: “There’s no job that is America’s God-given right anymore,” as her company Hewlett-Packard has shipped over 5,000 jobs to India, outsourced almost all of their notebook PC designs, production, and logistics to Taiwan, and manufactures much of their product in China. Ms. Fiorina may have had a point. A few years ago, she lost her job as CEO due to poor performance. But unlike the thousands of jobs she was responsible for shipping overseas, Ms. Fiorina walked away with a \$21 million golden parachute.

I should add that Hewlett-Packard, among many other corporate leaders in outsourcing, just coincidentally happens to be one of those corporations most active in the immigration debate. In other words, if these large corporations are not shutting down plants in the United States, throwing American workers out on the streets, moving to China, where they pay people 50 cents an hour, what they are doing is developing and pushing legislation which displaces American workers and lowers wages in this country by bringing low-wage workers from abroad into America.

Mr. DORGAN. Mr. President, I wonder if the Senator from Vermont will yield for a question.

Mr. SANDERS. Mr. President, I yield.

Mr. DORGAN. Mr. President, on that point, I was thinking of something our

colleague from Arizona said a few minutes ago. He talked about the fact they are going to provide substantial border security, No. 1. Then later he said the reason we have to allow guest or temporary workers—400,000 of them—to come into this country is if we do not let them come in, there will be more tension for illegal immigration. Well, where is the illegal immigration going to come from if you have secured the border? If you have not secured the border, isn’t it the case that what you have simply done is said we are going to have 400,000 people come across the border or come into this country and assume jobs? Do you know what we will do? Let’s just call them legal. Isn’t there an inherent contradiction in what we just heard—and we will hear again, I am sure—the proposition that we have to have temporary workers because if we do not, people will come in illegally? How will they come in illegally if you have secured the border? And shouldn’t you first secure the border in a way that is credible?

Mr. SANDERS. Mr. President, I agree with my friend from North Dakota. But he will remember something else. Doesn’t this argument about passing legislation that will stop illegal immigration ring a bell in terms of the debate we had over NAFTA? Does my friend from North Dakota remember that one of the reasons we had to pass NAFTA was to improve the economy in Mexico so workers there would not be coming into this country?

It sounds to me as if it is the same old tired argument. It certainly has not worked with regard to NAFTA. Since NAFTA has passed, among many other things, there has been a huge increase in illegal immigration. The point the Senator makes is quite right.

Mr. DORGAN. Mr. President, if the Senator will yield further, this is another piece of evidence that in this kind of discussion in the Congress, you never have to be right; all you have to have is a new idea—and you just keep coming up with new ideas that are wrong.

The Senator is perfectly correct with respect to NAFTA. In fact, the same economists who were giving all this advice about NAFTA, who were fundamentally wrong, are now giving us advice on this issue and telling us how they are going to create new jobs and all of these related issues.

The fact is, at its roots, isn’t it the case that what this kind of temporary worker provision does is put downward pressure on the income for American workers and bring in low-wage workers to assume American jobs? Isn’t that the case?

Mr. SANDERS. Mr. President, that is exactly right.

I know the Senator from North Dakota has been very strong on this issue. We are looking at two sides of the same coin, with the result that the middle class gets squeezed and workers are forced to work for lower wages. That is, on one hand, a trade policy which

corporate America pushed through the House and the Senate that says we can shut down plants in America, run to China, pay people there pennies an hour, and bring those products back into America. They have laid off millions of American workers. On the other side of the economy, we still have service jobs in this country, some of which may pay a living wage. Many of them do not. American corporations and companies say: We need to be able to make more profits, so if we cannot shut down restaurants and McDonald’s in America and take them to China, well then, I guess what we have to do is bring those workers back into the United States. But as the Senator from North Dakota just indicated, the end result is the same: more and more workers experiencing cuts in their wages, poverty in America increasing, and the middle class shrinking.

Let’s not forget—I think a lot of people do not know this, and the media does not necessarily make this point—behind a lot of this immigration legislation stands the largest corporations in America, one of them being Microsoft, having played a very active role in this debate. Here is what the vice president of Microsoft said, as quoted in *BusinessWeek* in 2003:

It’s definitely a cultural change to use foreign workers, but if I can save a dollar, hal-lelujah.

Four years ago, Brian Valentine, Microsoft’s senior vice president, urged his managers to “pick something to move offshore today.”

The CEO of Microsoft has said—this is Steve Ballmer; this is relevant to this debate—“Lower the pay of U.S. professionals to \$50,000 and it won’t make sense for employers to put up with the hassle of doing business in developing countries.

Lower the pay of professionals in America.

What I find interesting about corporate America’s support for this type of legislation is their arguments now distinctly contradict the arguments they made when they told us how good outsourcing is for this country and how good our trade policies such as NAFTA and permanent normal trade relations with China would be. What hypocrisy. One day they shut down plants with high-skilled, well-paid American workers and move to China. That is one day. On the next day, after having shut down a plant with highly skilled workers, they have the nerve to come to the Congress and tell us they cannot find skilled workers to do the jobs they have. Give me a break.

I think we all know what is going on here. Greed rather than love of country has become the driving force behind corporate decisions. While corporate profits are at their highest share of gross domestic product since 1960—up more than 90 percent since President Bush took office—median earnings are at their lowest share since 1947. In other words, as a result of all of these policies, people on top—corporate

America—are doing very well. The middle class is struggling. While millions of workers are working longer hours for lower wages, the CEOs of major corporations are now earning 400 times what their employees make.

Today, in America, the top 300,000 Americans earn nearly as much income as the bottom 150 million Americans combined. Today, in America, the richest 1 percent own more wealth than the bottom 90 percent, and we now have the most uneven distribution of wealth and income of any major nation on Earth. That is the reality, and these immigration policies, these trade policies, are directly causing this disparity of wealth and income.

We hear over and over again from large multinational corporations that there are jobs Americans just will not do and that we need foreign workers to fill those jobs. Well, that is really not quite accurate. If you pay an American or any person good wages and good benefits, they will do the work.

In June 2005, Toyota, in San Antonio, TX, announced the opening of a plant. That plant received, in a 2-week period, 63,000 applications for 2,000 jobs. That story has been repeated all over this country. If you are going to pay decent wages, they will come and they will do the work. Yes, it will be difficult to attract an American worker to work in, say, a meatpacking house if the pay is 24 percent lower today than it was in 1983—24 percent lower. But guess what. In 1980, when the wages of meatpacking workers were 17 percent higher than the average manufacturing sector wage—because they had a strong union—American workers were prepared to do that difficult and dirty job. They did it because they were paid well. They had a union. They had dignity.

I have talked about the crisis in terms of low-wage jobs. Now let me say a few words about the problems facing our country in terms of higher wage jobs.

While our corporate friends bemoan the lack of skilled professionals and want to bring hundreds of thousands of more employees into this country with a bachelor's degree, an M.A., or a Ph.D., earnings—while this process goes on—of college graduates were 5 percent lower in 2004 than they were in 2000, according to White House economists. In other words, for college graduates, their earnings are also in decline. But what this legislation does is expand the opportunity for people with M.A.s and Ph.D.s and B.A.s and B.S.s to come into this country. When it comes to the H-1B visa, our corporate friends tell us Americans cannot do it. We cannot do that work. We are either too dumb or just not willing to do the following jobs.

Let me for a moment mention some of the eligible occupations for H-1B visas that Americans are, apparently, too dumb to be able to do: information technology/computer professionals, university professors, engineers, health

care workers, accountants, financial analysts, management consultants, lawyers—my God, if there is one thing in this country, one area where we have too many, it is lawyers; I am not sure there is a pressing need to bring more lawyers into this country—architects, nurses, physicians, surgeons, dentists, scientists, journalists and editors, foreign law advisers, psychologists, technical publication writers, market research analysts, fashion models—fashion models—and teachers in elementary or secondary schools. I just did not know we were incapable of providing teachers in our elementary or secondary schools.

Having said that, I do recognize we do have a serious problem in terms of labor shortages in some areas. That is true. But, in my view, our major strategy must be to educate our own students in these areas so they can benefit from these good-paying jobs. These are the jobs which are paying people good wages. Rather than bringing people from all over the world to fill them, I would rather our kids and grandchildren were able to do these kinds of jobs.

Let me give you one example. Right now, it is absolutely true that we have a major shortage of nurses in this country. That is true. But at the same time as we have a major shortage of nurses, some 50,000 Americans last year applied to nursing schools, and they could not get into those schools because we do not have the faculty to educate Americans to become nurses. How absurd is that? So it seems to me, before we deplete the Philippines and other countries of their stock of nurses—doing very serious harm to their health care systems—maybe, just maybe we might want to provide educators in this country for our nurses. The same thing is true of dentists. It is a very serious problem with regard to shortages of dentists. Yet in dental schools all over this country we lack faculty to educate people to become dentists. While there is a dispute as to whether we do have a shortage in information technology jobs, there is no doubt we should make sure that enough Americans—far more Americans—are better educated in math and computer science than we are currently doing.

The bottom line is we need to take a very hard look at our educational system and, among other things, make college education affordable to every American while we increase our focus on math and science. How absurd it is that hundreds of thousands of low-income kids no longer are able to go to college because they cannot afford it, and then we say: Well, we don't have the professionals we need in this country; we have to bring them in from abroad. So the long-term solution is making sure college is affordable and improving our public schools so our people can fill these jobs.

As this debate on this bill continues, I am going to do everything I can to

make sure any immigration reform legislation passed by this body has the result of lifting wages up and expanding the middle class, rather than doing the contrary.

Mr. President, thank you very much. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to cooperate with my friend from California. I have been here for the debate with the Senator from North Dakota, and I want to respond.

If the Senator needs 5 or 8 or 10 minutes—

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Then I will be glad to withhold and speak after that time.

Mrs. BOXER. I thank the Senator so much.

Mr. KENNEDY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, can the Chair tell me when I have gone about 9 minutes, and then I will wrap up.

Mr. KENNEDY. Madam President, if the Senator will permit me, I ask to be recognized at the conclusion of the remarks of the Senator from California.

Mrs. BOXER. Madam President, would the Chair inform me when I have 1 minute left of my 10 minutes so I can wrap up at that time?

The PRESIDING OFFICER (Mrs. MCCASKILL). She will.

Mrs. BOXER. Thank you very much.

Madam President, I come to the floor this afternoon—I wanted to be here for this entire debate, but I have been chairing a hearing over in the Environment and Public Works Committee, where our attorney general, Jerry Brown, is here to make a very strong and persuasive case for our State and 11 other States to begin to take on the issue of global warming in terms of emissions of movable sources, mobile sources—cars. I came over as soon as I could.

I am so grateful to Senator DORGAN for once again showing the leadership to offer us an amendment that I think has tremendous merit and that is to strip from the immigration bill this guest worker program. I wish to make it clear that this guest worker program has nothing to do with the agricultural jobs program that is in this bill that I support, a bill that has been vetted at hearings. We know there is a need. There seems to be very little, if any, disagreement on that portion of the bill.

But this is a generalized guest worker program. I did hear the comments of Senator SANDERS. I wish to associate myself with his remarks. Senator SANDERS makes a brilliant point. How many times have we seen workers huddled in a corner with tears in their eyes because they received a notice that they have been laid off—not by the tens, not by the twenties, not by

the hundreds but sometimes by the thousands. Big employers in this country seemingly with nowhere to turn tell us: Oh, my goodness, we have to compete, we have to pare down our employment, and they lay people off. Those same employers are now begging for a guest worker program. Why? You have to ask yourself why? I do have a degree in economics, but I would say that was a long time ago. You don't need a degree in economics to understand what is at stake. These large employers want a large, cheap labor pool that they can draw from. My colleagues on the other side say: Oh, we are protecting those workers. Oh, they will be fine.

No, they will not be fine. How many workers do you know ever in the history of America who have to leave after 2 years and wait a year to come back to a program, leave after the next 2 years, come back, and by the way, how powerless are these workers, these temporary guest workers? They know if they say one thing to criticize, perhaps, a manager or to complain or to beg for a sick day because they have a sick child at home, when they know they have no power, everything rides on their being able to come back into the country because the employer says they can come back in. We are setting up a system of exploitation. We are setting up a system with this generalized guest worker program, a system that will put downward pressure on the American worker. We are already worried about what is happening with trade.

Many of us have been saying for years: Where are the workers' rights in these trade agreements? Where are the environmental standards? Now they claim they are coming in with these agreements. I will believe it when I read the fine print. But the point is we are already in trouble, our workers are, competing with workers from around the world. Now we are bringing them in here, 400,000 a year, every single year, millions of workers.

Now, I know my dear friends who put this together tried their best to bring us a fair bill, but this is not fair. I know my friends who worked so hard to put this together said: Well, we have to give up something to get something. I know that, believe me. I just brought my first bill to the floor as a chairman. It was tough, very tough. I understand that. But there is a point at which you have to say: Time out; let's look at this. This isn't good. I say we make this bill so much better if we can strip out this generalized guest worker program. I think Senator SANDERS has shown us, by way of his research, that this whole thing is a phony request that we need these workers, when we already know that big business is laying off our workers.

I think we have to look at what we are about to do. The underlying bill takes 12 million undocumented immigrants, most of whom are in the workforce already, and they put them on a

path to legality. I support that. If they have worked hard and if they have played by the rules and if they are good people, I support that. It is not amnesty. I have seen what this bill does. They have to pay heavy-duty fines. They have to get in the back of the line. That is fine. But on top of the 12 million workers, we then have our regular program of green cards. Madam President, 1.1 million receive green cards; 1.5 million in 2005 were given temporary worker admission. So here we have a circumstance where we are legalizing 12 million people, most of whom are workers; we have another 3 million who come in every year, plus we have our regular immigration system, and now we are adding on top of that 400,000 workers a year.

Now, according to the Economic Policy Institute, nearly 30 million Americans make an average wage of \$7 an hour. The plight of these working poor is not getting better. In fact, real wages for the bottom 20 percent of American workers have declined from 2003 to 2005. Let me repeat that. Real wages between 2003 and 2005 have declined. People cannot live on \$7 an hour, to be honest with you. I was going through my son's old pay stubs when he worked his way through college in the 1980s. He worked as a clerk at a grocery store. He made \$7 an hour in the 1980s; \$11 on the weekend. A good job. That is what a lot of the workers still make. That is not right, to stagnate like that. It is not right.

Now, you add to the fact that our workers are losing ground; you say 400,000 guest workers. By the way, if we did this industry by industry, it might make a little more sense, but oh, no. These workers can come in and go anywhere. They can go anywhere. So it is a pool of cheap labor at the expense of the American workers. It is as simple as that. I don't think it takes an economics degree to understand it. Our colleagues say: Well, these are jobs that American workers would not take. Baloney. We heard the jobs. A lot of them are good jobs.

We are going to work on this. We may not make this amendment. I hope we win it. I think everyone who cares about American workers today should vote for the Dorgan-Boxer amendment and strip this guest worker program from the bill—leaving the AgJOBS in place, of course—but strip this from the bill. Get rid of this terrible program. If that doesn't work, there will be amendments to cut it in half and maybe more. Let's do that. I will have amendments to make sure there are some checks on this program, that if more than 15 or 16 percent of the workers don't obey the rules and stay here, even though they are supposed to go back, the program will be finished, over, done.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. So there will be a series of amendments on this guest worker program.

I also will have an amendment that has the Department of Labor certifying that this guest worker program is good for America. It is good for the American worker. If they cannot so find, they will tell us, and we will have to reauthorize this program every single year. This is written in a way that no matter what the unemployment rate, no matter what is happening on the ground to our workers, 400,000 guest workers come in. Imagine that. Imagine that. Imagine a time in America where we could be up to 8 percent, 9 percent, 10 percent unemployment. I have lived through those days, and I know the Senator from North Dakota has as well. But there is no automatic change in this program. We will still have 400,000 workers a year coming in. We have to put a check and balance on that program.

So I want to be able to vote for an immigration bill that is fair and just. This program is unfair. It is unjust. It will place downward pressure on the American worker who is struggling as we speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I am going to address the Senate on a different but very important issue and ask that these remarks be placed in the appropriate place in the RECORD and then address the amendment that is before us.

I see my good friend from Florida wishes to address the amendment, and we have notified our leaders that we are hopeful we will be able to get a vote in the not-too-distant future, for the benefit of Members. I wanted to speak now briefly, if that is all right.

The Senator from Florida has been waiting a good deal of time, so if he would like to take 10 minutes and speak, I plan to be around here anyway, so if he would like to do that, I will be more than happy to do that.

Mr. MARTINEZ. That would be fine.

Mr. KENNEDY. I ask unanimous consent to be recognized after the Senator from Florida speaks.

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

The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Madam President, I wanted to speak on the subject of the Dorgan amendment and maybe try to set the record straight on some things.

It is obvious that there is a different point of view on the relative merits of this amendment and also on the situation our country faces today relative to labor. I come from a State where the unemployment rate is barely above 2.5 percent and where, frankly, there is a shortage of workers to do any number of jobs, from picking citrus to working in our hotels and many other tourist attractions. That is a fact of life. When you talk to the hospital administrators of our hospitals, they will tell us without a doubt there is a shortage of nurses. Our Governor very wisely has

created some programs to enhance the number of nurses in our State by providing expanded educational opportunities. But the fact remains, we do have a problem. From time to time, there are needs for workers that our Nation simply cannot meet. To say otherwise simply would be ignoring the reality we face today.

So as we speak to this issue, I wish to try to go through several aspects of the bill that I think are important to keep in mind as we talk about this guest worker program. The eligibility requirement for Y workers, this is what the workers must do. They have a valid labor certification issued within 180 days. They have to have eligibility to work. They must have a job offer from a U.S. petitioner employer, and they must also have the payment of a processing fee and the State impact fee. Whatever State they are going to be going to, there is going to be an impact on that State as it relates to health care and schools and whatever else, and that impact fee will be paid to the States. They have to have a medical examination and, very importantly for our national security, a complete criminal and terrorism-related background checks. They also must not be inadmissible or ineligible, meaning if we have deported you before, you need not apply.

Here is something else. For the Y-3 visa, they must have a wage 150 percent above the poverty level for the household size, and if they come with their families, which Y-3s would be allowed to in very limited numbers, they also must have insurance for their family as they come.

Now, if a worker fails to timely depart at the time that his temporary worker status is up, they will be barred from any future immigration benefit except where the applicant is seeking asylum. So it means that when the time is up, if you don't leave, you have quit playing the game, you are not coming back.

Here are some of the requirements that are placed on the employer before they can bring in an employee to work under this program. The employer of the Y visa worker must file an application for labor certification and a copy of the job offer. They have to pay a processing fee, so that this is a pay-as-you-go program. They must also make efforts to recruit U.S. workers for the position for which the labor certification is sought. Now, they must start recruiting no later than 90 days before the filing day for the application to the Department of Labor, and they must also, as part of their requirements, advertise in the area where the job is sought to be filled.

They advertise with labor unions, other labor organizations, and the Department of Labor Web site saying: Please come work for me, we have a job available. Then and only then, if there is a certification that the job goes unfilled, could a guest worker come to work on our shores.

The Secretary of Labor and the employers must attest that it will not displace, nor adversely affect, the wages or working conditions of U.S. workers, and that the wages will be paid not less than the greater of the actual wage paid by the employer to all similarly situated workers or the prevailing competitive wage.

We are doing this because there is a need, not because we simply want to. It is obvious that all of us would love to see American workers flourish first and foremost, but the facts are such that this is a necessary thing that we must have in our economy.

As to the issue of whether it will help border security, I happen to believe if we have a legal means for people to come across the border to meet that same supply and demand we are talking about—there is a demand for workers, there is a ready and available supply—those two are going to meet one another, and we are going to enhance our border security.

But would it not help border security if we also had a legal means by which people could come and work in this country? Of course, it will. That will give us a safety valve. It will give us an opportunity for legal workers to come to work for a period of time to fulfill a need when necessary—after certification, after advertising, and for the prevailing wage in that area. I think it is a reasonable thing to do. It is part of what our economy needs.

I could get into all kinds of other issues, such as wage scale and foreign trade and issues such as that, but I don't know that they are relevant to the subject at hand.

I do hope my colleagues will support defeating the Dorgan amendment because I believe this amendment would not only do great harm to the bill, it would be the end of this very comprehensive immigration bill. At the same time, in this bill I think we have, negotiated through this process, carefully balanced the needs of our economy with the rights of workers, as well as made sure that we are keeping a good balance between the needs of the economy and also that which is necessary to be fulfilled by a foreign workforce.

I see the Senator from Massachusetts on the Senate floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank my friend from Florida for his comments and helpful statements.

Madam President, I ask unanimous consent that the time until 5:45 p.m. today be for debate with respect to Dorgan amendment No. 1153, prior to a vote in relation to the amendment, with no amendments in order prior to the vote, and that the time be divided as follows: 20 minutes under the control of Senator DORGAN and the remaining time equally divided and controlled between Senators KENNEDY and KYL or their designees; and that at 5:45 p.m., the Senate proceed to vote in relation to the amendment.

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

Mr. KENNEDY. Madam President, I yield myself 12 minutes.

Madam President, we have the Dorgan amendment that is before us and will be acted on at 5:45 pm. It effectively eliminates the temporary worker program that provides for 400,000 visas a year. Let's understand where we are. It is important to look at the total legislation to understand each part of it.

First of all, Madam President, we have very tough border security proposals. That has been talked about and will have a greater opportunity to talk about those enormously important provisions.

Secondly, it has very important interior enforcement proposals. That is very important. It does not exist today. It didn't exist in the 1986 Act. I opposed the 1986 Act. President Reagan signed the Act and amnesty was part of it. But, the 1986 Act was a different proposal and legislation and has no relevancy whatever with this. So, this legislation has tough border security and tough interior enforcement provisions.

The legislation does have an impact on chain migration, which will be an issue to debate and discuss later. The legislation does include a temporary worker program. There are provisions that many in this body felt were extremely important. They are included in this legislation. We've also included in this legislation assurance to the 12 million undocumented immigrants that are here that they will be safe and secure and not deported like a number of families were deported in my own state of Massachusetts in the city of New Bedford.

The legislation also eliminates the backlog. Some families have been waiting 20 years to be reunited with their families will now be reunited over eight years. That is enormously important. It has the AgJobs bill. I listened carefully to my good friend from California being opposed to temporary workers, with the exception of temporary workers in agriculture. We have an AgJobs bill for farmworkers who probably have the most difficult back-breaking job in America. This bill gives them the opportunity to emerge from the shadows and into the sunlight. This is enormously important. Many of us remember the extraordinary work of Cesar Chavez, who was a leader on the issue of farmworker rights. This bill gives the workers the respect they deserve. This amendment would deny many families the opportunity to see their children of undocumented workers get help and assistance after the children have worked hard, played by the rules, graduated from school but would be unable to continue their education.

This bill is a real sign of hope for many families. These are the concepts in the temporary worker program, which are the target of the Senator

from North Dakota. He wants to get rid of the temporary worker program. We believe, as the Senator from Florida pointed out, even if you have a secure border—we are hopeful of having secure borders—it won't stop illegal immigration.

As the Governor of Arizona who probably knows as much about this as any other member of the United States Senate, has pointed out, you can build the fence down there, but if it is 49 feet high, they will have a 50 foot ladder. Talk to the Arizona governor. The fact of the matter is, some workers will come here illegally, or legally, one way or the other they come in. That is where the temporary worker program comes in. We say if we close this down, if we eliminate this program, you will have those individuals that will crawl across the desert and continue to die as they do now. Or you can say, come through the front door and you will be given the opportunity to work for a period of time in the United States—two years—and return.

Who are these people we are talking about? If an employer wants a temporary worker, what does that employer have to do? First of all, that employer has to advertise at the local unemployment office. Second, they have to advertise at their workplace. Third, they have to advertise in the newspaper. Fourth, they have to offer the job at the prevailing wage to any American. All of that applies. Prevailing wage. Even if the employer is not paying the prevailing wage to the others, he still has to pay it to the new employee and if they do more they have to pay to the guest worker what they pay to the other workers. If they pay an average of \$10 at the facility, they have to pay \$10 here.

Also they cannot have guest workers in high unemployment areas as well. Now, that is the situation. Now, what do they get when they actually arrive in here? What kind of protections do they have? This is what they will have. If they are guest workers, they are treated equally under U.S. labor laws. They are not treated that way today.

They are not treated that way today, but under our legislation they will be. The employers provide workmen's compensation. So they are provided by protections under OSHA. If they have an accident they get workman's compensation. The employers with the history of worker abuse cannot participate in the program. And there are strict penalties for the employers that break the rules. Now, what is happening today? What is happening today?

We have listened to the Senator from North Dakota. Let's keep it as it is today. Let's look at the program today. Look what happens to undocumented workers that were exploited. This is what is happening today in America. This is what happens today. That is what the Senator from North Dakota wants. He wants to continue what we are doing today.

Here is the New Bedford example. Workers rights were trampled on. They were fined for going to the bathroom, denied overtime pay, docked 15 minutes pay for each minutes they were late, they would be fired for talking while on the clock, forced to ration on toilet paper.

Why? Because they were undocumented. Without this program, temporary workers will come here and be exploited. That is the history of immigration. Read history. It is sad. That is what has happened. There is exploitation. That is what we are trying to deal with. That is what we are trying to deal with.

One in 10 workers is injured every year by sharp hooks, knives, exhausting assembly line speeds or painful damage from repetitive motions. Workers are subject to chlorine mist, lead to bloody noses, vomiting and headache. Undocumented workers don't report their injuries because they live in fear they will lose their jobs and be deported. That is what the problem is. That is what we are attempting to eliminate. And the idea that you just write an amendment and eliminate that is reaching for the stars. It just ain't the way it is.

It isn't me that is saying this. But you take the Governor Napolitano and others who have studied it and lived it, they understand it. So that is what the alternative is. Either we are going to have a program that is limited. Might not be the program that I like but, it is the program that is in there. Those workers are going to come on in here. They are going to have protections. If you close and try and slam that door, it isn't going to work. It is not going to work. That is what we have seen over a period of time. They are going to come in as long as the magnet of the American economy is there. That is what is happening. And the idea that you just say, oh, we're offering an amendment and just going to eliminate this and then everything will be all set, everything will be all worked out, everything will just be fine. It just defies logic, understanding, experience and the history of this issue. Under this program, those that come in here will have the kind of worker protections that they should.

And finally, we won't have the situation that we have now where you have the undocumented workers come in here. They drive the wages down because they'll work for virtually nothing. And that drives American wages down.

You want more of that? I don't. You want more of that? I don't. I don't. So I would hope that this amendment will not pass.

Madam President, I reserve my time.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I believe Senator KYL has 19 minutes?

The PRESIDING OFFICER. The Senator has 18 ½ minutes.

Mr. GRAHAM. Madam President, I ask unanimous consent to be recognized for 8 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 8 minutes.

Mr. GRAHAM. Madam President, we will put Senator KENNEDY down in the "undecided" column on this issue, but I was very much persuaded by his argument.

The goal is to create a balance that will allow this country to move forward and not replicate the problems of the past, allow us to move forward and learn from our mistakes of the past, allow us to move forward in the best traditions of this country, and allow us to move forward in order to be competitive in a global economy.

The temporary worker program is one of the key elements of this bill. Why do we have 12 million people, plus, probably, here illegally? I think most of them came, hopefully they all came, not to destroy America but to earn more money here than they could in their home area. The problem is they are doing it illegally. They are subject to being exploited. There are no controls over how these people are being treated. There is no control over how they are paying taxes. It is a lose-lose. It is a losing situation for the economy and it is a losing situation for the worker.

If we do away with the temporary worker program, the only thing I can promise you for sure is the next Congress and the next generation of political leaders will look back on our time in shame. They will be cursing us because we failed to rise to the occasion and to logically deal with a problem that is crying out for a solution.

Providing a temporary worker program allows people from other parts of the world to make their life better on our terms. They will pay taxes. They won't be exploited. And before they get one of these jobs, we will have to advertise it in the area in question to American citizens. Only when an American citizen refuses to do a job in question can the temporary worker be hired, and at a competitive wage in order to take care of our people and also to take care of our economy.

This is a win-win. People from other places in the world can come through in an orderly process, get a tamperproof card, so we will know who they are. They will have a visa where they will never have to worry about being afraid of the law while they are here, as long as they obey the law. They can do jobs American workers are not doing at a competitive wage. That is a blessing to this country.

Everybody in the world doesn't want to come here to get a green card. There are a lot of people who want to come for a temporary period of time and improve themselves and go back and improve the country from whence they came. If we want to be competitive, we need to have the workforce vis-a-vis the rest of the world to make us competitive. If you take the temporary

worker program out of the mix, then you are going to ensure in the future more illegal immigration. If you don't have a temporary worker program that is regulated, you are going to ensure exploitation.

From the economic side and the humanitarian side, we need to do this. If this amendment would somehow pass, then we will have repeated the fundamental mistake of the past. We will not have fixed a thing, and we will have ensured that more people will come here illegally, because the magnet will still attract them. We will ensure they get exploited, and we will hurt our economy because we can't regulate this workforce.

The Y card will be tamper proof. People will have to give a fingerprint; they will have to sign up; they will be regulated in terms of how they are treated; they will be paid a competitive wage, and we will know where they are and what they are up to; and we will allow them to work here and go back to where they came three different times, 6 out of 8 years, to better themselves. If they want to be a citizen, they can apply for a green card. The more points they earn during their temporary worker period, the more competitive they will be.

If they go to school at night, as my good friend KEN SALAZAR has suggested, if they get a certificate in an employment area and learn a skill, they will get points. If they get a GED, if they work hard during the day and improve themselves at night, then they get rewarded. Let me tell you about the individuals we are talking about. They work hard. Neither one of my parents graduated high school. They started a small business, a restaurant, where they opened before the sun was up and closed at 10 o'clock at night. They worked like dogs. When they were sick, they went to work, because there was nobody there to take their place.

The people we are talking about here are coming from other parts of the world and who are good workers. I am confident they will have a chance to prove their worth to our country, add to our economy, and make us a better nation. Some of them will want to become citizens, and they can. We need the Ph.Ds from India and other places, but we also need people like my parents, who will come and work hard, play by the rules, better themselves, and find a niche in our economy. Without a temporary worker program, we are going to ensure people come here in fear, live in fear, get exploited, and don't contribute to our economy.

This bill is as balanced as I know how to make it. I am always openminded to better ideas, but I am close-minded when it comes to destroying it. A temporary worker program is the key to not repeating the mistakes of the past, which is exploitation, not controlling who comes here, not having economic control over your workforce, and leaving people to be exploited. If it stays a

part of this bill, we all can hold our heads up high and say we created a win-win situation that says to the hard-working person, who looks to America as a place to start a new life, to learn a skill, to improve themselves, there will be a place for you. Those who want to stay after their temporary worker period is over, you can get points to stay, and the more you do, the more you better yourself, the better chance you will have.

To me, it is exactly what we have needed for years. My good friends, Senator KENNEDY and Senator SALAZAR, and so many others, have sat down and tried to make this temporary worker program meet our economic needs and be humanitarian in its application. I think we have done a darned good job. For the sake of this country and all we stand for, let us keep this bill moving forward.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may I ask how much time we have on our side?

The PRESIDING OFFICER. There is 11½ minutes remaining.

Mr. DOMENICI. And on the other side?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 25 seconds, and the Senator from North Dakota has 20 minutes.

Mr. DOMENICI. Mr. President, I yield myself the 11½ minutes we have remaining.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOMENICI. Mr. President, might I first say how good it is to see the Senator from Colorado in the chair as debate on this first crucial vote on this bill winds down. Because while sitting in the chair and presiding is a functional part of the Senate's normal operation, in this debate, for the Senator from Colorado and this Senator from New Mexico, it means a little more than that. My neighboring Senator, the new Senator from Colorado, has indeed spent a great deal of time and effort and applied some very good common sense, when others were not applying it, to this bill. He has done more than his share to see to it that we arrived here today at this point and can move ahead with a very difficult bill, with some very difficult propositions being put forth, and I commend him for that.

Let me say to those who are listening, I still want, at some point before we close debate, probably within the next 5 or 6 or 8 days, to talk to the Senate about my family and the whole history of how we got here—how we survived the immigration laws, which were very complicated 50 or so years ago when I was a little kid. They were so complicated that my mother was arrested by the Federal Government because they said she was not a citizen. She was arrested right in front of all of us children, only to find out there were

some technical problems with her efforts to become a citizen. We had to sit there and watch her march off, as some people talk about happening to them today.

But today I want to talk about where we are with a complicated bill and what should happen tonight. First, many Members worked hard and long with two Cabinet members to weave together a very interesting bill to manage illegal aliens and aliens who want to come to this country to get ahead, as my folks did when they got on a boat and went to France and ended up in Albuquerque from the little town of Lucca in northern Italy. They came and followed the laws of that day. Others want the same thing.

The important thing to know is that relevant laws, and what has happened to immigrants, and how those laws have been applied to those people, is in shambles. Americans know that. Every day they tell us about something happening on the border, and then they remind us of those things because they are very upset and angry citizens. And what they are upset about is that we have a body of laws but those laws aren't being enforced because we are right up alongside some countries that are poor and whose people want to work and make more money than they can make at home by getting over here and getting a job.

Everybody should understand that the big problem here is the problem of economics. People from Mexico and other countries in or near this continent want to make a living and they can't make a living at home. Things are in disarray because that big force, that economic force, drives these people who have families they want to send money to, who are trying to get away from starvation. That is pushing everything into the ground and pushing people from what they should do to what they are doing, and lo and behold, there is a huge illegal immigration problem everywhere you turn.

In putting the pieces together, those who wrote the bill we have before us decided that, among all of the pieces, we needed to have a legalized temporary worker piece to this American fabric of a bill that will control guest workers henceforth. When we are finished, we will have a law that works against and in favor of, depending upon who you are and what you are doing, and will regulate the law applying to guest workers and undocumented aliens.

There is no question, according to those who worked so hard on this bill, that we need a temporary worker component in the bill. So they put it in there. It is a 2-year program. You get a special card, and you can work for 2 years as a temporary worker and then you must go home for a year. This is a temporary worker permit. It is different from anything else in the bill. Those who worked so hard to piece the bill together so that it would work said: Among the things we have, let's



make sure we have a temporary worker permit.

This is not for agricultural workers only, and anybody who thinks it is does not know what is happening in America. The illegal aliens are working in all kinds of jobs. It would shock you to know what industries. If this bill works and these undocumented workers turn themselves in, we are going to have a great big shock in America when we find out who these individuals are, what they do, where they work and how they make a living. When those 10 to 12 million Americans show up and agree that they want to take a chance on America, that will be one phase of this bill. But even after that is finished, we will decide tonight whether there will be room for the next 50 years, or until we change it, for new people to come here and take a place as temporary workers in the United States, as described and defined, for 2 years, and then they must go home. They must stay home a year and then come back. Do we want that?

Those who have worked hard on this bill say a resounding: Yes, we do. We need it. It is part of the entire panorama of the pieces of the bill, and taken all together, we ought to vote aye and this part of the bill ought to stay intact. That will be the first indication tonight that we understand that those who worked hard to put this bill together deserve our confidence regarding this very important piece of legislation for temporary workers.

I hope everybody who is interested in a good law will keep this piece in the bill tonight when they vote. With that, I understand there are others who might want to speak on our side. I had the remaining time because no one was here, but since Senator SPECTER is here, I am going to yield. Whatever that does for him, I am glad to do it. I yield back any time I have.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 20 minutes; the Senator from Massachusetts, 4 minutes 25 seconds; the Senator from Pennsylvania, 3½ minutes.

Mr. DORGAN. Does the Senator from Pennsylvania wish to make his statement at this point?

Mr. SPECTER. Not now.

Mr. DORGAN. Let me be recognized and ask I be notified when I have 5 minutes remaining. It will be my intention to close debate on my amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is a Byzantine argument. This has been interesting to listen to. It reminded me, sitting here, of Will Rogers. He once said:

It's not what they know that bothers me, it's what they say they know for sure that just ain't so.

I am listening to this, and I am hearing, first of all, we have border security in this bill. We are going to beef up border security. We have it fixed.

Then I hear this: We have to have a guest worker provision. We have to have temporary workers come in because: One way or another those immigrants are coming across the border. You try to close that door, it is not going to work.

This from the people who wrote the bill. Two of them have said it. It seems to me what they are saying is we can't stop illegal immigration so let's try to figure out who is coming across and call them legal. That is what this looks like to me.

Let me say it again. Those who put this bill together say: One way or another, these people are coming in. We are not going to stop them. You can't close that door. It would not work. The solution? Make them legal.

What does that say to people across the world who have decided they want to come to the United States of America, and there is a quota by which their country can allow some people to come in, we will accept them. They put their name on the list 8 years ago and they have been waiting patiently to be able to come to our country legally. Now they discover that on the floor of the Senate some people put together a plan that says: It is true you waited for 8 years and you are still not here and you may be near the top of the list, but all those who came here through December 31 of last year, we will now declare that they are here legally.

What does that say to a lot of people around the world who thought this was on the level, that our immigration quotas were real quotas?

If this amendment fails, the one that says let's get rid of the temporary worker provision which will bring millions of additional people into this country at the bottom of the economic ladder—if this amendment fails, it doesn't mean we are not going to have immigrant workers. There will be a million and a half who come in legally with the quota system and the relatives and so on; and there will be over a million a year who come in working in agriculture, because this is not about agriculture. You are talking about over 2 million a year, even if my amendment fails.

But we are told: No, this amendment has to fail. We have to keep this temporary worker provision in the bill because if it is not in the bill, we have this finely structured, crafted bill that is not perfect—everybody who worked on it said it is not perfect. We get that. We knew that when we saw it. But if you pass this amendment, that changes this bill and the whole stool collapses.

There has been no talk about American workers today. This is about immigration. I understand that. But we have a whole lot of folks at the bottom of the economic ladder who went to work this morning struggling, trying to make ends meet. It has been 9 years

since we increased the minimum wage in this country, 9 years for those American workers out there struggling at the bottom of the ladder.

I mentioned a while ago what is happening to American workers. You know it. Read the paper. Circuit City says: You know what, we have decided we are going to fire 3,400 of our workers. Because they are bad workers? Oh, no. They are making too much money. The chief executive officer of Circuit City makes \$10 million a year. The average worker was making \$11 an hour. So we decided we are going to get rid of them. They have too much experience and we don't want to pay \$11 an hour, so 3,400 people get fired.

Bo Anderson, the top executive agent for General Motors in purchasing, calls in all the companies making parts for General Motors. Here is what he said to them: You need to outsource your jobs to China to reduce costs. Get those American jobs moving to China right now.

Pennsylvania House Furniture—I have told this story before. Governor Rendell told me about that. Fine furniture made by Pennsylvania House, top-of-the-line furniture with Pennsylvania wood and craftsmen who made great pieces of furniture. La-Z-Boy bought it and said: You know what, we will move all those jobs to China. We will ship Pennsylvania wood to China, bring it back, and we will still call it Pennsylvania House Furniture.

On the last day of work, when all those craftsmen lost their jobs, the last piece of furniture to come off that line they turned upside down and all those workers, those craftsmen at Pennsylvania House Furniture, signed the bottom of that piece of furniture, knowing it was the last piece of furniture they were going to make as American workers, craftsmen who knew their jobs and made great furniture. The last piece—they all signed it.

Somebody in this country has a piece of fine furniture called Pennsylvania House, signed by all the craftsmen who got fired because those jobs went searching for 20-cent and 30-cent-an-hour labor.

I am telling you, the same economic interests, the same corporate interests that are finding ways and searching for ways to ship American jobs overseas in search of 20-cent and 30-cent-an-hour labor are the ones pushing this provision through the back door.

I have heard precious little discussion today about the plight of the American worker. They say we don't have enough workers, can't find workers. One of my colleagues said we have jobs in America that Americans will not do at a competitive wage.

Oh, really? Is that the case? Or is it the case they are not paying a competitive wage and don't want to have to pay a competitive wage? I thought maybe we would have some people here who studied economics 101, about supply and demand. You are having trouble finding workers? Maybe increase

the price of that job a little bit, increase the wage offer a little bit. You know these people who work in the hospital corridors keeping it clean at night, the people who make the motel beds, the people who are across the counter of the convenience store. You can't find workers? Maybe you better pay a little better wage. That is supply and demand, isn't it? But you don't have to do that if you can bring in people at the bottom of the economic ladder, bring in millions of them.

This Byzantine plan, let me tell you what it is: 40,000 temporary workers a year, they can stay for 2 years, they can bring their family for 2 years if they wish. Then they have to go home for a year and they have to take their family with them. Then they can come back for 2 years. Then they have to go home for a year, can come back for 2 additional years, but if they brought their family either during the first or second stay, they can only come back twice for 2 years. You think that is goofy? That is the plan. I am telling you, if you can read, open it up and read it and ask yourself whether that makes any sense at all.

Do American workers have a stake in this plan? You are damn right they do. American workers have a big stake in this issue, and I hear precious little attention to the plight of the American workers. People say they can't find them. I will tell you what, go read the newspaper and figure out who is throwing them out of work today. These jobs migrate to China. I can stand here for 15 minutes and tell you the name of companies that have laid off thousands, tens of thousands, in fact, 3 million and counting more jobs in search of cheap labor overseas. You want to go find somebody to do your work? Find the people who got laid off because their job got outsourced to cheap labor. You don't have to bring in millions of additional people—no, not 400,000 a year. Add that up over 10 years, 400,000 a year, plus an escalator, plus stay for 2 years, go home for a year, come back 2 years, go home for a year, come back for 2 years, do that every year and you are talking about millions of low-wage workers coming in to assume low-wage jobs in this country.

I wish to put in the record at this point letters from folks who run some of the labor organizations in our country: Terry O'Sullivan, Laborers International Union of North America; Joe Hansen, United Food and Commercial Workers, the presidents of those unions; James Hoffa, president, Brotherhood of Teamsters; Newton Jones, international president, Boilermakers Union; Bill Samuel, director of the AFL-CIO; Ed Sullivan, president of Building and Construction Trades—they all say exactly the same thing, support this amendment.

I ask unanimous consent the letters be printed in the RECORD and I reserve the remainder of my time and I yield the floor.

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

MAY 21, 2007.

DEAR SENATOR: On behalf of our more than 3 million members, our Unions write to urge your support for true immigration reform, but in opposition to immigrant worker abuse. That is why our Unions have joined together to support Senator Dorgan's effort to strip out the new guestworker provision of the compromise immigration legislation.

The compromise legislation has good and bad elements, but as the New York Times noted just yesterday, "The agreement fails most dismally in its temporary worker program . . . It offers a way in but no way up, a shameful repudiation of American tradition that will encourage exploitation—and more illegal immigration."

This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

Senator Dorgan's amendment to eliminate the new guestworker Y visa program is the right approach at this time. With a positive plan to provide earned legalization to as many of the 12 million undocumented workers as proposed, it is hard to justify the need for an additional 400,000–600,000 workers at the same time. This new visa program is a Bracero-type guestworker model, forcing workers to toil in a truly temporary status with a high risk of exploitation and abuse by those seeking cheap labor. In addition, we are all aware that the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

We appreciate the difficulties in brokering a compromise on this critical issue, as well as the conflicting perspectives that need to be addressed. However, on this critical issue, we have made it clear from the very beginning that an agreement which forced future immigrant workers to be obligated into indentured servitude would be anathema to us. We are disappointed that such a provision was included in the legislation, but are gratified that Senator Dorgan will be offering an amendment which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in support of worker's rights—both domestic workers and immigrant workers.

We strongly support Senator Dorgan's amendment to strike the guestworker provision and urge your support for it as well.

Thank you for your consideration of this request. If you have questions or need more information, please feel free to contact Yvette Pena Lopes of the International Brotherhood of Teamsters at 202-624-6805, Bevin Albertani of the Laborers' International Union of North America at 202-942-2272, or Michael J. Wilson of the United Food and Commercial Workers International Union at 202-728-4796.

Sincerely,

JAMES P. HOFFA,  
General President,  
International Brotherhood of Teamsters.

TERENCE M. O'SULLIVAN,  
General President, Laborers' International Union of North America.

JOSEPH T. HANSEN,  
International President, United Food and Commercial Workers International Union.

INTERNATIONAL BROTHERHOOD OF  
BOILMAKERS, IRON SHIP BUILDERS,  
BLACKSMITHS, FORGERS & HELPERS,

Fairfax, VA, May 22, 2007.

DEAR SENATOR: On behalf of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, I write to express our concern over the pending immigration legislation, which includes an enormous guestworker program that would allow employers to import hundreds of thousands of temporary workers every year to perform permanent jobs throughout the U.S. economy.

This new Y visa program will force workers to labor in a truly temporary status with a high risk of exploitation and abuse by those seeking a cheap workforce. In addition, the current guestworker programs are badly in need of reform. Those reforms should be addressed before any broad new expansion takes place.

For this reason, we urge your support for the Dorgan-Boxer Amendment to strip out the Y guestworker provision of the compromise immigration legislation. The Y visa would lock millions of new workers into a life of virtual servitude. This is not a deal that we would have negotiated, nor one that our members—if they had an opportunity to ratify—would accept. Neither should the United States Senate.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of this new program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guestworkers a year.

Certainly, our Union understands the difficulties in brokering a compromise on this crucial issue, as well as the conflicting viewpoints that need to be addressed. However, on this issue, any agreement which forces future immigrant workers to be obligated into a virtual indentured servitude would be deplorable to us.

The Boilermakers urge you to support the Dorgan-Boxer Amendment and the Bingaman Amendment, which will permit Senators who oppose this provision a positive vote to improve the legislation, and take a stand in support of worker's rights—both domestic workers and immigrant workers.

Thank you for your consideration of this request. If you have questions or need more information, please contact Bridget Martin.

Sincerely,

NEWTON B. JONES,  
International President.

AMERICAN FEDERATION OF LABOR,  
CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 22, 2007.

DEAR SENATOR: The pending immigration bill includes a massive guestworker program that would allow employers to import hundreds of thousands of truly temporary workers every year to perform permanent jobs throughout the U.S. economy. Without a real path to legalization, the program will ensure that America has two classes of workers, only one of which can exercise even the most basic workplace rights. For this reason, we urge you to support the Dorgan-Boxer Amendment to eliminate the Y guestworker visa program from the bill.

If the Dorgan-Boxer Amendment fails, the Senate will then have an opportunity to curtail the size, scope and potential negative impacts of the poorly crafted Y guest worker program. The Bingaman Amendment would cap the Y guest worker program at 200,000 each year and eliminate the escalator that allows it to grow to as much as 600,000 guestworkers a year.

The Y visa would lock millions of new workers into a life of virtual servitude. It does not belong in a bill whose alleged purpose is to relieve 12 million currently undocumented workers of the very same exploitations. The AFL-CIO urges you to vote for the Dorgan-Boxer and Bingaman Amendments.

Sincerely,

WILLIAM SAMUEL,  
Director,  
Department of Legislation.

AMERICAN FEDERATION OF LABOR,  
CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, May 22, 2007.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: On behalf of the twelve international unions of the Building and Construction Trades Department, AFL-CIO, I urge you to support the Dorgan/Boxer Amendment to strike the guest worker provision from the compromise immigration legislation.

Throughout the debate on comprehensive immigration reform the Building Trades have opposed the creation of a new guest worker program. We feel that American workers have enough downward pressure on their wages and the last thing they need is to have an influx of hundreds of thousands of temporary workers every year competing for their jobs at substandard wages.

If the Dorgan/Boxer Amendment fails, we ask for your support to curtail the size and scope of the guest worker program by supporting the Bingaman Amendment. The Bingaman Amendment would cap the guest worker program at 200,000 each year and eliminate the escalator that allows it to grow as much as 600,000 guest workers a year.

On behalf of America's construction workers and all the workers that would be negatively impacted by the implementation of the proposed guest worker program, we urge you to vote for the Dorgan/Boxer and Bingaman Amendments.

Sincerely,

EDWARD C. SULLIVAN,  
President.

The PRESIDING OFFICER. Who yields time?

Mr. WEBB. Will the Senator from North Dakota yield 5 minutes of his time?

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has used 9 minutes. He has 11 minutes remaining.

Mr. DORGAN. Mr. President, I will be happy to yield 4 minutes to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I thank the Senator from North Dakota. I did not come to the floor to speak on this amendment. I have long admired the Senator from North Dakota in his sometimes lonely attempts to preserve the well-being of the American worker. But I couldn't sit and listen to his comments without saying a few words in support of this amendment.

There seems to be a trend running through the Congress that disturbs me. It is a trend of omission. I do not see enough people who are willing to stand up and speak on behalf of the people who are doing the hard jobs in this so-

ciety. We can talk about all the benefits of different portions of this bill, but at the same time we are faced with a set of realities, not only with respect to the American workers but, in a broader sense, with respect to people in this country who are having to do the hard work of our society. Who is speaking for them? This used to be the function of the Democratic Party, to speak for them.

We are in a situation in this country right now where corporate profits are at an all-time high as a percentage of our national wealth. Yet wages and salaries as a percentage of our national wealth are at an all-time low. How does this happen? One of the ways that it happens is exactly what the Senator from North Dakota is talking about. We have these programs that benefit Wall Street, and they are not necessarily benefiting the people who are doing the hard work of our society, the wage earners who are getting cut out because of an underground economy.

I support, in many ways, the move toward giving permanent status to people who have come to this country illegally at one point and who have put down roots and who want to move into the mainstream of our society. But this particular portion of this bill is not designed to do that. It is designed to increase the difficulties that we already have. It is not a compromise, it is a fabrication.

I have that concern also when it comes to what we are doing on the Iraq bill. We are sending a supplemental back right now that is not in any way going to support the troops who are having to do the hard work in Iraq. We are going to be talking about benchmarks.

There is nobody in the Pentagon, there is nobody in the administration, there are precious few people in the United States Congress who are aware, in a measurable way, of what we are doing to the well-being of the ground troops who are having to go back to Iraq again and again.

If this is a conflict that is requiring that sort of commitment on the ground, then why isn't the administration talking differently about the number of troops it needs? Because the people who volunteered to go in the military are supposed to go again and again and do their duty.

Well, they are probably on their third and their fourth tours. I put in a bill, along with Senator HAGEL, that said you cannot send anybody back to Iraq unless they have been home as long as they have been gone. That, to me, is common sense if you have ever been deployed. I have had a father who was deployed. I have been deployed. I have had a son who has been deployed. I know what it is like. There are a lot of people who know what it is like. Unfortunately, they do not seem to be forcing the administration on that end.

We see it in areas such as what has happened to our gas prices here. We are going to get a vote on the Attorney

General, apparently, a no-confidence vote. How about getting a vote on how the American people are getting ripped off at the pump? Those things can be documented. You can have all of the economic theories in the world about why these gas prices are going up. Gas was \$24 a barrel when we went into Iraq. It is now close to \$70. The people who are making money off of that are making money largely off of foreign policy.

The PRESIDING OFFICER. The Senator will suspend. The Senator has used 4 minutes.

Mr. WEBB. Fifteen seconds, Mr. President. There is a theme in this. The theme is that this is the party that is supposed to be taking care of the people who are doing the hard work of our society. There is no shame to stand up and say that what the Senator from North Dakota is proposing is for the good of the people who are doing the hard work of our society.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. SPECTER. Mr. President, I yield that time to myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I urge my colleagues to reject the amendment by the Senator from North Dakota. This identical issue was considered by the Senate a little more than a year ago, on May 16 of last year, when Senator DORGAN made a similar motion, and I, in my capacity at that time as chairman of the Judiciary Committee, moved to table. The tabling motion was agreed to 69 to 28.

I submit that the same reasons which justified the rejection of the Dorgan amendment last year are applicable here. We have a situation in the United States where according to the Bureau of Labor Statics, the national unemployment rate for April, last month, 2007, is 4.5 percent, which constitutes virtual full employment. So there is a need for extra workers.

In structuring the bill, we have provided for flexibility so that the number can be raised or lowered depending upon what circumstances exist. We have taken steps to protect American workers who are available to fill the jobs with a statutory requirement that there will have to be extensive advertising before the guest worker program can be utilized and workers can be employed.

Last year, the bill was considered by the Judiciary Committee. This year we did not follow that process. Perhaps it was an error. Instead, we had very extended meetings over the course of the past 3 months, hour upon hour, customarily with as many as 12 Senators sitting to work out the issues.

This issue was considered at some length. But last year when the matter

was before the Judiciary Committee, we had very persuasive, really compelling testimony by a number of prominent economists in support of the guest worker program.

On April 25, 2006, we had Harry Holzer, professor of public policy, Georgetown University, April 25, 2006, before the Senate Judiciary Committee testifying that most economists believe immigration is a good thing for the overall economy, that it lowers costs, lowers prices, and enables us to produce more goods and services and to produce them more efficiently.

We had testimony of a similar nature from Dan Siciliano, executive director of the program in law, economics and business at Stanford Law School on April 25 of last year. Similarly, Richard Freedman, professor of economics at Harvard University, testified on April 25, expressed his view:

I think all economists believe from evidence that immigration raises not only the GDP of the United States because we have more people now to do useful activities, but it also raises the part of the GDP that goes to current residents in our country.

This year, on May 3, earlier this month, the Assistant Secretary of Policy at the U.S. Department of Labor, Leon Segeuir, testified that there were three fundamental reasons the United States needs immigration.

The PRESIDING OFFICER. The Senator will suspend. The time for the Senator from Pennsylvania has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent for an additional minute.

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

Mr. SPECTER. The three reasons were the aging workforce we have, the necessity to maintain a higher ratio of workers to retirees, and, third, that immigrants contribute to innovation and entrepreneurship.

So I think we have a record basis that this guest worker program is useful, helpful to the economy, and that it is very important to the economy to have an adequate workforce.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as I indicated, as the sponsor of the amendment, I would prefer to conclude the debate. So if Senator KENNEDY has additional time remaining, my hope is that he would take that time so I may conclude.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 20 seconds.

Mr. KENNEDY. Would the Chair let me know when I have 20 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, what we are trying to do in this legislation

is have secure borders. Secure borders, not open borders. Secure borders.

Part of having a secure border is making sure the people who are going to come in are going to come in legally. The idea that you can have a secure border and close it completely is something that has never happened before and will not happen now.

The idea that you eliminate completely the guest worker program means what? It means you are going to have border guards who are going to be chasing after landscapers out in the middle of the desert and racing after people who might be working in gardens or as bartenders in the future.

You want your border guards to be going after terrorists and smugglers. How do you do that? You give a pathway for people to come here legally. When they come here legally they get the protections of the labor laws. If you do not do that, you think you can eliminate this program? You are going to have people who are going to come in illegally and they are going to be exploited day in and day out. When they are exploited day in and day out, it is going to depress wages. That is the way it has been. That is the way it is today.

That is the difference. Maybe you don't like this particular guest worker program. It is better than many others. Maybe you would like to shape it somewhat differently. That is the issue plain and square, plain and square. We are trying to take illegality out of this system: illegality at the border, illegality at the workplace, illegality in exploiting the undocumented, and illegality from the people who are here, if they are going to pay their fines, work hard, go to end of the line. We are trying to reduce illegality.

If there is anybody in this Senate who believes you can just say, no, we are going to close that border, 1,800 miles, and that is it—I would like the chicken pluckers to pay \$10 or \$15 an hour. They do not do it. They are not going to do it. Who are you trying to kid? Who is the Senator from North Dakota trying to fool?

These are the realities, the economic realities. No one has fought for increasing the minimum wage more than I have. But you have got realities that employers are not going to pay it. They are going to exploit people if you can get them here undocumented.

So that is the issue, Mr. President. I believe we have a reasonable program that makes sense. I think it makes sense from a law enforcement point of view. I think it makes sense in terms of protecting the wages of American workers under this program.

We are going to make sure that all of those who are coming here with the guest worker program are going to get the prevailing wage, they are going to be protected by OSHA, if they get hurt on the job they are going to get the workers' compensation. They are going to get those worker protections. If they are working on construction sites, they are going to be covered by Davis-Bacon.

You can either do it legally, or you can do it with the undocumented. That is not just the Senator from Massachusetts, that is Governor Napolitano who knows something as the Governor of a border State who has pointed this out time in and time out, Mr. President.

So I would hope this amendment would not be accepted.

I yield the floor, and I reserve whatever time I have.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes 52 seconds.

Mr. DORGAN. Mr. President, would the Chair advise me when I have 30 seconds remaining?

Mr. DORGAN. Mr. President, let me stand up and say a word on behalf of chicken pluckers. I had no idea that was the debate. But they will never get \$15 an hour as long as we bring in cheap labor through the back door to pluck chickens.

I am more interested in the issue of manufacturing. I am interested in people who got up this morning and packed a lunch pail and they are going to have to shower after work because they work hard and they sweat and they do not get paid very much. They have waited for 9 years for an increased minimum wage; it has not come. They are worried about whether they are going to be there. They are worried whether they are going to be called into a meeting someday and be told: Your job is gone. We are either moving your job to China or we are bringing in someone from the back door to take your job at much lower pay.

That is what workers face now. No one in this Chamber will face it. Nobody. We all get up and put on a white shirt and a blue suit. We come here and talk. No one is going to lose their job. None of it is going to be outsourced, and no one who comes through the back door is going to jeopardize a job in this Chamber. It is not going to happen on an editorial board in a newspaper. It is just the folks this morning who got up and had an aspiration of going to their job and working hard and providing for their families. They are the ones who are wondering: What is my future?

Now, let me make a very important point. The assumption is that if we defeat the temporary worker program we are not going to have immigration. The fact is, we are going to have a million and a half people coming into this country under legal immigration having nothing to do with this program. We are going to have over a million people coming into this country for agricultural jobs having nothing to do with this program. Oh, we will have immigration. It is just that those who wrote this said: That is not enough. We want more.

Now, my colleagues keep saying: Well, if we dump this thing called temporary workers, they are just going to

come here anyway. They are going to be illegal.

Wait a second. I thought you were going to provide border security. Now you are telling me there is no border security because if you do not decide to call them legal, they are going to come anyway. If that is the case, point to the area of this bill that says that you provided border security. You know, this is like Groundhog Day. We have been here once before, 1986. We are going to secure the border. Twenty years later, 12 million people are here without legal authorization. Now we are going to secure the border.

But now we are told at this hour, just before the vote on my amendment: Oh, by the way, if we don't provide for temporary workers to call those coming in legal, if we do not do that, they will come in illegally anyway. So, then, where is the border security? Is that a false promise? One of these two options is the case. You either have border security, and people are not going to come here by the hundreds and thousands because they can't, or you have no border security so you have decided we will just name them all legal and call them temporary workers.

My colleague cited a Harvard economist. Many of these economists cannot remember their home phone number, and they are giving us their thoughts on what is going to happen 5 years from now.

This one, Professor George Borjas from the John F. Kennedy School of Government at Harvard, said: Here is what has happened to U.S. workers. U.S. workers have lost income in the 20 years as a result of immigration. That is not disputable. Is anybody here disputing that? I don't think so. We have had downward pressure on U.S. income as a result.

This proposition in this bill says: You know what. That may be the experience, but we have not had enough of it. We want more. We want more of it.

Again, finally, if you decide to vote against my amendment, I want you to have a town meeting and explain it.

We allow 400,000 workers in the first year. They can come for 2 years. They can bring their family, if they wish. Then they have to go home for a year and take their family with them. They can come back after going home for a year, for 2 more years. Then they have to go home for another year. Then they can come back for 2 more years unless they decided to bring their family with them in the first place. In that case, they get two stays for 2 years, with 1 year back home in between. We will do that cumulatively, and what you have here in 10 years is roughly 12 million man-years of work by people who come in, leave, come in, leave. By the way, how many of you think these people are going to leave?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DORGAN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to put in the record the extraordinary story that was in the Washington Post today, "First Called to Duty, Then Citizenship," about green card workers, members of the Armed Forces. We have 70,000 who are in Iraq and Afghanistan. So many of them are working toward earning their citizenship and defending America. It is a great story. I ask unanimous consent that it be printed in the RECORD.

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

[From washingtonpost.com, May 22, 2007]

FIRST CALLED TO DUTY, THEN CITIZENSHIP

(By Brigid Schulte)

In a crowd of nearly 100 eager faces of newly sworn-in citizens on the grounds of Mount Vernon yesterday, three men in the front row stood out. Their black shoes shone to glossy perfection. Their backs were ramrod straight. One wore the crisp white uniform of the Navy. Another, the drab khaki of the Marines and a third, the dress uniform of the Army. Two had campaign ribbons from serving in Iraq or Afghanistan.

Until yesterday, the sailor, the Marine and the soldier were among more than 40,000 "green card" service members—non-citizens serving in the U.S. military. After swearing to defend the Constitution, Petty Officer Reginald Cherubin, 30, Marine Sgt. Brian Joseph, 38, and Army Sgt. Jeremy Tatttrie, 24, joined another group: the more than 26,000 service members who have become U.S. citizens since the Iraq war began and the Bush administration expedited the citizenship process for military members. Seventy-five service members have received their citizenship posthumously since then.

It was the sight of Iraqis pulling down Saddam Hussein's statue in 2003 that led Tatttrie, a Canadian by birth who was then in college in Florida, to join the military.

"I felt the call to duty," he said, clutching one of the small American flags that immigration officials had just passed out. "I just felt the urge to serve my country." Even though when he enlisted, the United States wasn't, technically, it.

The three were sworn in as the military and the country are engaged in a vigorous, divisive debate about what place immigrants should have in the armed forces and society at large.

The ceremony at George Washington's home took place as lawmakers on the other side of the Potomac River began debating a controversial immigration bill that would, among other provisions, grant legal status to virtually all undocumented workers, create a temporary worker program and tighten border controls.

The bill also calls for allowing the military to be a path to citizenship for a limited number of undocumented immigrants—those who were brought to the United States when they were younger than 16 and have been living here for at least five years.

The ceremony also came as some military experts want to open the armed forces to undocumented immigrants and foreign recruits to fill the ranks as the Army and Marines plan troop increases.

Critics fear a flood of recruits lured solely by the promise of legal status. "A very large number of non-citizens could change the purpose of the military from the defense of the country to a job and a way to get a foot in the door of the United States," said Mark Krikorian, executive director of the Center for Immigration Studies, which advocates restrictions on immigration. "It becomes a kind of mercenary thing."

Others argue that a liberalized policy could improve the armed forces. Margaret Stock, an immigration lawyer, Army officer and law professor at West Point, noted that during wartime, military brass can already sign up undocumented immigrants, some of whom have received citizenship.

"I think that it's great for the military to allow people to enlist who are qualified to be in the military," Stock said. "Having papers doesn't tell me whether someone's qualified or not."

Official military policy is to accept legal permanent residents with green cards, although Congress in January 2006 gave military leaders wartime powers to enlist anyone they deem "vital to the national interest."

At Mount Vernon yesterday, the three military men remained stoic as they were swarmed by photographers and TV cameras and held out by federal officials as the best that immigration has to offer.

"There's too much immigrant-bashing going on," said Dan Kane, a spokesman for the U.S. Citizenship and Immigration Service. Featuring the three military personnel "sends a powerful message that immigrants make a meaningful contribution to the United States."

Legal permanent residents serving in the military were given the right to apply for citizenship immediately by a wartime executive order signed by President Bush in 2002. In peacetime, permanent residents in the military are required to wait three years.

Nonetheless, there has not been a rush to obtain citizenship, according to Emilio Gonzalez, USCIS director. "After the executive order, we have not seen hordes of people joining the military," he said. "These people don't join the military just to become citizens. These people joined the military because they wanted to serve."

Cherubin, who immigrated in May 1999, joined the Navy a few months later and is based at Anacostia Naval Station, was the first to be called to receive his citizenship papers yesterday.

After high school in Haiti, there was nothing for him. He just waited for the day when his father, already in the United States, would call and say his visa had come through.

"When you live in a country like Haiti, you don't think about your future," Cherubin said. "You live day by day. The biggest dream you could possibly have is coming to the United States."

Cherubin joined the military so he could go to college. It wasn't until the attacks of Sept. 11, 2001, that he found a sense of purpose to his life in the Navy. An aviation planner, he was deployed to an aircraft carrier and readied F-18 Hornets for bombing runs over Afghanistan.

"To be part of that, to be among the first people over there fighting back, it was a beautiful feeling," he said.

During the ceremony, Glenda Joseph slipped to the front row to snap a photo of her husband. She'd been after him to get his citizenship for the 14 years they'd been married. He'd always wanted to but procrastinated. Then he was deployed for 10 months, running convoys throughout Iraq, and there was no time.

Based in Quantico, Joseph is an aviation assignments monitor and is charged with moving 10,000 Marines around the globe. He moved from St. Vincent to Brooklyn, N.Y., with his family when he was 6. He's been in the Marines for 16 years, has earned two bachelor's degrees and is working on a master's degree.

It was time to make it official.

"At least," he said, "now I'll be able to vote."

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment is very simple. It strikes the temporary worker provision. It does not mean there won't be immigration coming into this country. We will have 2.5 million people coming in under legal channels, agricultural work, so on. This is extra. We are told that 2.5 million is not enough. When you cast this vote, cast this vote on behalf of American workers who want American jobs that pay well, and that has been all too hard to find recently.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1153.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 174 Leg.]

#### YEAS—31

Baucus	Durbin	Reed
Bayh	Feingold	Reid
Biden	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Casey	Leahy	Vitter
Clinton	Levin	Webb
Coburn	McCaskey	Whitehouse
Conrad	Murray	
Dorgan	Nelson (NE)	

#### NAYS—64

Akaka	Domenici	McConnell
Alexander	Ensign	Menendez
Allard	Enzi	Mikulski
Bennett	Feinstein	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Pryor
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Cardin	Inhofe	Smith
Carper	Isakson	Snowe
Chambliss	Kennedy	Specter
Cochran	Kerry	Stevens
Coleman	Klobuchar	Sununu
Collins	Kohl	Thomas
Corker	Kyl	Thune
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Wyden
DeMint	Lugar	
Dole	Martinez	

#### NOT VOTING—5

Dodd	MCCAIN	Schumer
Johnson	Obama	

The amendment (No. 1153) was rejected.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank all of the Members.

If we could have your attention, please. We are lining up the amendments for tomorrow. I think Senator GRAHAM has an amendment. Senator BINGAMAN also has an amendment that is going to reduce these numbers down to some 200,000. We had that issue that was raised before. So we are trying to line up some amendments, trying to go back and forth during the morning. We would like those who have amendments and who are prepared to go, if they would talk with Senator KYL or myself, and we will try to do the best we can to both give the Members the information and to work out a process.

We thank all of our colleagues for their cooperation.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. CORNYN. Mr. President, I inquire whether we are going to bring up an amendment one at a time and that has to be voted on and disposed of or whether there will be an opportunity to offer multiple amendments and then work with the managers of the bill to try to queue those up for a vote at the appropriate time?

Mr. KENNEDY. Well, I thank the Senator. I think for the start of this debate we ought to try to do them individually. I think that is what the leaders had decided. We can see. As we make progress with the legislation, we can consult. But it does seem to me we ought to just take these. We have had a good debate, an extensive one on this issue, and it is enormously important. I think at the start of this we would like to do them individually. We will do the best we can to cooperate with people and their schedules, but I think we ought to try to at least follow that. Then we can see, as we make progress on the legislation, whether the leaders will decide on a different strategy to move them.

Mr. CORNYN. Mr. President, if the Senator will yield for one more question.

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. Yes, Mr. President, I am glad to yield.

Mr. CORNYN. Mr. President, I appreciate the response, and certainly we want to do this in an orderly fashion. But I think the majority leader and the Republican leader were very farsighted in extending the time beyond this week where we could actually consider amendments on the bill because I think there is a real need to have a full and fair debate and a free opportunity to offer amendments because, frankly, there are a lot of people who do not know what is in this bill yet. The final bill text was, I guess, filed last night, laid down at 9 o'clock. So it is very

hard to fashion those amendments until we have bill text back from legislative counsel and the opportunity to craft those amendments.

So my only point is I hope we are going to continue to have the opportunity to offer those amendments, to have the debate, to have those votes, and not get into a time crunch. Two weeks seems like a long time, but with the kind of amendments, the number of amendments I know are going to be offered, I think we need to have this opportunity for a full airing of the issues and an opportunity to vote on those amendments.

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

Mr. REID. Mr. President, we want to have a full and complete debate on this bill. But my experience has been that if we do not follow having one amendment—if the managers do not like it, they can move to table it, or there are a lot of things you can do. But where we run into trouble is where you stack up a bunch of amendments that are pending because that is when the managers lose control of the bill. The people who have offered all the amendments control what goes on with the legislation.

So unless something untoward happens, I think we are so much better off having people offer amendments. If they are dilatory, the managers can move to table. If that does not work, then we can try something else. But for the foreseeable future, why don't we try to move through this one at a time.

I think the debate today has been excellent. There have been no surprises to what Senator DORGAN was going to do. I thought what would be the right thing to do is have—we have had a Democratic amendment. If the Republicans want to offer an amendment, let them offer the next one, and go back and forth. The next Democratic amendment, as far as I understand it, is the Bingaman amendment; is that right?

Mr. KENNEDY. Well, we are working that out. Senator GRAHAM may offer his amendment. Then, there would be an amendment—I expect the Bingaman amendment will be in the morning, some time in the mid, late morning.

Mr. REID. My only point is—

Mr. KENNEDY. Yes. We are trying to go back and forth. We are working together, Senator KYL and ourselves. If there seems to be two amendments on the same subject, we are trying to deal with those issues.

Mr. REID. Even tonight—there is an event for the spouses—if people want to stay and work, that is fine, they can do that, too. There are no time limits on how late we can work. I want people to feel they can work as late as they want. And we can have some late votes. I don't think there is anything wrong with that.

Mr. MCCONNELL. Mr. President, let me just make the point that the key is how many votes are allowed. We were on this measure for 2 weeks last Congress; there were 32 votes. This process



will work fine provided we get votes and move along and follow in an orderly process. But if that breaks down, the Senator from Texas has a point, that we need to get some amendments in the queue and try to handle them as rapidly as we can.

Mr. KENNEDY. Mr. President, the Senator from Texas raised probably four or five points that I know of in the course of these discussions. We are familiar with the general subject matter.

If I could have the attention of my colleagues, he had raised probably four or five issues that related to the title II. I listened to him this morning at the breakfast, and he raised a point on title II. So if he wants to, we are prepared to move ahead with the Senator's amendments. We are familiar with the general area. I know there are going to be drafting issues, but we are glad to accommodate that. We don't want the technical aspects to slow the process.

So we are familiar with those subject matters. The Senator could get a hard look maybe over tonight about the particular areas and then talk with us tomorrow, and we will make sure we have the time and that we are prepared to go ahead. We are more than ready to be here. We had a good afternoon. We enjoyed it. We started on it at a quarter to 3 and worked until 6:15. We are prepared to go this evening or tomorrow or tomorrow night or the following night. We are not trying to rush anybody, but we are prepared to do business.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. SCHUMER. Mr. President, I enter this statement in the RECORD in support of the Dorgan-Boxer amendment to strike the temporary worker program from S. 1348. While we certainly should fill jobs for which there is a shortage of American workers, it should be done on specific needs and based on traditional visas. I believe that the introduction of a large stream of low-skilled foreign workers would have a negative impact on the wages of American workers. Finally, I fear that the inherent flaws in this proposed system will, in time, recreate the very same undocumented worker crisis this bill seeks to eliminate. A graduation event for my daughter requires me to be away from Washington, D. C. on the afternoon of May 22, 2007, and regretably prevents me from officially registering my support of the Dorgan-Boxer amendment.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, unfortunately, I had to miss today's vote on the Dorgan amendment to strike the new Y visa worker program in the bill. As currently designed, the temporary worker program in this bill is designed to fail.

The program in the bill proposes to create a new 400,000 person annual tem-

porary worker program that could grow to 600,000 without congressional approval. It expands the existing seasonal guestworker programs from 66,000 up to 100,000 in the first year and 200,000 after that. At the end of their temporary status, almost all of these workers would have to go home. That means at the end of the first 3 years, we would have at least 1.2 million of these new guestworkers in the country with only 30,000 having any real hope of getting to stay.

As we have learned with misguided immigration policies in the past, it is naïve to think that people who do not have a way to stay legally will just abide by the system and leave. They won't. The current group of undocumented immigrants will be replaced by a new group of second-class workers who will place downward pressure on American wages and working conditions. And when their time is up, they will go into the shadows where our current system exploits the undocumented today.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

The PRESIDING OFFICER. The minority leader.

#### HONORING OUR ARMED FORCES

CORPORAL NICHOLAS J. DIERUF

Mr. MCCONNELL. Mr. President, 2 days ago, family and friends gathered at the Dieruf family farm near Lexington to celebrate a birthday and continue an annual tradition.

If this year was similar to years past, they played games and shared stories around a bonfire. But unlike years past, one man was missing. That man is CPL Nicholas J. Dieruf, a U.S. marine.

Corporal Dieruf was taken from us on April 8, 2004. It is his birthday that brings so many people together, a tradition that started when he was in high school.

Corporal Dieruf was mortally wounded in the Al Anbar Province of Iraq. As the gunner of a light armored vehicle, his vehicle was in the lead of a convey when terrorists attacked with rocket-propelled grenades and small arms. He was 21 years old.

For his valorous service, Corporal Dieruf received numerous medals and awards, including the Purple Heart.

As the youngest of four brothers—where the eldest and youngest are separated by only 4 years—Nich learned quickly how to get along with others.

His mother Barbara sheltered him from the youthful pranks that his brothers, Charlie, Matthew, and Paul, tried to play on him, like when they almost convinced him to swallow an earthworm fresh from their mother's rose bed.

But Charles Dieruf, their father, instilled confidence and self-respect in his sons and reminded them that the only thing you will ever have in life is your brothers. By the time the boys reached grade school, they had developed a respect and admiration for one another that persists to this day.

Nich became especially close to Matthew, the second oldest brother, with a spirit and a temperament much like Nich's. In high school, Matt and Nich would take what they called "fun runs," jogging through the bluegrass countryside. Runs that started as training for the cross-country team soon became what Matt calls "a chance to get out and talk about stuff." Barbara says Nich always looked up to Matthew and valued his advice.

After graduating from Paul Laurence Dunbar High School, in his hometown of Lexington in 2000, Nich enrolled in classes at Lexington Community College that fall. That October, however, he joined the Marines.

That decision was an important step in Nich's transformation, as his older brothers watched the youngest brother who looked to them for advice become the man they themselves would turn to for counsel.

"When Nich was in town, everyone would come around," says his brother, Matthew. "People just gravitated to my brother."

Nich deployed to Iraq for the first time in early 2003 and quickly acclimated to the 14-hour workdays. His commanding officers noted his leadership qualities, and when his platoon commander had to break in a new staff sergeant, he assigned the sergeant to Corporal Dieruf's vehicle, to learn from the best.

The trust Corporal Dieruf's commanders placed in him with this decision became clear when you realize that a staff sergeant is two full ranks above a corporal. Another marine who worked with Nich, SGT Joseph Leurs, had this to say:

Corporal Dieruf was extremely tactful. If he saw me doing something differently than how it was normally done, he would suggest we get a drink, and only then would he propose that I try it another way.

Sergeant Leurs went on to say that Corporal Dieruf earned the respect of those he served with, and never soured on his duties to the Corps.

Shortly before his first deployment, Nich gave a young woman named Emily Duncan a pearl ring—a promise

ring, which he asked her to wear while he was away. Emily Duncan, who would become Emily Dieruf, wore his ring and sent him letters and care packages. When Nich returned from his first tour in July 2003, he asked Emily to replace that promise ring with a wedding band.

The young couple exchanged vows in January of 2004, and on February 18, shared their last embrace before Nich deployed for his second tour in Iraq. In a note Nich sent to Emily from Iraq, he described why he was honored to wear his country's uniform: "If you could see what I see, and compare it to back home," he wrote, "you would see why we are needed."

He was a loving, caring marine who believed deeply in what he was doing, his wife Emily says. Nich was especially proud of the work he and his fellow marines were doing for the Iraqi children.

Nich, who had demonstrated his gift for taking things apart and putting them back together as a boy, planned to enroll in the University of Kentucky's engineering program when he returned.

Then came that fateful day in April. Emily wrote Nich a letter and at the end of the day fell asleep. Shortly after midnight, she was awakened by a knock at the door. Looking outside to see a marine on her doorstep, her first thought was that Nich had come home to surprise her, as he had in the past. Tragically, she learned, instead, that her husband had died earlier that day.

Corporal Dieruf was buried with full military honors at Lexington's Calvary Cemetery on Friday, April 16, 2004. Three years later, we continue to honor his life and his sacrifice, and I am very pleased that some of his family and friends have traveled to Washington to meet with me in the Capitol today.

Nich's beloved family members include his wife Emily, his father Charles, his mother Barbara, his brother Charlie, his brother Matthew, his brother Paul, his sister-in-law Katie, his sister-in-law Court, his nephew Charles R. Dieruf, IV, his grandmother Fran, his mother-in-law Jennifer Duncan, his uncle Thomas Greer, his aunt Wilma Greer, his cousin Ashley Greer, and many others. I ask the Senate to keep them in your thoughts and prayers today. I know they will be in mine.

No words we can say today will ease the pain of the Dieruf family or fill the hole Nich leaves behind. But I hope the reverence and respect this Senate shows Corporal Dieruf can remind them that he lived and served as a hero, and his country will forever honor and remember his sacrifice.

Even after his passing, Nich continues to bring his family and friends together, as he has today, as he did 2 days ago at the Dieruf family farm. Perhaps his mother Barbara said it best when she said, "Nich was the glue that held those he loved together."

The bond Nich formed with those who love him is so strong it holds fast

today, and it will bring his friends and family together again, in his memory, year after year.

#### DRUG SAFETY

Mr. KENNEDY. Mr. President, I wish to address the Senate about a very important subject. Too often it takes a crisis for Congress to take action on a national need. We have had crisis after crisis on drug safety, and yesterday we learned of another. A report published in the *New England Journal of Medicine* showed that the diabetes drug Avandia may increase the risk of heart attacks and death. If further evidence were needed that improving drug safety is an urgent priority, yesterday's report puts the matter beyond doubt. The Senate has approved strong and comprehensive legislation to improve drug safety. That proposal should be taken up by the House and enacted without delay.

Yesterday's report was based on an analysis of clinical trials conducted by a team of physicians and scientists, and I commend them for their skill and perseverance. Why isn't FDA doing this kind of analysis, and why aren't companies required to undertake additional safety tests if there are unanswered questions about their products?

The simple answer is, the FDA does not have the resources to conduct these analyses itself, and it doesn't have the authority needed to require companies to perform them. The legislation the Senate recently approved corrects both of these major flaws.

Our legislation requires FDA to link electronic health care databases to allow for better, faster identification and assessment of safety problems. The bill adds to the fees that drug companies are required to pay and devotes new funds to drug safety.

Unforeseen risks of a drug must be caught as quickly as possible so that effective protections can be implemented before more lives are needlessly put at risk, and our legislation makes that happen.

The *New England Journal* recommended a large prospective trial as the best way to get the answers we need. FDA should have clear authority to require such trials, and our bill provides it.

Some trials studied in the journal report were included in a registry that Glaxo voluntarily maintains. The Senate bill requires the results of clinical trials to be made available to the public in a single, easily accessible database. That will help patients get information about the medicines they take, and it will help scientists identify drug safety problems faster.

Information alone is not enough to protect public health. FDA needs the authority to take action where needed. Right now all FDA can do after approval is request a labeling change or request a medication guide or request patient labeling or request a review of drug advertising. Safeguarding the

lives of American patients should not have to depend on requests. Our bill gives the FDA the authority to require those measures and impose civil monetary penalties to enforce them.

Our legislation will make FDA, once again, the gold standard for protecting public health. It should not take a new crisis to bring Congress to act. I look forward to working with our colleagues in the House to see that this legislation is signed into law without delay.

#### TRIBUTE TO BETH SPIVEY

Mr. LOTT. Mr. President, I would like to take this opportunity to bid farewell to my senior legislative assistant, Beth Spivey, who is departing my staff after almost 10 years of outstanding service to the people of Mississippi and the Nation.

Beth has been an integral part of my personal office staff for so many years and we will genuinely miss her when she leaves. She joined my staff as an intern during the summer of 1997 and never left, starting as an employee that September. From the beginning, she demonstrated exceptional skills and confidence. Starting as a legislative correspondent, she showed that she could handle a large volume of mail, promptly answering all letters with well thought out responses.

Beth was eager to learn the substance of large and small issues alike, and it was only a matter of time and an available opening on my staff before she was ready to move up to serve as a legislative assistant. She proved herself adept at handling a range of issues with skill and efficiency; from transportation to telecommunications, and from energy to the environment. She understands the key concerns, organizations, and people for her issues and knows how to bring them together to find common ground in order to advance legislation to become law.

It is the latter quality that I found so valuable in Beth. As my colleagues know, I care about the Senate being productive in matters that are resolvable. While there will always be issues that define the differences between the political parties, the vast majority of bills can be worked out with a minimum of contested votes, or none at all, if Members and their staffs are willing to work hard to reach an agreement. Beth has the skills and the desire to move bills through the legislative process to enactment, sometimes negotiating two or more bills moving through the process at the same time.

Beth excels at multitasking. It has not been uncommon for her to simultaneously work on the highest priority bills of the Commerce, Science, and Transportation Committee and the Energy and Natural Resources Committee. This skill was evident early on as she planned her Mississippi wedding from Washington while working a rigorous schedule. Whether I was chairing a surface transportation subcommittee or an aviation subcommittee, Beth was

my point person for moving nationally significant legislation through the committee and the Senate. When I was the majority leader, she led the Senate Energy Task Force staff efforts.

Beth has been a key figure in the enactment of several important bills into law: the Energy Policy Act of 2005 and its previous incarnations, the Vision 100—Century of Aviation Reauthorization Act, the Aviation Investment and Revitalization Vision Act, and the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users. She also shepherded the Passenger Rail Investment and Improvement Act of 2005 through the Senate and the Advanced Telecommunications and Opportunities Reform Act through the Commerce, Science, and Transportation Committee during the 109th Congress. During the 110th Congress, she has already guided the Aviation Investment and Modernization Act through the Commerce, Science, and Transportation Committee. Beth always ensured that these bills were good for the Nation and good for Mississippi.

While Beth is as gracious and charming as one would expect from her Mississippi upbringing, she is also assertive and confident, and deserving of respect for her abilities. She never hesitated to take charge of her areas of responsibility or speak up if she felt she or anyone else was being overlooked.

Beth is not just a hard working, skilled staff member. She has been part of my personal office family for almost 10 years. Whether training a new staff member, guiding interns through their Washington experience, or cutting birthday cakes, Beth has been a trusted, steady, and caring colleague. As a former intern, she always ensured that our legislative interns were provided challenging assignments and treated with respect.

Mr. President, Beth has come a long way from Brandon, MS, and the University of Mississippi. In addition to being a seasoned staff member, she also is a wife and a mother. Beth now moves on to a new phase in her life, leaving for the private sector and making more time for her husband Les and young daughter Ann Miller. We all will miss her very much. I wish her the very best as she heads out in a new direction and pray that God will continue to bless her and her family.

#### NOPEC

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of S. 879, the No Oil Producing and Exporting Cartels Act of 2007, or NOPEC. The Judiciary Committee today reports that bill favorably, with an accompanying committee report. This is not the first time the committee has reported this legislation, but it ought to be the last. Indeed, the Senate Judiciary Committee under three different chairmen has now considered and recommended this legislation for passage. It is long past time for this bill to become law.

NOPEC will hold certain oil producing nations accountable for their collusive behavior that has artificially—and drastically—reduced the supply and inflated the price of fuel. It authorizes the Attorney General to take legal action against any foreign state, including members of the Organization of Petroleum Exporting Countries, OPEC, for price fixing and artificially limiting the amount of available oil.

Just this morning, I read in the Washington Post that the Energy Department declared that “gasoline prices last week came within a half penny of tying the modern era’s inflation-adjusted record set in March 1981,” and that the nationwide average price at the pump is \$3.218 a gallon. That is a rise of more than 11 cents a gallon just in the last week, according to the Energy Information Administration. These increases in price have led to renewed calls for investigation into their causes, but we already know well one significant cause: anticompetitive conduct by oil cartels.

While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy remains unchecked. If OPEC were simply a collection of foreign businesses engaged in this type of behavior, they would already be subject to the antitrust laws.

I am disappointed that the administration recently announced it would oppose this bill and recommend that the President veto it. When entities engage in anticompetitive conduct that harms the American consumers it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Americans deserve better, and it is time for Congress to act. With the summer months approaching, there is no end in sight to the rise in gas prices. I am hopeful that the Senate will take up and pass this legislation in June. I thank Senator KOHL for his leadership on this important issue.

#### REVEREND JERRY FALWELL

Mr. HATCH. Mr. President, I want to say a few words about Reverend Jerry Falwell, who passed away last week. Reverend Falwell loved God, loved people, and loved his country. He not only spoke about what he believed, he acted on what he believed and worked to help people and to make this country better.

Jerry Falwell led a remarkable and inspiring life. He was born in Lynchburg, VA, the son of a nonreligious bootlegger and the grandson of a staunch atheist. This family background makes all the more real, some might say dramatic, his conversion to Christianity and his lifelong unwavering commitment to Christ.

In 1956, he founded Thomas Road Baptist Church. Just 35 people attended its first meeting in the local elementary school. Although Reverend Falwell became known to most for his national political efforts, he was in his heart a local church pastor and he led that congregation for more than 50 years, seeing it grow to more than 24,000 members.

Reverend Falwell knew that faith cannot be segregated from life and that Christ calls us to be doers, rather than simply hearers, of the Word. Reverend Falwell founded the Elim Home in 1959 as a residential program providing spiritual restoration and help for those battling alcohol and drug addiction. The home still operates today, just north of Lynchburg.

Proverbs 22:6 says to train up a child in the way he should go and so, in 1967, Reverend Falwell founded Lynchburg Christian Academy for children from kindergarten through high school. Four years later, he founded Lynchburg Bible College with just 154 students and 4 full-time faculty. Today, Liberty University is the largest evangelical college in the world, fully accredited with more than 20,000 students from around the world. In recent years, Reverend Falwell returned to this mission of Christian education and he was at work in his office when he passed away. His vision there continues to unfold. Liberty University Law School, which achieved provisional ABA accreditation in just 18 months, graduated its first class this year and a medical school is on the drawing board.

When it came to issues such as the sanctity of human life, Reverend Falwell once again put action to his words. He founded the Liberty Godparent Foundation in 1982, opening a home for unwed mothers while other evangelicals were content simply to protest abortion. I certainly agree that abortion is wrong because of what abortion is and does, but Reverend Falwell demonstrated that there is more to being pro-life than simply being opposed to death. He set an inspiring example, and today there are more crisis pregnancy centers than abortion clinics in America.

Reverend Falwell is perhaps best known for what launched him onto the national stage, founding the Moral Majority organization in 1979. This effort brought millions of Americans into the political process and made them more informed, more active citizens. In 1995, he launched a monthly magazine, the National Liberty Journal, which reaches hundreds of thousands of pastors and Christian citizens. The author of more than a dozen books over nearly 30 years, Reverend Falwell continued to write his own e-mail newsletter and columns distributed widely through the world.

Reverend Falwell certainly gained his share of notoriety for positions on certain issues or particularly controversial statements. That happens to people who speak out, especially those

who speak against the drift of the prevailing culture. Reverend Falwell chose to adopt a national profile and received a good amount of criticism for taking public stances on difficult issues. But he accepted consequences and was not above admitting and apologizing for his mistakes or, after more thought and reflection, adjusting some views and adapting to change.

Reverend Falwell was not nearly as easily labeled as some might think. For all the opposition he received from those on the left, some on the right criticized him for appearing to move away from the fundamentalist and toward the evangelical camp. Others attacked him for his friendship with leaders of the charismatic movement, speaking at conferences hosted by groups or leaders from different Christian traditions, or working closely with Roman Catholic leaders. His Liberty Baptist College has hosted speakers from Reverend Billy Graham to, yes, Senator EDWARD KENNEDY. Through it all, Reverend Falwell stayed true to his own convictions while working with others on issues of common purpose to help people and to make our country better.

One of the most telling tributes about Reverend Jerry Falwell comes from a most unexpected source. After losing a libel suit to Penthouse publisher Larry Flynt in the Supreme Court back in 1988, Reverend Falwell befriended Flynt and the two appeared together in numerous media venues, visited each other, and even exchanged Christmas cards. In a column published just a few days ago in the Los Angeles Times, Flynt declared that while he disagreed with everything Reverend Falwell preached, he found that they actually had a lot in common. He wrote: "The more I got to know Falwell, the more I began to see that his public portrayals were caricatures of himself." The ultimate result of their relationship was, as Flynt put it, "just as shocking a turn to me as was winning that famous Supreme Court case: We became friends."

Jerry Falwell leaves behind Macel, his wife of nearly 50 years, his three children and eight grandchildren. His son Jerry has taken up the mantle as Chancellor of Liberty University and his son Jonathan had already been named Executive Pastor of Thomas Road Baptist Church. Reverend Falwell's example, his legacy, is so much more than the controversial remarks, views, or positions that some want to emphasize. Reverend Jerry Falwell lived what he believed, he put action to his faith, he inspired and educated, he led and equipped. He was a pastor, a teacher, and a leader. He helped change countless lives and helped make our country better. For all those reasons and so many more, he will be missed.

#### THE MATTHEW SHEPARD ACT

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 18, 2007, in Greenville, SC, Sean Kennedy was beaten by an unnamed man which resulted in his death. Kennedy, a gay man, was punched in the face and knocked to the ground where he sustained injuries to his head. Kennedy died of his injuries later that night at a local hospital. The attacker was later brought into custody and charged with murder. Because Kennedy was attacked while leaving a gay bar and the attacker used anti-gay epithets, the Greenville County Sheriff turned the case over to the FBI for investigation as 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.

#### ADDITIONAL STATEMENTS

##### NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

• Mr. SUNUNU. Mr. President, I wish to congratulate the 2007 recipients of the New Hampshire Excellence in Education Awards. These prestigious awards, commonly called the EDies, are presented each year to individuals and schools who demonstrate the highest level of excellence in education.

The EDies were founded as a way to honor the best of the best among New Hampshire's educators. In the 14 years since, there has been a rich source of talented and successful teachers, administrators, schools, and school boards to draw from to honor at each annual event. This year was no exception.

Those individuals selected have been compared against a criteria set by others in their discipline through their sponsoring organization. Schools are also chosen by experienced educators and community leaders in New Hampshire based on guidelines established by the New Hampshire Excellence in Education Board of Directors. I am proud to recognize the individuals and schools who will receive this year's awards on June 9, 2007.

In addition, I would also like to recognize the many teachers who have played such an important role in my children's lives and in my own life, as well. As I serve in the Senate, I remain proud and grateful for the excellent education I received in the public education system of the State of New Hampshire.

Mr. President, I ask that the list of the 2007 New Hampshire Excellence in Education Award winners be printed in the RECORD.

The list following.

##### 2007 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS RECIPIENTS

Susan E. Auerbach, Ph.D.; Officer Robert Bennett; Susan Bradley; Linda Burdick; Marjorie Chiafery; Deborah Couture; Debra Crowder; Judith Elliott; Debbie D. Gay; William Gibson; Christina Gribben; Jack Grube; Kathleen Hill; Russell Holden; Dr. Steven Kelley; Carolyn Kelley; Dr. Beverly R. King; Joseph Kopitsky; Bruce Larson; Dr. Patricia "Irish" Lindberg.

Shari J. Litch-Gray, Ph.D.; Constance Manchester-Bonefant; Deborah Nichols; Rosemary Nunnally; Jason Parent; William Ranauro; David Remillard; Linda Sherouse; Kathryn L. Skoglund; Marcia Trexler; Debra Vasconcellos; Karen P. Whitmore; Dr. Barbara Young-Hoffman.

Ashland Elementary School; Belmont Middle School; Chichester Central School; Claremont School Board; Hampstead Central School; Hampstead Middle School; Kearsarge Regional Middle School; South Londonderry Elementary School; Adeline C. Marston School; Pembroke Academy.●

##### RECOGNIZING FRANKFORT, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Frankfort, SD. Founded in 1882, the town of Frankfort will celebrate its 125th anniversary this year.

Located in Spink County, Frankfort was named after Frankfort I. Fisher, a settler who explored the area. It was also named in part after Frankfort, Germany. Frankfort has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Frankfort on this milestone anniversary and wish them continued prosperity in the years to come.●

##### RECOGNIZING WARNER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Warner, SD. Located in Brown County, the town of Warner will celebrate the 125th anniversary of its founding this year.

Since its beginning in 1881, Warner has been a strong reflection of South Dakota's values and traditions. Their community spirit was recognized in 2000, when Warner was honored as South Dakota's "Community of the Year." As they celebrate this milestone anniversary, I am confident that Warner will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Warner on their anniversary and wish them continued prosperity in the years to come.●

##### RECOGNIZING LETCHER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Letcher, SD. The town of

Letcher will celebrate the 125th anniversary of its founding this year.

Located in Sanborn County, Letcher was named after O.T. Letcher, who was Assistant Secretary of Dakota Territory at the time. Since its beginning in 1883, Letcher has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Letcher will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Letcher on this milestone anniversary and wish them continued prosperity in the years to come.●

#### RECOGNIZING SANFORD SCHOOL OF MEDICINE

● Mr. THUNE. Mr. President, today I recognize the University of South Dakota's Sanford School of Medicine. Founded in 1907, the school will celebrate its 100th anniversary this year.

Throughout the past 100 years, the Sanford School of Medicine has served the State of South Dakota through its excellence in education and research. The school has earned a reputation as one of the best rural medicine and family medicine programs in the Nation. Consistently on the cutting edge of research, Sanford Medical School has world-class programs in heart disease, cell biology, multiple sclerosis, antibiotics, and rural health.

I am confident that the high standard of excellence that has been achieved at the Sanford School of Medicine will continue thanks in part to the generous donation of Sioux Falls businessman, T. Denny Sanford. Sanford's generous gift of \$20 million has allowed and will continue to allow the school to develop into a leading research and training institution. In addition, the Sanford School of Medicine is currently constructing the Lee School of Medicine Building, a new high-tech science facility. These improvements will allow the school to continue to serve as a prominent medical institution in the State of South Dakota and across the Nation for the next 100 years.

I offer my congratulations to the Sanford School of Medicine on this milestone anniversary and wish them continued prosperity in the years to come.●

#### RECOGNIZING THE SOUTH DAKOTA NEWSPAPER ASSOCIATION

● Mr. THUNE. Mr. President, today I recognize the South Dakota Newspaper Association as they celebrate their 125th anniversary this year.

Throughout the past 125 years, the SDNA has consistently provided outstanding service to the State of South Dakota. We count on our news organizations to keep the public informed and to promote a sense of community within our State. Currently representing 138 weekly and daily newspapers from

all over South Dakota, the SDNA allows newspapers to more effectively perform their role of keeping citizens up-to-date on world events. As they celebrate this milestone anniversary, I am confident that the SDNA will continue to thrive and succeed for the next 125 years.

It gives me great pleasure to rise with the South Dakota Newspaper Association and to congratulate them on this historic occasion. I wish them and all of South Dakota's newspapers continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry, nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 698. An act to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office".

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

#### MEASURES REFERRED

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

H.R. 698. An act to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin "Rex" Young Post

Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

#### 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-1984. A communication from the Under Secretary, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Data Collection Related to the Participation of Faith-Based and Community Organizations" ((RIN0584-AD43)(FNS-2007-0005)) received on May 21, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1985. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the competitive sourcing efforts of the Department during fiscal year 2006; to the Committee on Armed Services.

EC-1986. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General William G. Boykin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1987. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General Dell L. Dailey, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1988. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Excessive Pass-Through Charges" (DFARS Case 2006-D057) received on May 21, 2007; to the Committee on Armed Services.

EC-1989. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Deletion of Obsolete Acquisition Procedures" (DFARS Case 2006-D046) received on May 21, 2007; to the Committee on Armed Services.

EC-1990. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Construction on Guam"

(DFARS Case 2006-D065) received on May 21, 2007; to the Committee on Armed Services.

EC-1991. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Wage Determinations" (DFARS Case 2006-D043) received on May 21, 2007; to the Committee on Armed Services.

EC-1992. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition Integrity" (DFARS Case 2006-D044) received on May 21, 2007; to the Committee on Armed Services.

EC-1993. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Department's intent to obligate up to \$5 million of fiscal year 2006 funds for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-1994. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Stanley R. Szemborski, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-1995. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Bryan D. Brown, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-1996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Small Business Programs" (DFARS Case 2003-D047) received on May 21, 2007; to the Committee on Armed Services.

EC-1997. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Native American Housing Assistance and Self-Determination Act; Revisions to the Indian Housing Block Grant Program" (RIN2577-AC57)(FR-4938-F-03)) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1998. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Office Names, Office Addresses, Statements of Legal Authority and Statute Name and Citation" (RIN0694-AE01) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1999. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2006 Missile Technology Control Regime Plenary Agreements" (RIN0694-AD96) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2000. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (72 FR 18587) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2001. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20735) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2002. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20755) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2003. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 20243) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2004. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 20251) received on May 21, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2005. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in the State of Indiana has exceeded the \$5 million limit; to the Committee on Banking, Housing, and Urban Affairs.

EC-2006. A communication from the Acting Director, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to category rating for calendar year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2007. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement 2007 2nd and 3rd Season Atlantic Shark Commercial Management Measures" (I.D. 021307B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2008. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Temporarily Amend the Monkfish Fishery Management Plan" (RIN0648-AT22) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Decrease of Landing Limit for Georges Bank Yellowtail Flounder" (I.D. 041707E) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. 041807B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels

Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (I.D. 042007A) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2012. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska" (I.D. 042307B) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2013. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action, Temporary Rule, Closure of the Eastern U.S./Canada Area" (RIN0648-AN17) received on May 21, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2014. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the Department's Annual Report on Transportation Security; to the Committee on Commerce, Science, and Transportation.

EC-2015. A communication from the Secretary of Energy, transmitting, pursuant to law, two reports relative to the Department's compliance with the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-2016. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 22"; to the Committee on Energy and Natural Resources.

EC-2017. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2007" (Rev. Rul. 2007-36) received on May 21, 2007; to the Committee on Finance.

EC-2018. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-78—2007-99); to the Committee on Foreign Relations.

EC-2019. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays" (Docket No. 2005N-0471) received on May 21, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2020. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System" (Docket No. 2007N-0120) received on May 21, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2021. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Care and Development Fund State Match Provisions" (RIN0970-AC18) received



on May 18, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2022. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the District of Columbia Water and Sewer Authority"; to the Committee on Homeland Security and Governmental Affairs.

EC-2023. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of the Issuance of \$300 Million in Public Utility Subordinated Lien Revenue Bonds (Series 2007)"; to the Committee on Homeland Security and Governmental Affairs.

EC-2024. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2025. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual report as prepared by the Inspector General for the six-month period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2026. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2027. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2028. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation that would authorize four new competitive grant programs; to the Committee on the Judiciary.

EC-2029. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of draft legislation entitled "Criminal Judicial Procedure, Administration, and Technical Amendments Act of 2007"; to the Committee on the Judiciary.

EC-2030. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Trademark Classification Changes" (RIN0651-AC10) received on May 21, 2007; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 294. A bill to reauthorize Amtrak, and for other purposes (Rept. No. 110-67).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal (Rept. No. 110-68).

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds (Rept. No. 110-69).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 414. A bill to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building".

H.R. 437. A bill to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

H.R. 625. A bill to designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the "Atanacio Haro-Marin Post Office".

H.R. 988. A bill to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

H.R. 1402. A bill to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the "Sergeant Dennis J. Flanagan Lecanto Post Office Building".

S. 1352. A bill 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".

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans Affairs.

\*Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. DOMENICI, Mr. ALLARD, Mr. ENZI, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROWNBACK, Mr. CRAIG, Mr. SUNUNU, Mr. MARTINEZ, Mr. THOMAS, Mr. VITTER, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. DOLE, Mr. DEMINT, Mr. VOINOVICH, Mr. THUNE, and Mr. LOTT):

S. 15. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

By Ms. COLLINS:

S. 31. A bill to amend the Immigration and Nationality Act to reduce fraud in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 32. A bill to reform the acquisition process of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 33. A bill to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education; considered and passed.

By Mr. ENZI:

S. 34. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 35. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1444. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 1445. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL:

S. 1447. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to make decisions relating to proposed amendments to milk marketing orders not later than 90 days after the date on which the Secretary holds a hearing; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1448. A bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1449. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 1450. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1451. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the

cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. DOMENICI):

S. 1452. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRAPO:

S. Res. 213. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 185

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

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental fac-

tors that may be related to the etiology of breast cancer.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 901, *supra*.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) 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. 959

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 970

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 970, a bill to impose

sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1145

At the request of Mr. LEAHY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8").

S. 1172

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1232

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1244, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1337

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1382

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1403

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. CLINTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1403, a bill to amend the Farm Security and Rural Investment Act of 2002 to provide incentives for the production of bioenergy crops.

S. 1407

At the request of Mr. PRYOR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1407, a bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential and residential rental buildings.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1435

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of

S. 1435, a bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. DOMENICI, Mr. ALLARD, Mr. ENZI, Mr. BUNNING, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. GRAHAM, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROWNBACK, Mr. CRAIG, Mr. SUNUNU, Mr. MARTINEZ, Mr. THOMAS, Mr. VITTER, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. DOLE, Mr. DEMINT, Mr. VOINOVICH, Mr. THUNE, and Mr. LOTT):

S. 15. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

Mr. GREGG. Madam President, I rise today to talk specifically about how we get our fiscal house in order as a nation and especially as a government. Just last week, the Congress passed—or at least the Senate passed and the House passed—a proposal for a budget which, unfortunately, fails the American people dramatically in the area of controlling spending and in the area of good tax policy. It creates a cascade. It is a Democratic budget that creates a cascade of new spending, hundreds of billions of dollars of new spending which will grow the size of the Government dramatically and which is, therefore, undisciplined in its approach.

It also proposes tax policy which will radically increase taxes on working Americans and have the effect of stifling what has been an extraordinary economic expansion, which in part has been a function of having a tax policy which understands that if you let people keep their money, they tend to be more productive with those dollars, they tend to go out and take risks, be entrepreneurs, create jobs, and as a result, the Federal Government gets more revenue because people creating these jobs pay taxes and we end up with more economic activity. We have

had 72 months of growth, and we have created 7.4 million new jobs in this country, and that is a significant step in the right direction toward economic expansion.

But all that is at risk because we, as a government, tend to spend more than we take in, and we do not have in place a discipline necessary as a government to effectively manage our own house. This was reflected in the budget that was just passed, regrettably. Therefore, as we also look to the future, we are confronting a cost to the Government which is going to radically increase the expenditures of the Federal Government to a point where our children and our children's children will not be able to afford them.

In fact, just the cost of three programs alone—Medicare, Social Security, and Medicaid—by the year 2025, because of the retirement of the baby boom generation, will actually exceed the amount of money which the Federal Government has historically spent as a percentage of gross national product. So by about the year 2025, because of the retirement of the baby boom generation, three programs—Social Security, Medicare, and Medicaid—will absorb all the money that historically the Federal Government has spent, which means there will be no money left over for education, laying out roads, or environmental protection.

We will be in a position where our children, in order to bear the burden of those three programs, will have to pay a tax rate which will make it impossible for them to afford their own Government and will make their lifestyle significantly constrained. The pressure on them will be dramatic because the burden of taxes will exceed their ability to pay them and still maintain a quality lifestyle. Their ability to send their children to college, to buy a house, to have a good lifestyle, to have the luxuries which our generation has had will be constrained by the fact that the size of the Federal Government is growing out of control as a function of the retirement of the baby boom generation.

So these two events combined—the dramatic expansion in entitlement spending and the Democratic budget which was essentially grossly irresponsible in the area of spending on the discretionary side of the account and in the area of creating debt; it will add \$2.5 trillion of new debt to the Federal Government over the 5 years of this budget—these two events combined are going to put a lot of pressure on our economy and on the well-being of our Nation.

A group of us believe very strongly that we need to put in place mechanisms in this Government which more effectively discipline the spending of the Government. So I am introducing today, along with 27 colleagues—and that is a fair number of cosponsors—the Stop Over-Spending Act, SOS. This bill has eight basic elements. I am not going to go through them all, but I

wish to highlight the ones that are significant.

Basically, what this bill does is it puts in place disciplines which allow this Congress, if it desires to do so—all of these disciplines can be waived by 60-vote points of order, basically—if Congress desires to do so, it can limit the growth of the Federal Government to something that is affordable to the American people.

The most important discipline this bill puts in place is one over entitlement spending. Right now, we have nothing that controls entitlement spending. This bill says that if entitlement spending reaches a certain level of use of general funds of the Treasury—and most of these entitlement programs—Social Security, Medicare, and Medicaid—are not supposed to be overwhelming burdens on the general fund, the general fund being basic income taxes, not retirement taxes and health insurance taxes—if the burden of these programs exceeds a certain level, then there are mechanisms which allow us to take a second look at these programs to improve them, to make them cost-effective while delivering quality services.

In addition, this proposal puts in place caps, serious caps on discretionary spending so that we know that when you hit a certain level of spending and you are trying to exceed the amount of money the Federal Government should spend, there will be a 60-vote point of order before that can occur. That is only reasonable, that is only good budgeting, and it is something we need to have in place.

Unfortunately, the Democratic budget which was just passed essentially got rid of caps for the year 2009, 2010, and it puts them in place for 2008, but that is almost irrelevant because it raises them so high that there is no way anybody is going to hit those caps unless they are truly spendthrifts.

They basically add \$200 billion of new spending over the next 5 years, and next year they dramatically increase spending, both through taking programs off the budget by declaring them emergencies, such as in the agricultural area, and putting them into the next year through advanced funding, which is a total gamesmanship, and then actually increasing the spending levels under the discretionary account. It is a grossly irresponsible cascade of new spending we see coming at us next year as a result of this Democratic budget. This Stop Over-Spending Act will try to discipline that in a more effective way, and it is time we did that.

In addition, it puts in place two very aggressive proposals to try to take a look at how we are managing the bigger programs of the Federal Government. One is a proposal which came from Senator BROWBACK which is a bipartisan commission on accountability and Federal review. It is basically a BRAC commission for all the Federal Government. So if we find programs that are overlapping—and believe me,

there are an awful lot of overlapping programs in the Federal Government—if we find programs that are just not producing the results they are supposed to produce or which have served their time, which were supposed to be 3-year programs and they have been going on for 10, 15 years, we will have a mechanism where those programs can come back to the Congress and voted up or down, either they should be in place or not in place, the same way we approach managing the defense spending accounts through BRAC.

There is a second commission put in place which, again, has an automatic vote by the Congress, which is an attempt to address the most significant issue we have, which is this entitlement spending issue which was reflected in the chart I held up earlier. This is a commission which would be set up, which would be bipartisan, which would be Members of the Congress, and which would essentially take a look at these programs—Social Security and Medicare specifically—and see how we can improve them, see how we can make them work more effectively but see how we can make them more affordable for our children, and then in a bipartisan way, with an overwhelming supermajority, so there is no question that anybody will be gamed, everybody will be at the table, and nobody will be gamed, bring those proposals back to Congress and vote them up or down without amendment so that we know this commission, when it makes a report, will actually get action from a report.

The problem is that we get all these commissions and they produce wonderful reports and nothing happens. This commission will have something happening. It is a critical element. It is important.

If we don't get on this issue of mandatory spending, we will be irresponsible as a generation. We are the generation that created this problem, the baby boom generation. We are the generation governing today. Probably 80 percent of the people in this body are of the baby boom generation. And what we are doing is burying our heads in the sand and passing what we know is a huge problem—which is going to occur because all the people who are going to create this problem exist and they are going to retire—we are going to pass that problem on to our children and say: You figure it out, even though it is a problem we created. That is irresponsible.

As people who have obtained a position of governing in this country, we have an absolute responsibility to our children and our children's children and to this Nation's fiscal health to address this issue, and this commission is an attempt to do that. This Stop Over-Spending Act is an attempt to do just that.

In addition, the proposal includes bi-annual budgeting, which is something many people around here think will help us be more efficient in the way we

approach the accounts of the Federal Government. It changes and reforms a lot of what are institutional mechanisms for the purposes of managing the day-to-day business of the spending of the Federal Government by putting in place baselines which are appropriate and limitations on the ability to spend money around here under reconciliation and limitations on the ability to raise taxes arbitrarily on the American people.

So it is a balanced approach. It has 27 cosponsors, and, quite honestly, if a percentage of these proposals were adopted, we would actually have some discipline around this place in the area of fiscal policy. We would be back on a path toward making sure we have a government that people can afford, while we still have a government that is delivering the services that people want. That should be our bottom-line goal.

It is an honor for me to have a chance to introduce this today, to be the primary sponsor of it, but I especially appreciate the support of my colleagues in signing onto this bill, which I hope will be considered or at least elements of this bill will be considered because we are running out of time.

By Ms. COLLINS:

S. 31. A bill to amend the Immigration and Nationality Act to reduce fraud in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise to introduce the H-1B Visa Fraud Prevention Act of 2007.

Many American businesses rely on the H-1B visa program. When employers can demonstrate that there are too few U.S. workers to fill particular positions with defined education and skills standards, the program allows temporary, non-immigrant workers to fill vacancies in engineering, sciences, medicine, health, and other specialties.

The program is of considerable benefit to our economy. Unfortunately, there has been a long history of some unscrupulous employers attempting to abuse the H-1B program. Last fall, the Portland Press Herald newspaper in Maine printed a three-part series resulting from its in-depth investigation of H-1B abuses.

The newspaper found evidence of shell companies filing applications for H-1B visas in Maine, but no evidence of H-1B visa holders actually working for those businesses in Maine. One company rented office space in Portland for a year and submitted at least 160 H-1B and green-card applications on behalf of foreign workers, but the building manager never saw anyone there, and was asked to forward all mail to an address in New Jersey.

This legislation will help detect and prevent the kind of fraud identified by the Portland Press Herald.

Before I describe the details of my legislation, I want to acknowledge the

leadership of Senators GRASSLEY, DURBIN, GREGG, HAGEL, and LIEBERMAN on this issue. They have also drafted bills aimed at reforming the H-1B visa issuance process as well as expanding the number of H-1B visas. My hope is that we can join forces to craft an amendment to the immigration bill that will curb the fraud afflicting this program.

Specifically, my legislation is targeted at detecting employers who do not have legitimate business operations that require H-1B workers and who intend only to transfer the H-1B workers they receive to another employer. This bill prohibits employers from contracting their H-1B workers to an employer in a different State.

The Portland Press Herald's investigation showed that some employers may have filed for H-1B workers in Maine in order to take advantage of a lower prevailing wage, then transferred those employees to States where a higher prevailing wage would have been required on the H-1B application.

The legislation I am proposing would remove onerous restrictions on the Department of Labor's ability to investigate suspected fraud. It would allow the Department to investigate applications that have clear indicators of fraud or misrepresentation, instead of merely checking for completeness and obvious inaccuracies, as current law provides.

It also would expand the types of information that can be used to investigate fraudulent activity and eliminate a requirement that the Secretary of the Department of Labor personally approve each investigation. In addition, to further deter companies from filing fraudulent applications, the legislation would double the current monetary penalties.

Preventing H-1B fraud and abuse also requires that the Department of Labor work more closely with the Department of Homeland Security's U.S. Citizenship and Immigration Services, or USCIS, which is the agency that ultimately approves an H-1B visa application. To that end, this legislation requires the Director of USCIS to share with Labor information it receives from employers who file H-1B visa applications that may indicate non-compliance with the H-1B visa program.

USCIS has taken first steps to detect fraud in other types of visas. For example, last July USCIS completed an assessment of religious-worker benefit fraud that showed fraud in one-third of the cases surveyed. From these surveys, USCIS developed known indicators of fraud for religious-worker visas that it can now compare against incoming applications.

USCIS began a similar assessment of benefit fraud for H-1B visas nearly a year ago. It is not yet completed, despite repeated inquiries by my staff on its status. This legislation requires completion of the H-1B fraud assessment within 30 days, so that USCIS can

begin using this valuable tool to uncover fraud in other H-1B applications.

This legislation fills gaps in our ability to ensure that H-1B visas are granted and used in the manner Congress intended. I urge my colleagues to support this proposal as we consider immigration-reform 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. 31

*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 "H-1B Visa Fraud Prevention Act of 2007".

#### SEC. 2. H-1B EMPLOYER REQUIREMENTS.

##### (a) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(1) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary."

#### SEC. 3. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(H) The employer"; and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(B) by inserting "clear indicators of fraud, misrepresentation of material fact," after "completeness";

(C) by striking "or obviously inaccurate" and inserting "clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(D) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(E) by adding at the end the following: "If the Secretary's review of an application

identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)."

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A), by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review."

(G) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(H) by adding at the end the following:

"(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

"(I) the employer has violated the requirements under this subsection; and

"(II) the violation was not made in good faith."; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-

1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph."

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants."

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "\$1,000" and inserting "\$2,000";

(2) in clause (ii)(I), by striking "\$5,000" and inserting "\$10,000"; and

(3) in clause (vi)(III), by striking "\$1,000" and inserting "\$2,000".

(f) INFORMATION PROVIDED TO H-1B NON-IMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill."

#### SEC. 4. H-1B WHISTLEBLOWER PROTECTIONS.

Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits."

#### SEC. 5. FRAUD ASSESSMENT.

Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

By Mr. MCCAIN:

S. 32. A bill to reform the acquisition process of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I am introducing this omnibus defense acquisition reform bill today to highlight the scope and urgent need for com-

prehensive reform in how the Pentagon procures its biggest and most expensive weapons systems.

Defense acquisition policy has been a major issue ever since President Eisenhower first warned the Nation, in 1961, about the military-industrial complex. As Operation Ill Wind in the 1980s and the Boeing tanker lease scandal just a few years ago have taught us, Eisenhower's comments apply with equal force today.

Despite the lessons of the past, the acquisition process continues to be dysfunctional. In the 110th Congress, major acquisition policy issues have arisen in some of the biggest defense programs, including the Navy transformational program, Littoral Combat Systems, LCS and the Air Force's second largest acquisition program, Combat Search and Rescue Vehicle Replacement Program, CSAR-X.

We can not do much to ensure that taxpayers' dollars are spent wisely in developing, testing and acquiring major defense systems. By increasing transparency and accountability and maximizing competition, comprehensive acquisition reform can provide the taxpayer with the best value; minimize waste, fraud and abuse; and, perhaps most importantly, help guarantee that the U.S. maintains the strongest, most capable fighting force in the world. That is what this legislative proposal is all about.

Our colleagues in the House Armed Services Committee have already taken considerable steps in this area, which I applaud. It is my intention to offer this acquisition package to the defense authorization bill this week. The defense bill which we will be considering this week in the Committee on Armed Services totals more than \$650 billion. That's serious money.

As stewards of the taxpayers' dollars we must assure the public that we are buying the best programs for our servicemen and women at the best price for the taxpayer. I have already highlighted critical weapon systems with key acquisition problems. If we continue to buy weapon systems in an ineffective and inefficient manner so that costs continue to go up or the deployment of the system is delayed, it will only hurt the soldier, sailor, airman, or marine in the field.

The reason for this is quite simple. First, it does not take an economics degree to understand that the higher that costs of a weapon system unexpectedly goes up, the fewer of them we can buy. A prime example is the F-22 Raptor. The original requirement was for 781 jet fighters, now we can only afford 183. In addition, without fundamental reforms, such as I have proposed in this bill, we will continue to buy weapon systems in an ineffective manner, which usually results in long delays and unexpected cost growth, as requirements, acquisition policy and resources never get in synch.

One aspect of how the Pentagon buys the biggest weapons systems that my

proposal addresses head-on is the "requirements process"; that is, the process by which the Pentagon defines the weapon system it wants to procure. All too often, costly requirements, many of which are unrelated to what the unified commands say they need, are piled on to these programs irresponsibly, without regard to the bottom-line. Just as egregious is the tendency to drop requirements that the warfighter has said they need, which sometimes justified the system in the first instance.

There is an emerging consensus that one way of addressing these, and related, problems is by integrating processes, that is, aligning the acquisition, resources, and requirements spheres of the procurement process in a way that provides the necessary accountability and agility for the Pentagon to make sound judgments on its defense investments. Historically, each sphere has been stove-piped and allowed to operate independently in a way that has produced poor cost, scheduling and performance outcomes, to the detriment of both the taxpayer and the warfighter.

Elements of this legislative proposal that provide for "integrated processes" include 1. having the Service Chiefs help oversee acquisition management decisions; 2. standing-up a "tri-chair committee"—so-called because it will be that headed by the primary players in the acquisition, resources and requirements communities—that can help make enterprise-wide investment decisions more powerfully and with greater agility than any other procurement-related organization currently within the Pentagon 3. increasing the membership of the Pentagon's main requirements-setting body to include leadership from all three spheres; and 4. setting out guidelines that, when coupled with certain provisions currently under law, can help the Pentagon better manage unexpected cost growth.

Other elements of this proposal address particular structural problems in major weapons procurement that Congress has observed over the last few years. One such provision restricts the services from entering into multiyear contracts irresponsibly when buying weapons. Buying weapons under a multiyear contract restricts Congress's ability to exercise appropriate oversight. If Congress bought these items under a series of annual contracts, there would be a meaningful opportunity for it to annually review the programs' progress. For this reason, using multiyear contracts should be limited to only the best performing and most stable programs. The approach provided for under this legislative proposal would help to ensure that.

Other elements of this proposal would help reign in abuses in how the Government pays award fees and require defense contractors to maintain a robust internal ethics compliance program that can help maintain effective oversight of defense programs.



In developing this reform package, I have pulled the “best of the best,” that is, the best, most powerful ideas which enjoy the broadest consensus among some of the most respected experts, whose ideas have been ventilated in public hearings and reps over the last 3 years, including the Defense Acquisition Performance Assessment Report, a.k.a. the DAPA or the Kadish Report; the Center for Strategic International Studies’ CSIS, Beyond Goldwater-Nichols Report; the section 804 report from the Undersecretary of Defense for Acquisition, Technology and Logistics; a number of reports and analyses from the Government Accountability Office and the Congressional Research Service; and others. Some of the elements of this package also institutionalize good ideas that the Pentagon has informally put in place recently.

Acquisition reform of a bureaucracy as large as the Pentagon does not happen overnight. That is why we need to act now. Our defense spending has doubled in the last decade, from \$350 billion to \$650 billion. Every American I talk to as I cross the country understands that we need to spend as much as necessary for national defense. However, how much is enough? Taxpayers also expect that we spend his or her hard-earned tax dollars in a sound and cost-effective manner. We have not been fulfilling that expectation. We need to. This proposed legislation sets us on that course.

Chairman LEVIN and I have discussed the need for greater oversight in the Senate Armed Services Committee and the common goal of producing concrete results on acquisition reform this year. I look forward to working with Chairman LEVIN to fully adopt this acquisition package this week and also working with his capable staff in taking comprehensive steps, similar to what our House colleagues have done, to assure that we buy weapon systems at the best price and field them as soon as practicable.

Mr. President, 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. 32

*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 “Defense Acquisition Reform Act of 2007”.

#### SEC. 2. JOINT REQUIREMENTS OVERSIGHT COUNCIL EVALUATION OF MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING CERTAIN COST INCREASES.

(a) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

##### “§ 2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases

“(a) IN GENERAL.—The Secretary concerned may not reprogram funds for a major defense acquisition program described in

subsection (b), or otherwise provide or provide for additional funding for such a program, until the Joint Requirements Oversight Council submits to the Secretary an assessment of the performance requirements for the item to be procured under the contract, including the effect of such requirements on cost increases under the program.

“(b) COVERED MAJOR DEFENSE ACQUISITION PROGRAMS.—A major defense acquisition program described in this subsection is any major defense acquisition program as follows:

“(1) A major defense acquisition program that experiences a percentage increase in the program acquisition unit cost of—

“(A) at least 10 percent over the program acquisition unit cost for the program as shown in the current Baseline Estimate for the program; or

“(B) at least 25 percent over the program acquisition unit cost for the program as shown in the original Baseline Estimate for the program.

“(2) A major defense acquisition program that is a procurement program that experiences a percentage increase in the procurement unit cost of—

“(A) at least 10 percent over the procurement unit cost for the program as shown in the current Baseline Estimate for the program; or

“(B) at least 25 percent over the procurement unit cost for the program as shown in the original Baseline Estimate for the program.

“(c) DEFINITIONS.—In this section:

“(1) The terms ‘program acquisition unit cost’ and ‘procurement unit cost’ have the meaning given those terms in section 2432(a) of this title.

“(2) The terms ‘Baseline Estimate’ and ‘procurement program’ have the meaning given those terms in section 2433(a) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such title is amended by inserting after the item relating to section 2433 the following new item:

“2433a. Joint Requirements Oversight Council evaluation of programs experiencing certain cost increases.”

#### SEC. 3. MEMBERSHIP OF THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 181(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(F) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

“(G) the Under Secretary of Defense (Comptroller).”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Director of Program Analysis and Evaluation shall be an advisor to the Council in the performance of its mission under this section.”.

#### SEC. 4. REQUIREMENT OF APPROVAL OF JOINT REQUIREMENTS OVERSIGHT COUNCIL FOR INITIAL OPERATIONAL TEST AND EVALUATION IN ENVIRONMENT NOT SPECIFIED IN TEST AND EVALUATION MASTER PLAN.

Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) Initial operational test and evaluation of a major defense acquisition program may not be conducted in an environment other than the environment specified and defined in the test and evaluation master plan (TEMP) concerned without the approval of the Joint Requirements Oversight Council.”;

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking “paragraph (2)” and inserting “paragraph (3)”;

(4) in paragraph (5), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”;

(5) in paragraph (6), as so redesignated—

(A) by striking “paragraph (4)” and inserting “paragraph (5)”;

(B) by striking “paragraph (2)” and inserting “paragraph (3)”.

#### SEC. 5. APPROVAL BY PROGRAM MANAGERS OF CERTAIN COST INCREASES IN CONTRACTS FOR THE ACQUISITION OF PROPERTY.

(a) REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations certain mechanisms that provide cost control measures in contracts for the acquisition of property for the Department of Defense that may be authorized or approved by the program manager.

(2) OBJECTIVES.—In prescribing the regulations, the Secretary shall seek, to the maximum extent practicable, to achieve cost control, the stabilization of requirements, and timely delivery in accordance with contract specifications in the performance of contracts for the acquisition of property for the Department.

(b) COVERED COST INCREASES.—The regulations required by subsection (a) shall provide that the cost increases that may be authorized or approved by a program manager under a contract shall be limited to the following:

(1) A cost increase necessary to secure or enhance safety in the property procured under the contract where the insecure or unsafe condition or situation (as officially documented by a responsible oversight organization) is attributable to the Government.

(2) A cost increase necessary for the correction of a defect in the contract that is attributable to the Government, including a defect in contract specifications, a defect in or the unavailability of Government information necessary for the performance of the contract, or a defect in or the unavailability of Government equipment necessary for the performance of the contract.

(3) A cost increase associated with the unavailability of Government-specified, contractor-furnished equipment or components.

(4) A cost increase that is necessary for the modification of the property procured under the contract that is critical for the delivery or completion of operational testing.

(5) A cost increase resulting from a modification of applicable statutes or regulations, but only if—

(A) funds are specifically made available to implement such modification; or

(B) in the event funds are not so made available, the service acquisition executive concerned approves the cost increase.

(6) Any other cost increase approved and funded by an appropriate oversight organization that is the result of new or revised requirements or modifications that would result in an overall reduction in life cycle cost in the property procured under the contract.

(c) AVAILABILITY OF CHANGE ORDER FUNDS FOR COST INCREASES.—The regulations shall provide that amounts appropriated for a program and available for change orders to contracts under the program shall be available

for costs authorized or approved under subsection (b).

(d) **PROHIBITION ON OTHER COST INCREASES.**—The regulations shall prohibit the authorization or approval by a program manager of any cost increase under a contract not authorized pursuant to subsection (b).

(e) **COST REDUCTIONS.**—The regulations shall also authorize a program manager to authorize or approve an administrative change, whether engineering or non-engineering, to a contract for the acquisition of property for the Department if the change will reduce or have no effect on the cost of the contract.

(f) **PROHIBITION ON USE OF CERTAIN COST REDUCTIONS FOR OFFSET.**—The regulations shall prohibit the utilization as an offset for a cost increase in a contract under subsection (b)(6) of any reduction in the cost of the contract resulting from a cost change approved by the program manager, including a reduction attributable to a change authorized under subsection (e).

#### **SEC. 6. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS AND THE CHIEFS OF STAFF.**

(a) **DEPARTMENT OF THE ARMY.**—

(1) **IN GENERAL.**—There is in the Army a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Army who have significant experience in the areas of acquisition and program management.

(2) **GRADE.**—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) **DUTIES.**—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Army with responsibility for acquisition matters in the supervision of acquisition matters for the Army.

(B) To report to the Chief of Staff of the Army regarding such matters.

(b) **DEPARTMENT OF THE NAVY.**—

(1) **IN GENERAL.**—There is in the Navy a Naval Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Navy and Marine Corps who have significant experience in the areas of acquisition and program management.

(2) **GRADE.**—The Naval Deputy for Acquisition Matters has the grade of vice admiral or lieutenant general.

(3) **DUTIES.**—The Naval Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Navy with responsibility for acquisition matters in the supervision of acquisition matters for the Navy.

(B) To report to the Chief of Naval Operations regarding such matters.

(c) **DEPARTMENT OF THE AIR FORCE.**—

(1) **IN GENERAL.**—There is in the Air Force a Military Deputy for Acquisition Matters, appointed by the President, by and with the advice and consent of the Senate, from among officers in the Air Force who have significant experience in the areas of acquisition and program management.

(2) **GRADE.**—The Military Deputy for Acquisition Matters has the grade of lieutenant general.

(3) **DUTIES.**—The Military Deputy for Acquisition Matters shall have the following duties:

(A) To assist the Assistant Secretary of the Air Force with responsibility for acquisition matters in the supervision of acquisition matters for the Air Force.

(B) To report to the Chief of Staff of the Air Force regarding such matters.

(d) **EXCLUSION OF MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.**—

(1) **DISTRIBUTION.**—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

“(B) A position specified in this subparagraph is each position as follows:

“(i) Military Deputy for Acquisition Matters of the Army.

“(ii) Naval Deputy for Acquisition Matters of the Navy.

“(iii) Military Deputy for Acquisition Matters of the Air Force.”.

(2) **AUTHORIZED STRENGTH.**—Section 526 of such title is amended by adding at the end the following new subsection:

“(g) **EXCLUSION OF MILITARY DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.**—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.”.

#### **SEC. 7. COMMITTEE ON STRATEGIC INVESTMENT IN MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish within the Department of Defense a committee to ensure the effective allocation within major defense acquisition programs of the financial resources available for such programs.

(b) **MEMBERS.**—

(1) **IN GENERAL.**—The committee established under subsection (a) shall be composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Vice Chairman of the Joint Chiefs of Staff.

(C) The Director of Program Analysis and Evaluation.

(D) Any other officials of the Department of Defense jointly agreed upon by the Under Secretary and the Vice Chairman.

(2) **CHAIRS.**—The officials referred to in subparagraphs (A) through (C) of paragraph (1) shall serve as joint chairs of the committee.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The committee established under subsection (a) shall, at each point in the acquisition of a major defense acquisition program specified in paragraph (2), determine the most effective allocation among such program of the financial resources available to such program at such point. In making such determinations, the committee shall balance requirements, technological maturities, and available resources under such program utilizing solutions bounded by a time-certain and available resources (commonly referred to as “bounded solutions”), portfolio management techniques, and other appropriate investment evaluation techniques to identify the most appropriate allocation of financial resources to meet requirements.

(2) **POINTS WITHIN ACQUISITION PROCESS.**—The points in the acquisition of a major defense acquisition program specified in this paragraph are the points as follows:

(A) At an appropriate point early in the acquisition jointly specified by the Under Secretary and the Vice Chairman.

(B) At such other point in the acquisition as the Under Secretary and the Vice Chairman shall jointly specify for purposes of this section or otherwise jointly specify for purposes of the program.

(d) **MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.**—In this section, the term “major

defense acquisition program” means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

#### **SEC. 8. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR THE ACQUISITION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for the acquisition of major defense acquisition programs.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the “Office of Independent Assessment”) to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) **MILESTONE 0.**—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) **MILESTONE 1.**—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) **MILESTONE 2.**—The time or technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) **MILESTONE 3.**—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) **MILESTONE 4.**—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) **MILESTONE 5.**—The time for limited production and field testing of the system under a major defense acquisition program.

(G) **MILESTONE 6.**—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be

required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

#### SEC. 9. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

“(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

“(A) inconsistent with such certification; or

“(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

“(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.”;

(3) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting “(1)” before “The certification”; and

(B) by adding at the end the following new paragraph (2):

“(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority.”; and

(4) in subsection (e), as so redesignated, by striking “subsection (c)” and inserting “subsection (d)”.

#### SEC. 10. BUSINESS CASE ANALYSIS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS BEFORE MILESTONE B APPROVAL.—The milestone decision authority for a major defense acquisition program may not grant Milestone B approval for the program until the milestone decision authority obtains from a federally funded research and development center (FFRDC) a business case analysis for the program meeting the requirements of subsection (c).

(b) ANALYSIS FOLLOWING DEVIATIONS FROM MILESTONE B APPROVAL CERTIFICATION.—If the milestone decision authority for a major defense acquisition program determines that information provided to the milestone decision authority by the program manager reveals changes to the program that are inconsistent with the certification for Milestone B approval with respect to the program under section 2366a(a) of title 10, United States Code, or that significantly deviate from the material provided to the milestone decision authority in support of such certification, the milestone decision authority shall require the conduct by a federally funded research and development center of a new business case analysis for the program meeting the requirements of subsection (c).

(c) ELEMENTS OF BUSINESS CASE ANALYSIS.—The business case analysis for a major defense acquisition program under this section shall ensure the following:

(1) That the needs of the user for the system under the program have been accurately defined.

(2) That alternative approaches to satisfying such needs have been properly analyzed, and that the quantities of the system required are well understood.

(3) That the system developed or, in the case of a new developmental program, the system to be developed, is producible at a cost that matches the expectations and financial resources of the system user.

(4) That the developer has the resources to design the system with the features that the user wants and to deliver the system when the user needs the system.

(d) SUBMITTAL TO CONGRESS.—Each business case analysis conducted under this section shall be submitted to the congressional defense committees not later than seven days after the date on which such business case analysis is submitted to the milestone decision authority under this section.

(e) DEFINITIONS.—In this section:

(1) The term “major defense acquisition program” means a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

(2) The term “Milestone B approval”, with respect to a major defense acquisition program, has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

#### SEC. 11. GUIDANCE ON UTILIZATION OF AWARD FEES IN CONTRACTS UNDER DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations guidance on the appropriate use of award fees in contracts under Department of Defense acquisition programs.

(b) UTILIZATION OF OBJECTIVE CRITERIA IN ASSESSMENT OF CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide that, to the extent practicable, objective criteria are utilized in the assessment of contractor performance in Department acquisition programs.

(2) MIXED UTILIZATION OF OBJECTIVE AND SUBJECTIVE CRITERIA.—The regulations shall provide that, in any case in which objective criteria are available for the assessment of contractor performance, the program manager and contracting officer concerned may elect to assess contractor performance through an appropriate mixture of objective criteria and such subjective criteria as the program manager and contracting officer jointly consider appropriate under a contract providing both incentive fees and awards fees, including a cost-plus-incentive/award fee contract or a fixed-price-incentive/award fee contract.

(3) UTILIZATION OF SUBJECTIVE CRITERIA.—

(A) IN GENERAL.—The regulations shall provide that, if it is determined that objective criteria do not exist and it is appropriate to use a cost-plus-award-fee contract, the head of the contracting activity concerned shall find that the work to be performed under the contract is such that it is not feasible or effective to establish objective incentive criteria for the contract.

(B) DELEGATION.—The authority to make a determination and finding under subparagraph (A) may be delegated by the head of a contracting activity but only to an official in the contracting activity who is one level lower in the contracting chain of authority than the head of the contracting activity.

(c) SCHEDULE FOR AWARD FEES.—

(1) IN GENERAL.—The regulations required by subsection (a) shall set forth a schedule of ratings of contractor performance for award fees in contracts under Department acquisition programs, including—

(A) a range of authorized ratings;

(B) the contractor performance required for each authorized rating; and

(C) the percentage of potential award fees payable as a result of the achievement of each authorized rating.

(2) AUTHORIZED RATINGS AND PERFORMANCE.—The schedule shall set forth a range of authorized ratings and associated contractor performance as follows:

(A) Outstanding, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 90 percent of the criteria for the award of award fees under the contract.

(B) Excellent, for a contractor who meets—

(i) the minimum essential requirements of the contract; and

(ii) at least 75 percent of the criteria for the award of award fees under the contract.

(C) Good, for a contractor who meets—

(i) the minimum essential requirements under the contract; and

(ii) at least 50 percent of the criteria for the award of award fees under the contract.

(D) Satisfactory, for a contractor who meets the minimum essential requirements under the contract but does not meet at least 50 percent of the criteria for the award of award fees under the contract.

(E) Unsatisfactory, for a contractor who does not meet the minimum essential requirements under the contract.

(3) AWARD FEES PAYABLE.—The schedule shall provide that the amount payable from amounts available for the payment of award fees under a contract (commonly referred to as an “award fee pool”) to a contractor who achieves a particular rating under the schedule shall be the percentage of such amounts, as determined appropriate by the contracting officer, from the percentages as follows:

(A) In the case of outstanding, 90 percent to 100 percent.

(B) In the case of excellent, 75 percent to 90 percent.

(C) In the case of good, 50 percent to 75 percent.

(D) In the case of satisfactory, not more than 50 percent.

(E) In the case of unsatisfactory, 0 percent.

(d) ESTABLISHMENT OF AWARD FEE REQUIREMENTS.—The regulations required by subsection (a) shall provide that the requirements to be satisfied for the award of award fees under a contract shall be determined by the contracting officer, in consultation with the program manager concerned and the fee determining official for the contract. The specification of such requirements in the contract may be referred to as the “Award Fee Plan” for the contract.

(e) ROLLOVER OF AWARD FEES TO LATER AWARD PERIODS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall establish a negative presumption against the rollover of amounts available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract unless the rollover of such amounts is specifically set forth in the acquisition strategy under which the contract is entered into.

(2) LIMITATION ON AMOUNT OF ROLLOVER.—The regulations shall set forth specific limits on the amount available for the payment of award fees under a contract that may be rolled over from one award fee period under the contract to another award fee period under the contract. Such limits may be expressed as specific dollar amounts or as percentages of the amount available for payment of award fees under the contract concerned.

(3) DOCUMENTATION OF ROLLOVER.—The regulations shall require that any determination by the fee determining official to roll over amounts available for the payment of award fees under a contract from one award fee period under the contract to another award fee period under the contract shall be included in writing in the contract file for the contract.

#### SEC. 12. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term “substantial savings” for purposes of subsection (a)(1) of such section. Such regulations shall specify the following:

(A) Savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial.

(B) Savings that exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the following conditions are satisfied:

(i) The program has not breached any threshold under section 2433 of title 10, United States Code, during the two-year period ending on the date on which the military department concerned first submits to Congress a multiyear procurement proposal with respect to the program.

(ii) The program is estimated to save at least \$500,000,000 under a multiyear contract, as compared to annual contracts

(C) Savings that do not exceed 8 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) DETERMINATION OF SAVINGS.—The regulations required under this subsection shall require that the determination of the amount of savings to be achieved under a multiyear contract, including whether or not such savings are treatable as substantial savings for purposes of subsection (a)(1) of section 2306b of title 10, United States Code, shall be made by the Cost Analysis Improvement Group (CAIG) of the Department of Defense.

(3) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

#### SEC. 13. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an investment strategy for the allocation of funds and other resources among major defense acquisition programs.

(b) ELEMENTS.—The strategy required by subsection (a) shall do the following:

(1) Establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) Balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) Ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) RECOMMENDATIONS.—In submitting the strategy required by subsection (a), the Secretary shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to implement the strategy.

(d) UTILIZATION FOR BUDGET PURPOSES.—The Secretary shall utilize the strategy required by subsection (a) in developing requests for funding and other resources to be allocated to major defense acquisition programs under the budget of the President to be submitted to Congress each fiscal year under section 1105(a) of title 31, United States Code.

(e) CURRENT PROGRAMS BEYOND MILESTONE B APPROVAL.—Pending completion of the strategy required by subsection (a), the Secretary shall, to the extent practicable, establish priorities in the allocation of funds and other resources for major defense acquisition programs that have Milestone B approval in order to ensure the acquisition of items under such programs in the most cost-effective and efficient manner.

(f) DEFINITIONS.—In this section:

(1) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

#### SEC. 14. ETHICS COMPLIANCE BY DEPARTMENT OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations a requirement that a contracting officer of the Department of Defense may not determine a contractor to be responsible for purposes of the award of a new covered contract for the Department, or an agency or component of the Department, unless the en-

tity to be awarded the contract has in place, by the deadline specified in subsection (c), an internal ethics compliance program, including a code of ethics and internal controls, to facilitate the timely detection and disclosure of improper conduct in connection with the award or performance of the covered contract and to ensure that appropriate corrective action is taken with respect to such conduct.

(b) ELEMENTS OF ETHICS COMPLIANCE PROGRAM.—Each ethics compliance program required of a contractor under subsection (a) shall include the following:

(1) Requirements for periodic reviews of the program for which the covered contract concerned is awarded to ensure compliance of contractor personnel with applicable Government contracting requirements, including laws, regulations, and contractual requirements.

(2) Internal reporting mechanisms, such as a hot-line, for contractor personnel to report suspected improper conduct among contractor personnel.

(3) Audits of the program for which the covered contract concerned is awarded.

(4) Mechanisms for disciplinary actions against contractor personnel found to have engaged in improper conduct, including the exclusion of such personnel from the exercise of substantial authority.

(5) Mechanisms for the reporting to appropriate Government officials, including the contracting officer and the Office of the Inspector General of the Department of Defense, of suspected improper conduct among contractor personnel, including suspected conduct involving corruption of a Government official or individual acting on behalf of the Government, not later than 30 days after the date of discovery of such suspected conduct.

(6) Mechanisms to ensure full cooperation with Government officials responsible for investigating suspected improper conduct among contractor personnel and for taking corrective actions.

(7) Mechanisms to ensure the recurring provision of training to contractor personnel on the requirements and mechanisms of the program.

(8) Mechanisms to ensure the oversight of the program by contractor personnel with substantial authority within the contractor.

(c) DEADLINE FOR PROGRAM.—The deadline specified in this subsection for a contractor having in place an ethics compliance program required under subsection (a) for purposes of a covered contract is 30 days after the date of the award of the contract.

(d) DETERMINATION OF EXISTENCE OF PROGRAM.—In determining whether or not contractor has in place an ethics compliance program required under subsection (a), a contracting officer of the Department may utilize the assistance of the Office of the Inspector General of the Department of Defense.

(e) SUSPENSION OR DEBARMENT.—The regulations prescribed under subsection (a) shall provide that any contractor under a covered contract whose personnel are determined not to have reported suspected improper conduct in accordance with the requirements and mechanisms of the ethics compliance program concerned may, at the election of the Secretary of Defense, be suspended from the contract or debarred from further contracting with the Department of Defense.

(f) COVERED CONTRACT DEFINED.—In this section, the term “covered contract” means any contract to be awarded to a contractor of the Department of Defense if, in the year before the contract is to be awarded, the total amount of contracts of the contractor with the Federal Government exceeded \$5,000,000.

**SEC. 15. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COSTS AND READINESS RATES FOR MAJOR WEAPON SYSTEMS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled “Setting Requirements Differently Could Reduce Weapon Systems’ Total Ownership Costs”.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 35. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, 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. 35

*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 “Western Hemisphere Traveler Improvement Act of 2007”.

**SEC. 2. CERTIFICATIONS.**

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking “process” and inserting “read”; and

(ii) inserting “at all ports of entry” after “installed”;

(B) in clause (vi), by striking “and” at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver’s license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual’s

driver’s license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

“(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

“(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

“(xi) sufficient passport adjudication personnel have been hired or contracted—

“(I) to accommodate—

“(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

“(bb) a surge in such demand during seasonal peak travel times; and

“(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.”; and

(2) by adding at the end the following:

“(C) **REPORT.**—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

“(i) an analysis of the impact of the pilot program on national security;

“(ii) recommendations on how to expand the pilot program to other States;

“(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

“(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

“(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver’s licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver’s licenses;

“(vi) recommendations for improving the pilot program; and

“(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver’s license program as compared with participating in an alternative program.”.

**SEC. 3. SPECIAL RULE FOR MINORS.**

Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR MINORS.**—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

“(A)(i) is less than 16 years old;

“(ii) is accompanied by the individual’s legal guardian;

“(iii) is entering the United States from Canada or Mexico;

“(iv) is a citizen of the United States or Canada; and

“(v) provides a birth certificate; or

“(B)(i) is less than 18 years old;

“(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

“(iii) provides a birth certificate.”.

**SEC. 4. TRAVEL FACILITATION INITIATIVES.**

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended

by adding at the end the following new subsections:

“(e) **STATE DRIVER’S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver’s License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the ‘Program’) and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

“(2) **PURPOSE.**—The purpose of the Program is to permit a citizen of the United States who produces a driver’s license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

“(3) **ADMISSION OF CITIZENS OF THE UNITED STATES.**—A driver’s license or identity card meets the requirements of this paragraph if—

“(A) the license or card—

“(i) was issued by a State that is participating in the Program; and

“(ii) is tamper-proof and machine readable; and

“(B) the State that issued the license or card—

“(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

“(ii) does not require an individual to include the individual’s citizenship status on such a license or card; and

“(iii) manages all information regarding an applicant’s United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

“(4) **ADMISSION OF CITIZENS OF CANADA.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver’s license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

“(B) **TECHNOLOGY STANDARDS.**—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

“(5) **AUTHORITY TO EXPAND.**—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

“(A) from a country other than Canada; or

“(B) using evidence of citizenship other than a driver’s license or identity card described in paragraph (3) or a document described in paragraph (4).

“(6) **RELATIONSHIP TO OTHER REQUIREMENTS.**—Nothing in this subsection shall

have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

“(7) **STATE DEFINED.**—In this subsection, the term ‘State’ means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

“(f) **WAIVER FOR INTRASTATE TRAVEL.**—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a non-contiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

“(g) **WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

“(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

“(B) develop not fewer than 6 mobile enrollment teams that—

“(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

“(ii) are operated along the northern and southern borders of the United States; and

“(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

“(2) **DESIGNATION OF CITIES AND PORTS OF ENTRY.**—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

“(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

“(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

“(h) **COST-BENEFIT ANALYSIS.**—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

“(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

“(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

“(i) **REPORT.**—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

“(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

“(A) the average delay at border crossings; and

“(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

“(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

“(j) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

“(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.”

#### **SEC. 5. SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.**

The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

#### **SEC. 6. PASSPORT PROCESSING STAFF AUTHORITIES.**

(a) **REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.**—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(1) in paragraph (1), by striking “To facilitate” and all that follows through “, the Secretary” and inserting “The Secretary”; and

(2) in paragraph (2), by striking “2008” and inserting “2010”.

(b) **REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.**—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking “to facilitate” and all that follows through “Afghanistan.”; and

(2) in paragraph (2), by striking “2008” and inserting “2010”.

#### **SEC. 7. REPORT ON BORDER INFRASTRUCTURE.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(1) the ability of frequent travelers to access dedicated lanes for such travel;

(2) the total time required for border crossing, including time spent prior to ports of entry;

(3) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(4) the adequacy of readers to rapidly read identity documents of such individuals.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term

“appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 1445. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague Senator HUTCHISON in introducing the Hepatitis C Epidemic Control and Prevention Act of 2007. Senator HUTCHISON's leadership has been essential in developing this legislation, which will encourage programs for hepatitis C across the country similar to the programs that have been so effective in Texas. Our goal is to expand and improve health education, screening, and treatment to deal more effectively with the epidemic of hepatitis C.

Hepatitis C is a life-threatening disease caused by a virus and is the most common chronic, blood-borne infection in the United States. An estimated 5 million people, almost 2 percent of the population, are now infected with the hepatitis C virus. More than half a million of these Americans are suffering from chronic infection, and 30,000 more are infected every year.

Those infected come from all walks of life, and their numbers are growing fast. People at greatest risk include emergency service personnel, veterans, health care workers, and intravenous drug and methamphetamine users. Hepatitis C also disproportionately affects medically underserved populations, including African Americans, Native Americans, persons of Hispanic or Asian/Pacific Island descent, and the homeless.

It is truly a “silent” epidemic since the vast majority of these individuals are unaware of their infection. Millions are not receiving the care that could slow the progression of the disease or even cure it. Those who are not aware of their infection are less likely to take precautions against spreading the disease to others. Unlike the hepatitis A and B viruses, there is no vaccine currently available to prevent hepatitis C infection. It is critical to improve the screening process, so that everyone infected can be identified, obtain treatment, and learn healthier behavior.

The infection has serious health effects. It can cause liver disease, including cirrhosis and liver cancer, and is the leading cause of adult liver transplants. Chronic liver disease, most of



which is caused by this virus, is now the most common cause of death among persons infected with HIV. In addition to the human costs, the disease has massive financial implications. Direct medical costs associated with care are alone expected to exceed \$1 billion a year by 2010, and those costs will undoubtedly increase without better prevention and treatment programs.

Greater Federal investment will play a critical role in reversing this silent epidemic. Our bill will increase public awareness of the dangers of hepatitis C, and make testing widely available. For those already infected, it will provide counseling, referrals, and vaccination against hepatitis A and B and other infectious diseases. It will also support research, including the development of a vaccine against hepatitis C. It also supports increased hepatitis C surveillance activities by the Centers for Disease Control and Prevention, and creates hepatitis C coordinators to provide technical assistance and training to State public health agencies.

This bill will have a major impact on the lives of millions of Americans who are infected by hepatitis C, and the families and loved ones who care for them. I look forward to working closely with my colleagues to act quickly to pass this needed legislation.

By MR. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARDIN. Mr. President, today I am introducing legislation to help sustain the Federal Government's longstanding commitment to the Washington Metropolitan area's Metrorail system. The National Capital Transportation Amendments Act of 2007 authorizes a total of \$1,500,000,000 in matching Federal funds over the next 10 years to maintain and improve America's public transit system. It is a companion to a measure introduced in the House by Representative TOM DAVIS, with strong regional and bipartisan support, and is nearly identical to the legislation which was approved by the House in the 109th Congress.

In March 2006, the Washington Metropolitan Area Transit Authority celebrated the 30th anniversary of passenger service on the Metrorail system. Since service first began in 1976, Metrorail has grown from a 4.6-mile, five-station, 22,000-passenger system into the Nation's second busiest rapid transit operation. Today the Metrorail system consists of 106.3 miles, 86 stations and carries more than 100 million passengers a year. The Metrorail system provides a unified and coordinated

transportation system for the region, enhances mobility for the millions of residents, visitors and the Federal workforce in the region, promotes orderly growth and development of the region, enhances our environment, and preserves the beauty and dignity of our Nation's Capital. It is also an example of an unparalleled partnership that spans every level of government from city to State to Federal.

As the largest employer in this region, the Federal Government has had a longstanding and unique responsibility to support the Metro system. This special responsibility was recognized more than 40 years ago in the National Capital Transportation Act of 1960, when Congress found that "an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States." Today more than a third of Federal employees in this region rely on Metrorail to get to work, and at rush hour, more than 40 percent of Metro's riders are Federal employees. The service that WMATA provides is also a critical component of Federal emergency evacuation plans for the region. The Federal Government's interest in Metro is "unique and enduring."

It took extraordinary perseverance and effort to build the 106-mile Metrorail system. From its origins in legislation first approved by the Congress during the Eisenhower Administration, three major statutes, the National Capital Transportation Act of 1969, the National Capital Transportation amendments of 1979, and the National Capital Transportation Amendments of 1990 were enacted to provide Federal and matching local funds for construction of the system. In addition, in ISTEA, TEA-21 and most-recently in SAFETEA-LU, we made the Metrorail eligible for millions of dollars in Federal funds annually to maintain and modernize the system, and provided an additional \$104 million for WMATA's procurement of 52 rail cars and construction of upgrades to traction power equipment on 20 stations to allow the transit agency to expand many of its trains from 6 to 8 cars.

But the system is aging and has been experiencing increasing incidents of equipment breakdowns, delays in scheduled service, and unprecedented crowding on trains. In 2004, WMATA released a "Metro Matters" report which found a \$1.5 billion shortfall in funding over 6 years to meet WMATA's capital and operating needs. A Blue Ribbon Panel, sponsored by the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade and the Federal City Council published a report a year later which concluded that WMATA faces an average annual operating and capital shortfall of approximately \$300 million between fiscal year 2006 and fiscal year 2015.

This legislation seeks to provide additional Federal funds to help close

this gap. To be eligible for any Federal funds that may be appropriated annually under this legislation, the District of Columbia, the State of Maryland, and the Commonwealth of Virginia must first enact the required Compact amendments and either establish or use an existing dedicated funding source, such as Maryland's Transportation Trust fund, to provide the local matching funds. The legislation is still subject to the annual appropriations process and it is my hope that federal funding authorized under this Act will be forthcoming in future years. I urge my colleagues to join me in supporting this legislation.

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

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

S. 1446

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

#### SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "National Capital Transportation Amendments Act of 2007".

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

#### SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in

subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

“(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

“(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

“(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

“(B) For purposes of this paragraph, the term ‘dedicated funding source’ means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

“(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

“(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

“(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

“(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

“(1) shall remain available until expended; and

“(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.”.

### SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

#### (a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the “Transit Authority”) shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the “Office”), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the “Inspector General”).

(2) DEFINITION.—In paragraph (1), the “Washington Metropolitan Area Transit Authority” means the Authority established

under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

#### (b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

#### (c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

#### (3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the pos-

sible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

#### (d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

#### (2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide

necessary maintenance services for such of space and the equipment and facilities located therein.

(e) **TRANSFER OF FUNCTIONS.**—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

#### **SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.**

(a) **STUDY.**—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

Mr. WEBB. Mr. President, I am pleased to join my colleagues, Senators MIKULSKI, CARDIN and WARNER, to introduce legislation that will reaffirm the Federal Government's continuing responsibility for the Washington Metropolitan Area Transit Authority, WMATA. Our legislation, in cooperation with State and local governments of the national capital region, will aid in the preservation and maintenance of our regional transportation system.

Our predecessors in Congress had a clear vision for rapid rail and bus service that would not only transport Federal employees, residents, and visitors around the national capital region but that would also alleviate traffic congestion, spur growth and development, improve the economic welfare and vitality of all parts of the region, and ensure that all area residents have sufficient mobility options.

The Washington Metro transit system has fulfilled that vision and more, providing critical support to the Federal Government and the region during emergencies, helping to protect the environment and improve air quality in our Nation's Capital, and attracting visitors from around the country and the world to ride the system—now a monument of its own.

With the Federal Government's commitment to reduce our Nation's dependence on foreign oil and to increase national security, Federal support of the Washington Metro system is more important now than ever before. Congress has a fundamental interest in the transit system, and we must join our longstanding regional partners to help meet the demand of Metro's growing ridership and aging infrastructure.

Since the Washington Metro transit system began operating its first 4.6 miles of the Red Line between Rhode Island Avenue and Farragut North in 1976, the Metrorail system has added over 100 miles and extended operations to a total of 86 stations throughout the District of Columbia, Maryland, and Virginia. Almost half of all Metrorail

stations today serve Federal facilities, and 42 percent of Metro's peak period commuters are Federal employees.

Metrorail and Metrobus ridership continue to grow as more than a million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the national capital region. Metrorail ridership has grown steadily at an average annual growth of 4 percent, according to the Progress Report on the National Capital Region's Six-Year Transportation Capital Funding Needs, 2007–2012, by the Metropolitan Washington Transportation Planning Board, TPB. The report predicts that transit ridership demand will exceed system capacity by the year 2010. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands, before the system and region become totally mired in congestion.

The Washington Metro transit system has proven critical to the Federal Government, not only in moving its employees and serving Federal facilities but also in providing significant support during emergencies. Immediately following the September 11, 2001, terrorist attack on the Pentagon, Metro continued operations and helped safely evacuate hundreds of thousands of people from the downtown core of the District of Columbia. For a 30-day period after September 11, Metro opened Metrorail service half an hour early to support the Department of Defense as it heightened security actions and encountered major traffic congestion accessing the Pentagon.

Metro is a key component in emergency transportation and continuity of operations plans for the entire region, including the civilian and military Federal workforce. Without the use of the Metro system, gridlock would ensue on the region's roadways to a degree that would make all emergency transportation evacuation plans inoperable. With enactment of the legislation we propose today, Congress will assist the Washington Metro transit system to continue to provide its vital service and bolster security measures throughout the system.

Additional funding will also enable the transit system to continue to provide the invaluable service of helping to reduce traffic congestion throughout the region. With area roadways becoming increasingly congested, the Washington Metro transit system is critical to the region's infrastructure.

According to the 2005 Urban Mobility Report by the Texas Transportation Institute, TTI, the Washington metropolitan area has the third-worst traffic congestion in the United States. Washington area commuters sat in traffic for 145.5 million hours in 2003, costing drivers an estimated \$2.46 billion and wasting more than 87 million gallons of fuel. The report shows that the Washington area would have the worst congestion in the Nation if not for its pub-

lic transportation system. Moreover, the report concludes that Washington Metro transit improvements are necessary to help further relieve congested corridors and serve major activity centers.

Currently, Metrorail and Metrobus services result in 580,000 cars being removed from the region's highways each weekday and eliminate the need for 1,400 additional highway lane miles. A reliable and safe public transportation system is essential to encouraging more commuters to utilize alternative modes of transportation, especially as congestion on regional roadways is projected to increase, along with strong job and population growth in the National Capital region.

The Metropolitan Washington Council of Governments, MWCOG, estimates the area's population will grow 36 percent by 2030. Already struggling to meet its current ridership demands, the Washington Metro transit system desperately needs increased support from the Federal Government and State and local governments in the national capital region to keep up with the region's current and future economic progress.

Metro is an unparalleled asset to the region, not only reducing traffic congestion and air pollutants but also helping to reduce our Nation's dependence on foreign oil. Public transportation is an inherently energy efficient travel mode, with each transit user consuming an average of one-half the oil consumed by the typical automobile user, according to the American Public Transportation Association, APTA.

Current public transportation usage reduces U.S. gasoline consumption by 1.4 billion gallons each year. In concrete terms, that means 108 million fewer cars are filling up with gas per year, or almost 300,000 per day, 34 fewer supertankers are leaving the Middle East per year, and over 140,000 fewer tanker trucks are making deliveries to service stations.

Locally, the Washington Metro transit system saves the region from using 75 million gallons of gasoline each year. As gas prices continue to rise, many Washington area residents will continue to seize upon the opportunity to save money on fuel consumption by taking public transportation. Additional Federal funding will allow Metro to purchase 340 new railcars and 275 new buses, which are necessary to accommodate more riders and help further reduce oil consumption throughout the Washington region.

Public transportation not only helps reduce our dependence on foreign oil, but it also helps reduce toxic emissions and air pollution caused by the large number of cars sitting in bumper-to-bumper traffic on area roadways. The Washington Metro transit system eliminates more than 10,000 tons of pollutants from the air each year. Much of the Metrobus fleet is comprised of eco-friendly buses that run on ultra low

sulfur diesel fuel, compressed natural gas, diesel electric hybrid and advanced technology fuels. Investing in Metro is one of the most significant contributions the Federal Government can make to help protect the environment in the Washington metropolitan area.

Reliable Metrorail and Metrobus service is an attractive alternative to sitting in traffic, but if Metro does not receive additional funding, reliability will diminish along with the public's confidence in the transit system. Already, Metro is struggling to accommodate more riders and modernize its existing assets. Additional dedicated sources of funding are needed if Metro is to continue to serve the Federal workforce and thousands of other area residents and visitors.

For the past 30 years, the Washington Metro transit system has been a bedrock for the national capital region, providing reliable transportation, facilitating day-to-day operations of the Federal Government, spurring economic growth and sensible development, reducing sprawl and traffic congestion, and improving the quality of life for the region's citizens and visitors to the Nation's Capital.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many rewards not only to the region but also to the Federal Government and the entire Nation. I urge my colleagues to support this bill as it moves through the Senate.

By Mr. REED (for himself, Mr. LEAHY, and Mr. CORNYN):

S. 1448. A bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government; to the Committee on the Judiciary.

Mr. REED. Mr. President, on April 16, 2007, our Nation faced a terrible tragedy, the deadliest shooting in the history of our Nation. I want to express my sympathy to the victims of this senseless violence, one of whom was Daniel O'Neil, a 22-year-old Virginia Tech graduate student from Lincoln, RI.

The unfortunate truth is that this unspeakable event could have happened on any campus, anywhere. It highlighted how vulnerable our Nation's university and college campuses can be to this type of attack.

Today, I am reintroducing the Equity in Law Enforcement Act, to extend Federal benefits to law enforcement officers who serve private institutions of

higher education and rail carriers, including line-of-duty death benefits under the Public Safety Officers' Benefits Program, and eligibility for bulletproof vest partnership grants through the Department of Justice. This legislation would give sworn, licensed, or certified police officers serving private institutions of higher education and rail carriers the same Federal benefits that apply to law enforcement officers serving units of State and local government.

The Public Safety Officers' Benefits, PSOB, Act of 1976 was enacted to aid in the recruitment and retention of law enforcement officers and firefighters by providing a one-time financial benefit to the eligible survivors of public safety officers whose deaths are the direct result of traumatic injury sustained in the line of duty. Specifically, this law addresses concerns that the hazards inherent in law enforcement and fire suppression, and the low level of State and local death benefits, might discourage qualified individuals from seeking careers in these fields.

The same risks also apply to police officers protecting our private universities and railways. Unfortunately, the Public Safety Officers' Benefits Act omitted coverage to sworn officers who are privately employed, even though they enforce the law and have arrest powers within their jurisdiction. These brave officers, who protect our college and university campuses and railways every day and receive the same training as their government counterparts, are thus excluded from receiving the same line-of-duty Federal death benefits as law enforcement officers serving units of State and local governments.

According to the National Law Enforcement Officers Memorial Fund, 25 college or university officers have been killed in the line of duty since September 20, 1963. The names of these 25 officers, including Officer Joseph Francis Doyle, who was killed in the line of duty at Brown University in 1988, as well as 59 railway officers who have been killed in the line-of-duty are inscribed on the Memorial.

Since September 2004, three sworn campus police officers have been killed in the line-of-duty. Two of these officers were from public universities: the University of Florida and the University of Mississippi, whose sworn officers are covered by the Public Safety Officers' Benefits Act. The third, however, was Butler University Police Department Officer James L. Davis, Jr., who was shot and killed in the line of duty on September 24, 2004, while responding to a campus disturbance. Because Butler University is a private university, Officer Davis was not eligible for the same Federal benefits as his counterparts at the University of Florida or the University of Mississippi.

I am pleased that Senators LEAHY and CORNYN have joined me in introducing this legislation to help remedy this discrepancy in death benefit payments for law enforcement officers and

ensure that these public safety officers have access to the protective equipment they need.

The bill would apply only to sworn peace officers who receive State certification or licensing, and is supported by the International Association of Chiefs of Police, IACP, and the International Association of Campus Law Enforcement Administrators, IACLEA. Indeed, the benefits of this legislation far outweigh the costs. A 2004 analysis by the Congressional Budget Office found that there would be no significant budget impact by its enactment.

I urge my colleagues to join me, and Senators LEAHY and CORNYN, in cosponsoring and passing the Equity in Law Enforcement Act, to ensure that the brave officers that serve and protect our private college and university campuses and railways receive the benefits that they deserve. 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. 1448

*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 "Equity in Law Enforcement Act".

#### SEC. 2. LINE-OF-DUTY DEATH AND DISABILITY BENEFITS.

Section 1204(8) of part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) an individual who is—

"(i) serving a private institution of higher education in an official capacity, with or without compensation, as a law enforcement officer; and

"(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority); or

"(E) a rail police officer who is—

"(i) employed by a rail carrier; and

"(ii) sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority)."

#### SEC. 3. LAW ENFORCEMENT ARMOR VESTS.

(a) GRANT PROGRAM.—Section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37961l) is amended—

(1) in subsection (a)—

(A) by striking "and Indian tribes" and inserting "Indian tribes, private institutions of higher education, and rail carriers"; and

(B) by inserting before the period the following: "and law enforcement officers serving private institutions of higher education and rail carriers who are sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority)";

(2) in subsection (b)(1), by striking “or Indian tribe” and inserting “Indian tribe, private institution of higher education, or rail carrier”; and

(3) in subsection (e), by striking “or Indian tribe” and inserting “Indian tribe, private institution of higher education, or rail carrier”.

(b) APPLICATIONS.—Section 2502 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611–1) is amended—

(1) in subsection (a), by striking “or Indian tribe” and inserting “Indian tribe, private institution of higher education, or rail carrier”; and

(2) in subsection (b), by striking “and Indian tribes” and inserting “Indian tribes, private institutions of higher education, and rail carriers”.

(c) DEFINITIONS.—Section 2503(6) of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379611–2(6)) is amended by striking “or Indian tribe” and inserting “Indian tribe, private institution of higher education, or rail carrier”.

#### SEC. 4. BYRNE GRANTS.

Section 501(b)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(2)) is amended by inserting after “units of local government” the following: “, private institutions of higher education, and rail carriers”.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1449. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today Senator ALLARD and I introduced the “Rocky Mountain Science Collections Center Act of 2007,” a bill to establish a secure collections facility and education center for archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from throughout the Rocky Mountain region at the Denver Museum of Nature & Science, Denver, Colorado.

Our bill would authorize \$15 million, subject to appropriations, for the Secretary of Interior to provide grants to pay the Federal share, 50 percent of the cost of constructing appropriate, museum-standard facilities to house the collections of the Museum.

Since its founding in 1900, the Denver Museum of Nature & Science has been the principal natural history museum between Chicago and Los Angeles and has educated more than 70 million visitors. The Museum holds more than a million objects in public trust. Together, the Museum’s collections, library, and archives provide the foundation for understanding science and the natural and cultural history of the region and serve as the primary resource for informal science education to Colorado school and general audiences. The Museum is a world leader in creating opportunities that allow the general

public to participate in authentic collection based scientific research.

The majority of the collections that the Museum maintains in perpetuity are acquired through federal authorization, are cared for on behalf of Federal agencies, or are controlled by federal legislation. Of the more than 840,000 items in the Museum’s collection, more than half were recovered from federally managed public land. Construction of on-site collection facilities, exhibition facilities and an education center for the Museum will provide a secure facility for the collection and ensure that it is accessible to members of the public, universities and research scientists alike. The Federal cost share will help pay for construction as well as the costs of design, planning, furnishing, equipping and supporting the Museum.

For the benefit of my colleagues, here is a summary of the bill’s provisions:

Section 1. Short Title. The Rocky Mountain Science Collections Center Act of 2007.

Section 2. Findings. Recites several of the findings of Congress, including the size and breadth of the collections held by the Denver Museum of Nature and Science and the finding that significant portions of these collections were recovered from public lands managed by various Federal agencies. The Denver Museum of Nature and Science is the federally designated repository for these collections and as such is governed by various Federal statutes and regulations in carrying out its trustee responsibilities.

Section 3. Definitions. The term “Museum” in the Act refers to the Denver Museum of Nature and Science. The term “Secretary” in the Act refers to the Secretary of the Department of the Interior.

Section 4. Grant to the Museum. This section provides that the Secretary may provide grants to pay for the Federal share of the cost of constructing appropriate, Museum standard facilities to house the collections of the Museum. The Federal share reflects the continuing Federal ownership of the artifacts and other scientifically significant materials held by the Museum in a trust responsibility. This section authorizes the use of any grant funds for construction, design, engineering, plans, equipment, furnishing and other services or goods in furtherance of the construction of the Collections Center.

Subsection 4 (b). Application. The subsection provides an application process whereby the Museum provides the Secretary with the necessary documentation and information to assure the Secretary that grant proceeds are expended for the intended result.

Subsection 4 (c). Matching Funds. This subsection requires the Museum to provide a match for any amounts granted under the section and allows the Museum to use cash, in-kind donations and/or services in satisfaction of the match requirement.

Subsection 4 (d). Authorization. The Act authorizes \$15,000,000 to be appro-

priated to the Secretary in carrying out the Act; such funds to remain available until expended.

By Mr. KOHL (for himself and Ms. SNOWE):

S. 1450. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Housing Assistance Council Authorization Act. This legislation will authorize appropriations for the Housing Assistance Council, HAC, which has been committed to developing affordable housing in rural communities for over 35 years.

The bill provides \$10 million for HAC in fiscal year 2008 and then \$15 million in fiscal year 2009–2014. In the past, the Council has received appropriations from the Self Help and Assisted Homeownership Opportunity Program. The funding has helped HAC provide loans to 1,875 organizations across the country, raise and distribute over \$5 million in capacity building grants and hold regional training workshops. These critical services help local organizations, rural communities and cities develop safe and affordable housing.

Throughout the country, approximately one-fifth of the Nation’s population lives in rural communities. About 7.5 million of the rural population is living in poverty and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and homeownership opportunities needed to serve the population.

There are several Federal programs that are aimed at developing affordable housing and economic opportunities in rural communities in both the Department of Housing and Urban Development and the Department of Agriculture. However, over the past 6 years, funding for these programs has been reduced by 20 percent. For the fiscal year 2008 budget, the administration proposed to eliminate \$1.3 billion in rural housing assistance. In many regions Federal funding might be the only assistance available for housing and economic development. The Housing Assistance Council is yet another tool that rural communities can utilize when trying to develop affordable housing.

In Wisconsin, HAC has provided close to \$5.2 million in grants and loans to 17 nonprofit housing organizations and helped develop 820 units of housing. Specifically, since 1972 the Southeastern Wisconsin Housing Corporation has partnered with the Housing Assistance Council to develop 268 units of self-help housing. The presence of the

Council in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country.

I am very honored to work with Senator SNOWE this legislation. Its passage will allow every State to better serve the needs of the people living in rural areas. I look forward to Working with my colleagues to ensure the adoption of this bill.

By Mr. WHITEHOUSE:

S. 1451. A bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. WHITEHOUSE. Madam President, I rise today because I will be introducing my first bills as a Member of this esteemed body; legislation that I hope will provide a helpful step forward as we address one of the most significant challenges this Senate faces, reforming America's broken health care system.

I have heard from countless Rhode Islanders who have struggled to pay for their health care and who live in fear of losing coverage on which they and their families depend. I have met nurses frustrated and heartbroken that they must spend so much time coping with the paperwork and so little time caring for patients. I have talked with families whose lives and health were shaken by terrifying medical errors, lost paperwork, missed diagnoses that should have been totally avoided.

I believe our current health care system is too complex and costs so much, yet so often does not provide patients with the quality of care they should have. It does not have to be this way. I have seen firsthand that we can make the system work better for everyone, we can cut costs, save lives, and improve the quality of the health care we receive, a critical step toward ensuring that all Americans have health care they can afford.

In Rhode Island, we have been working and experimenting for years to find solutions to many of these challenges. I have been privileged to be part of much of that work, most directly when I founded the Rhode Island Quality Institute to focus on quality reforms in health care.

While we have a long way to go, so far we have been successful. It is that Rhode Island experience that I bring to you today. It is Rhode Island's good work that I hope will provide a good example.

Right now our health care system is a mess, such a mess that we should hesitate to call it a health care system. It yields unsatisfactory results at vast expense. What I wish to talk about today is not how you finance the health care system—that is an important issue—but it is a different issue. I don't even want to talk about how you get all Americans covered by our health care system. That is another

important issue, but that is not the subject today.

The subject today is the issue of how the system itself runs, how it operates, put bluntly, how badly in America it runs. If we can reduce the cost of the underlying system by improving its performance, it will make solutions easier for financing our health care system and for finding a way to make sure every American gets health care coverage. Our health care system is a mess. The number of uninsured Americans is climbing and will soon reach 50 million. The annual cost of the system exceeds \$2 trillion every year, and that number is expected soon to double. We spend more of our gross domestic product on health care than any other industrialized country in the world, 16 percent. That is double the European Union average.

There is today more health care in Ford cars than there is steel. There is more health care in Starbucks coffee than there are coffee beans. Worse still, for all this money we spend, we get a mediocre product. We have the best doctors, the best nurses, the best procedures and equipment, the best medical education in the world. Yet the system produces mediocre results. As many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. That is just the fatalities. Think how many people have to stay longer in the hospital and run up costs.

Life expectancy, obesity rates, and infant mortality rates are much worse than they should be in a country such as ours. We fail by most international measures. The system itself does not work. Hospitals are going broke. Doctors are furious, and paperwork chokes the system.

Quarrels between the providers and the payers drive up costs, while potential savings in billions of dollars are left lying on the table. More American families are bankrupted by health care costs than any other cause. It is a system in crisis.

I urge my colleagues to consider this point too. If we do not fix this system now, while we still can, if we don't get these savings now, then we are going to be forced to consider very tragic choices in the future: Cutting coverage for seniors now on Medicare, throwing children off S-CHIP or pushing more and more out-of-pocket costs onto families who need Medicaid in their struggle to get by.

Those will be tragic choices, awful choices, ones I hope we never have to deliberate. But if we end up having to make these choices because today we failed to do our duty, then shame on us.

I believe what is wrong with our system can be identified. The reasons for its failures can be identified. The causes of those failures can be corrected, and the failings can be cured.

In the days to come, I will speak at greater length on three critical areas of reform, one by one, and advance pro-

posals for each one that will help provide a cure.

Today, I wish to highlight all three of the major failures, how they combine to worsen each other and keep our system broken, and how reforming those three areas can reinforce each other and repair our broken system.

Left unattended, these three conditions will continue to degrade our system. Properly reformed, they will begin to improve it. This is because what we are dealing with, in a nutshell, is market failure. Market forces are bottled up, logjammed, conflicted, and misdirected to push the health care system in a bad direction.

I trust market forces and I believe in market forces, but I see it as our job in Government to create the environment in which market forces operate in a healthy way to serve the public interest.

That is our job. It always has been. Where that healthy environment for market forces does not exist—which is the case right now in our health care system—Government must act. The market failure in health care has three core components: One, the American health care system does not optimize investment in quality of care, even where—indeed, particularly where—that quality investment in improving care would also lower costs; two, the system does not have the information technology infrastructure to support the improvements we need; three, the way we pay for health care sends perverse price signals that steer us away from the public interest.

These problems can each be fixed, but fixing each in isolation will not yield the change we need. Similar to three climbers roped together for an ascent, the three solutions need to track with each other, not necessarily in lockstep but staying close because each one reinforces the other.

Let me tell a story about each one of those problems to illustrate the three points. Let's look at the area where improved quality of care would lower costs. That intersection, where improved quality of care and lower costs converge, should be our Holy Grail. A good example comes out of the Keystone Project in Michigan, home to Senators LEVIN and STABENOW.

The Keystone Project went into a significant number of Michigan intensive care units to improve quality and reduce line infections, respiratory complications, and other conditions that are associated with intensive care units. In a 15-month span, between March 2004 and June 2005, the project saved 1,578 lives, 81,020 days patients would otherwise have been spent in the hospital, and it saved—in that 15 months—over \$165 million.

The Rhode Island Quality Institute has taken this model statewide in Rhode Island, with every hospital participating. Infections in patients with catheters decreased 36 percent from the



first quarter of 2006 to the fourth quarter. Eleven out of twenty-three participating intensive care units had zero infections for 12 months. Savings from the initiative are on track to produce \$4 million annually. That is pretty good money in Rhode Island.

What is true in intensive care units in Michigan and Rhode Island is also true far more broadly in health care. There are many areas where significant savings can be achieved by making care better. There could be initiatives similar to Keystone throughout the health care sector. They do not necessarily have to be reforms of existing procedures and practices because Keystone was. Quality improvements, quality reform, could well involve improvements in prevention and detection of illness, stopping it before it even gets to the hospital. There are vast and unexplored horizons out there, rich with opportunity, and the Keystone story is one example of how improved quality of care can lower costs and save lives. This takes us to the second story, this one about the reimbursement problem. Why isn't this quality reform happening spontaneously all over the country if these big savings are there? Think of Michigan, \$165 million in 15 months in one State. That is big money.

Why isn't it being pursued? Why aren't we all doing this? Well, primarily because the economics of health care pays providers not to and punishes providers who try. When a group of hospitals in Utah began following the guidelines of the American Thoracic Society for treating community-acquired pneumonia, significant complications fell from 15.3 percent to 11.6 percent, inpatient mortality fell from 7.2 to 5.3 percent, and the resulting cost savings exceeded half a million dollars a year. But net operating income of participating facilities dropped by over \$200,000 per year because treating the healthier patients was reimbursed at roughly \$12,000 less per case.

In Rhode Island, when we got into this intensive care unit reform, the Hospital Association estimated a \$400,000 cost for \$8 million in savings, a 20-to-1 return on investment. But all the savings went to the insurers and the payers, and the costs came out of the hospitals' pockets. Do you know a lot of businesses that invest money in order to reduce their revenue? I don't. How many businesses would spend \$400,000 in cash to lose \$8 million in revenues every year? With reimbursement incentives such as the ones we have, it is no wonder that quality investments face an uphill struggle.

The final problem is our health care information technology, which is inexcusably underdeveloped and underdeployed. It has been described by the Economist magazine as the worst information technology system in any American industry except one, the mining industry. We are leaving massive savings in health care costs unclaimed as a result.

Some pretty respectable groups have looked at health information technology to see what an adequate system would save in health care costs, and here is what they report: Rand Corporation, \$81 billion per year conservatively. David Brailer, the former National Coordinator for Health Information Technology, \$100 billion per year. The Center for Information Technology Leadership, \$77 billion per year. That is a lot of savings to leave sitting on the table, savings desperately needed by American businesses and American families.

Here is my third story, about a courageous and passionate doctor in Rhode Island trying to build an electronic health record for patients in our State. By the way of context, Rhode Island may be the lead State in the country at developing health information technology. We have PATRICK KENNEDY in the House, our Representative, who has been an absolute leader on this issue; Lifespan and other hospitals are leaders in electronic physician order entry; the Rhode Island Quality Institute is a leader in e-prescribing, electronic health records and health information exchange; Rhode Island Blue Cross is beginning to fund innovations; all the local Rhode Island health care folks are active in this. It is very impressive. I mean no criticism by telling this story, only to illustrate what an uphill struggle it is.

The lead on developing electronic health records in Rhode Island is being taken by a very frustrated doctor, Dr. Mark Jacobs, who put his practice on hold, went out and looked at what was available, found an e-clinical works platform, had it modified to suit what he thought would be more useful for his needs, and is now raising capital and trying to recruit his colleagues to get around that system and get it up. It is his passion, and he is dedicating himself to it with energy and conviction.

What Dr. Jacobs is doing is heroic, but if you went to any business school and if they asked you, what is the best way to seize that \$81 billion a year in savings that RAND Corporation has said is out there, and you had said: Well, we are going to wait until a doctor gets so frustrated he is willing to give up his practice and go out and try to learn about health care technology and do it on his own, you would be laughed out of that business school classroom. They wouldn't just say you flunked the course, they would suggest you should maybe look at another livelihood. But that is exactly the system we have right now.

If a truckdriver were to go out with a pick and shovel building bits of the interstate highway for us, that would be pretty heroic and noble. But all the way back to Dwight Eisenhower, people in Government knew that would be a pretty nonsensical way to finance the Federal highway system.

We have work to do in these three areas: fixing our information tech-

nology to increase efficiency and generate savings; improving health care quality and prevention in ways that lower costs; and repairing the reimbursement system so it does not discourage those reforms but encourages and rewards them.

In the coming days, I will expand on each of these problems, and I will propose solutions in those three areas that will unleash market incentives in positive directions. As I conclude, my message is this: The health care system that underlies all our health care financing and coverage problems is itself broken. The underlying health care delivery system is itself broken. It is administrative and bureaucratic machinery, but it is still machinery. It needs to be repaired the way any broken machinery does. Fixing it, however, will reduce costs, improve care, and make a badly operating system run better and move us a critical step forward to making sure every American family has access to health care they can afford.

I sincerely hope to work with all of my colleagues on solving this. Please think of it this way: If your car is not running right, there is no Republican or Democratic way to tune it up. There is just getting it working. If your plumbing is jammed and water is flooding out, there is not a Republican or Democratic way to fix that. It is either flowing properly or it isn't. If your electric system is sparking and short circuited, again, there is no Democratic or Republican way to solve that problem. It is working right or it is not. Our health care system is not working right, and it needs to be fixed. Because the health care system is a dynamic system, you can't tell it what to do. You have to take the trouble to identify what is wrong, identify why it is wrong, and correct the cause.

By Mrs. CLINTON (for herself and Mr. DOMENICI):

S. 1452. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today Senator DOMENICI and I are introducing the Public Mental Health Emergency Preparedness Act of 2007. I originally introduced this legislation during the 109 Congress to address mental health needs of those affected by disasters and public health emergencies, and I want to thank Senator DOMENICI for his support of this legislation and for his strong leadership on mental health issues. The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward preparing our Nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks. We are pleased to be introducing this important legislation in anticipation of reauthorization of the Substance Abuse and Mental Health Services Administration SAMHSA.

I want to acknowledge and thank our partners from the mental health community who have collaborated with us and have been working diligently on these issues for several years, including the American Psychological Association, the American Public Health Association, the National Association of Social Workers, and the American Academy of Child and Adolescent Psychiatry, and all the other groups who have lent their support.

The events of September 11, Hurricanes Katrina and Rita, and other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals, first responders and leaders, and a process to mobilize and deploy mental health resources in a rapid and sustained manner at times of an emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, and we must do more to assist all who are affected. That is why I, along with Senator DOMENICI, am introducing the Public Mental Health Emergency Preparedness Act of 2007.

This bill would require the Secretary of Health and Human Services to establish the National Center for Public Mental Health Emergency Preparedness the National Center to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes.

This legislation would charge the National Center with five functions to benefit affected Americans at the community level, including vulnerable populations like children, older Americans, caregivers, persons with disabilities, and persons living in poverty.

First, the Public Mental Health Emergency Preparedness Act of 2007 would make sure we have evidence-based or emerging best practices curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and health care professionals, and emergency services personnel, working in coordination with county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula to educate responders, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service deliv-

ery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, and other experts as well as Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Fourth, this bill would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

Finally, the Public Mental Health Emergency Preparedness Act of 2007 would ensure that licensed mental health professionals are included in the deployment of Disaster Medical Assistance Teams DMAT. Deployment of licensed mental health professionals will increase the efficacy of the medical team members by providing psychological assistance and crisis counseling to survivors and to the other DMAT team members. Further, this legislation would mandate that licensed mental health professionals are included in the leadership of the National Disaster Medical System, NDMS, to provide appropriate support for behavioral programs and personnel within the DMATs.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our nation to successfully deal with the mental health consequences of public health emergencies.

I ask unanimous consent that the text and a letter of support be printed in the RECORD. Thank you.

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

S. 1452

*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 "Public Mental Health Emergency Preparedness Act of 2007".

#### SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

(a) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) NATIONAL CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by subsection (a), is further amended by adding at the end the following:

#### "PART K—NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS

##### "SEC. 599. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

"(a) IN GENERAL.—

"(1) DEFINITION.—

"(A) IN GENERAL.—For purposes of this part, the term 'emergency health professionals' means—

"(i) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, group home staff, and those mental health professionals with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty;

"(ii) public health and healthcare professionals, including skilled nursing and assisted living professionals; and

"(iii) emergency services personnel such as police, fire, and emergency medical services personnel.

"(B) COORDINATION.—In conducting activities under this part, emergency health professionals shall coordinate with—

"(i) county emergency managers;

"(ii) school personnel such as teachers, counselors, and other personnel;

"(iii) spiritual care professionals;

"(iv) other disaster relief personnel; and

"(v) State and local government officials that are responsible for emergency preparedness.

"(2) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this part as the 'NCPMHEP') to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

"(3) LOCATION; DIRECTOR.—

"(A) IN GENERAL.—The Secretary shall offer to award a grant to an eligible institution to provide the location of the NCPMHEP.

"(B) ELIGIBLE INSTITUTION.—To be an eligible institution under subparagraph (A), an institution shall—

"(i) be an academic medical center or similar institution that has prior experience conducting statewide training, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

"(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(C) DIRECTOR.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this part as the 'Director') from the eligible institution to which the Secretary awards a grant under subparagraph (A).

"(b) DUTIES.—The NCPMHEP shall—

"(1) prepare the Nation's emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health

emergencies, that present psychological consequences for communities and individuals, including vulnerable populations such as children, individuals with disabilities, individuals with preexisting mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty;

“(2) coordinate with existing mental health preparedness and service delivery efforts of—

“(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration (including the National Child Traumatic Stress Network), the Administration on Aging, the National Institute of Mental Health, the National Council on Disabilities, the Administration on Children and Families, the Department of Defense, the Department of Veterans Affairs (including the National Center for Post Traumatic Stress Disorder), and tribal nations);

“(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, the office of mental retardation and developmental disabilities, agencies responsible for rehabilitation services);

“(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family community-based services, law enforcement, fire, emergency medical services, school districts, Aging Services Network, county emergency management, and academic and community-based service centers affiliated with the National Child Traumatic Stress Network); and

“(D) other governmental and nongovernmental disaster relief organizations; and

“(3) coordinate with childcare centers, childcare providers, community-based youth serving programs (including local Center for Mental Health Services children's systems of care grant sites), Head Start, the National Child Traumatic Stress Network, and school districts to provide—

“(A) support services to adults and their family members with mental health and substance-related disorders to facilitate access to mental health and substance-related treatment;

“(B) prevention and intervention services for mental health and substance-related disorders to youth of all ages that integrate the training curricula under section 599A; and

“(C) resources and consultation to address the psychological trauma needs of the families, caregivers, emergency health professionals; and all other professionals providing care in emergency situations.

“(c) PANEL OF EXPERTS.—

“(1) IN GENERAL.—The Director, in consultation with Federal (such as the National Association of State Mental Health Program Directors, National Association of County and City Health Officials, and the Association of State and Territorial Health Officials), State, and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The panel of experts appointed under paragraph (1) shall be composed of individuals—

“(i) who are—

“(I) experts in their respective fields with extensive experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, educators, and mental health professionals who are emergency health professionals (as defined in subsection (a)(1)(A)) and who shall coordinate with the

individuals described in subsection (a)(1)(B); and

“(II) recommended by their respective national professional organizations and universities to such a position; and

“(ii) who represent families with family members who have mental health and substance-related disorders.

“(B) TERMS.—The members of the panel of experts appointed under paragraph (1)—

“(i) shall be appointed for a term of 3 years; and

“(ii) may be reappointed for an unlimited number of terms.

“(C) BALANCE OF COMPOSITION.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

“(D) VACANCIES.—

“(i) IN GENERAL.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

“(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(iii) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

#### “SEC. 599A. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

“(a) CONVENING OF GROUP.—

“(1) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 599(c) to—

“(A) identify and review existing mental health training curricula for emergency health professionals;

“(B) approve any such training curricula that are evidence-based or emerging best practices and that satisfy practice and service delivery standards determined by the Training Curricula Working Group; and

“(C) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

“(2) COLLABORATION.—The Training Curricula Working Group shall collaborate with appropriate organizations including the American Red Cross, the National Child Traumatic Stress Network, the National Center for Post Traumatic Stress Disorder, and the International Society for Traumatic Stress Studies.

“(b) PURPOSE OF TRAINING CURRICULA.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

“(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

“(2) is used to build a trained network of emergency health professionals at the State and local levels.

“(c) CONTENT OF TRAINING CURRICULA.—

“(1) IN GENERAL.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

“(A) prepares emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of psychological trauma, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare or substance abuse treatment, understanding how and where to refer for such care, and other

components as determined by the Director in consultation with the Training Curricula Working Group;

“(B) includes training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group;

“(C) meets the diverse training needs of the range of emergency health professionals; and

“(D) is culturally and linguistically competent.

“(2) REVIEW OF CURRICULA.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 599D and the Assessment Working Group described under section 599E.

“(d) TRAINING INDIVIDUALS.—

“(1) FIELD TRAINERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

“(2) FIELD LEADERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

“(3) QUALIFICATIONS.—The individuals selected under paragraph (1) or (2) shall—

“(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

“(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

#### “SEC. 599B. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

“(a) IN GENERAL.—The Director, in consultation with the mental and public health authorities of each State and appropriate organizations (including the National Child Traumatic Stress Network), shall coordinate the use of existing emergency registries (including the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP)) established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 599A. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

“(b) USE OF REGISTRY.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

**“SEC. 599C. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.**

“(a) IN GENERAL.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

“(b) DUTIES.—The Director shall ensure that the clearinghouse—

“(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery, particularly for vulnerable populations such as children, individuals with disabilities, individuals with pre-existing mental health problems (including substance-related disorders), older adults, caregivers, and individuals living in poverty; and

“(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community’s unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

“(c) AVAILABILITY.—The Director shall ensure that the clearinghouse—

“(1) is available on the Internet;

“(2) includes an interactive forum through which users’ questions are addressed;

“(3) is fully versed in resources available from additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

“(4) includes the training curricula approved by the NCPMHEP under section 599A.

“(d) CLEARINGHOUSE WORKING GROUP.—

“(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 599(c) to—

“(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

“(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community’s needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

“(2) TECHNICAL ASSISTANCE.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

**“SEC. 599D. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.**

“(a) IN GENERAL.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, experts in public mental health emergency preparedness and service delivery, and mental health professionals (including those with expertise in psychological trauma and issues related to vulnerable populations such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty), as well as per-

sonnel from relevant Federal (including the National Center for Post Traumatic Stress Disorder), State, and local agencies (including academic and community-based service centers affiliated with the National Child Traumatic Stress Network), and other governmental and nongovernmental organizations.

“(b) PURPOSE OF FORUM.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based or emerging best practices research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

**“SEC. 599E. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.**

“(a) IN GENERAL.—The Director shall convene an Assessment Working Group from the panel of experts described in section 599(c), who shall be independent from those individuals who have developed the NCPMHEP, to evaluate the effectiveness of the NCPMHEP’s efforts and those across the Federal Government in building the Nation’s public mental health emergency preparedness and service delivery capacity. Such group shall include individuals who have expertise on how to assess the effectiveness of the NCPMHEP’s efforts on vulnerable populations (such as children, older adults, caregivers, individuals with disabilities, pre-existing mental health and substance abuse disorders, and individuals living in poverty).

“(b) DUTIES OF THE ASSESSMENT WORKING GROUP.—The Assessment Working Group shall—

“(1) evaluate—

“(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula, the clearinghouse, and the annual national forum;

“(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

“(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

“(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

“(2) submit the annual report required under subsection (c).

“(c) ANNUAL REPORT AND INFORMATION.—

“(1) ANNUAL REPORT.—On an annual basis, the Assessment Working Group shall—

“(A) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

“(B) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 599C.

“(2) INFORMATION.—The results of the evaluation under paragraph (1) shall be displayed on the Internet websites of all entities with representatives participating in the Assessment Working Group under this section, including the Federal agencies responsible for funding the Working Group.

“(d) RECOMMENDATIONS.—

“(1) IN GENERAL.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

“(A) for improving—

“(i) the training curricula identified and approved by the NCPMHEP;

“(ii) the NCPMHEP clearinghouse; and

“(iii) the annual forum of the NCPMHEP; and

“(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

“(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

**“SEC. 599F. SUBSTANCE ABUSE.**

“For purposes of this part, where ever there is a reference to providing treatment, having expertise, or provide training with respect to mental health, such reference shall include providing treatment, having expertise, or providing training relating to substance abuse, if determined appropriate by the Secretary.

**“SEC. 599G. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part—

“(1) \$15,000,000 for fiscal year 2007; and

“(2) such sums as may be necessary for fiscal years 2008 through 2011.”

**SEC. 3. DISASTER MEDICAL ASSISTANCE TEAMS.**

Section 2812(a) of the Public Health Service Act (42 U.S.C. 300hh-11(a)) is amended by adding at the end the following:

“(4) DISASTER MEDICAL ASSISTANCE TEAMS AND MENTAL HEALTH PROFESSIONALS.—

“(A) INCLUSION OF MENTAL HEALTH PROFESSIONALS.—

“(i) IN GENERAL.—The National Disaster Medical System, in consultation with the National Center for Public Mental Health Emergency Preparedness (established under section 599) and the Emergency Management Assistance Compact, shall—

“(I) identify licensed mental health professionals with expertise in treating vulnerable populations, as identified under section 599(b)(1); and

“(II) ensure that licensed mental health professionals identified under subclause (I) are available in local communities for deployment with Disaster Medical Assistance Teams (including speciality mental health teams).

“(ii) COORDINATION.—The National Disaster Medical System shall ensure that licensed mental health professionals are included in the leadership of the National Disaster Medical System, in coordination with the National Center for Public Mental Health Emergency, to provide appropriate leadership support for behavioral programs and personnel within the Disaster Medical Assistance Teams.

“(B) DUTIES.—The principal duties of the licensed mental health professionals identified and utilized under this paragraph shall be to assist Disaster Medical Assistance Teams in carrying out—

“(i) rapid psychological triage during an event of bioterrorism or other public health emergency;

“(ii) crisis intervention prior to and during an event of bioterrorism or other public health emergency;

“(iii) information dissemination and referral to specialty care for survivors of an event of bioterrorism or other public health emergency;

“(iv) data collection; and

“(v) follow-up consultations.

“(C) TRAINING.—The National Disaster Medical System shall coordinate with the National Center for Public Mental Health

Emergency Preparedness to ensure that, as part of their training, Disaster Medical Assistance Teams include the training curricula for emergency health professionals established under section 599A.

“(D) DEFINITIONS.—In this paragraph:

“(i) DISASTER MEDICAL ASSISTANCE TEAMS.—The term ‘Disaster Medical Assistance Teams’ means teams of professional medical personnel that provide emergency medical care during a disaster or public health emergency.

“(ii) RAPID PSYCHOLOGICAL TRIAGE.—The term ‘rapid psychological triage’ means the accurate and rapid identification of individuals at varied levels of risk in the aftermath of a public health emergency, in order to provide the appropriate, acute intervention for those affected individuals.

“(iii) DATA COLLECTION.—The term ‘data collection’ means the use of standardized, consistent, and accurate methods to report evidence-based or emerging best practices, triage mental health data obtained from survivors of an event of bioterrorism or other public health emergency.”.

AMERICAN  
PSYCHOLOGICAL ASSOCIATION,  
May 22, 2007.

Hon. HILLARY RODHAM CLINTON,  
U.S. Senate,  
Washington, DC.

Hon. PETE V. DOMENICI,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS CLINTON AND DOMENICI: On behalf of the 148,000 members and affiliates of the American Psychological Association (APA), I am writing to express our strong support for the Public Mental Health Emergency Preparedness Act of 2007. This important legislation would significantly enhance our preparedness, response, and recovery efforts to address the mental health aspects of disasters and public health emergencies.

Both human made and natural disasters can have significant effects on the mental health and well-being of individuals, families, and communities. Among the most common mental health problems encountered by disaster survivors are posttraumatic stress disorder (PTSD), depression, anxiety, and increased alcohol, tobacco, and substance use. For many, the psychological effects of disasters may be temporary, while others may require more long-term mental health assistance.

The Public Mental Health Emergency Preparedness Act of 2007 would take several important steps toward enhancing our Nation's public mental health preparedness and response efforts in the event of a public health emergency. In particular, this legislation would establish a National Center for Public Mental Health Emergency Preparedness to prepare for and address the immediate and long-term mental health needs of the general population and potentially vulnerable subgroups, including children, individuals with disabilities, individuals with pre-existing mental health problems, older adults, caregivers, and individuals living in poverty. This center would undertake several important activities, including developing and disseminating training curricula for emergency mental health professionals, establishing a clearinghouse of mental health emergency resources, organizing an annual national forum on mental health emergency preparedness and response, and ensuring the inclusion of mental health professionals within Disaster Medical Assistance Teams.

We commend you for your leadership and commitment to public mental health preparedness and look forward to working with you to ensure enactment of the Public Mental Health Emergency Preparedness Act. If

we can be of further assistance, please feel free to contact Diane Elmore, Ph.D., in our Government Relations Office.

Sincerely,  
GWENDOLYN PURYEAR KEITA, PH.D.,  
Executive Director,  
Public Interest Directorate.

AMERICAN PUBLIC HEALTH ASSOCIATION,  
Washington, DC, May 15, 2007.

Hon. HILLARY RODHAM CLINTON,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of the Public Mental Health Emergency Preparedness Act of 2007.

Despite recent efforts to improve all-hazards preparedness in this country, the lack of mental health services available to victims of public health emergencies remains troubling. As lessons learned from the hurricanes of 2005 and essentials to adequately prepare for and respond to a flu pandemic are incorporated into national, state and local all-hazards preparedness plans, we must also ensure that mental health emergency preparedness and delivery is integrated into all of these plans, including the HHS Pandemic Influenza Plan and the National Response Plan. To ensure that this happens, APHA supports the provisions in this bill that would require the inclusion of mental health professionals in National Disaster Medical System (NDMS) leadership and Disaster Medical Assistance Teams.

To ensure that public health preparedness and response activities are comprehensive and incorporate mental health needs and realities, APHA supports the creation of a National Center for Public Mental Health Emergency Preparedness (NCPMHEP) outlined in your legislation. The NCPMHEP would be able to use existing data to train emergency health professionals in the provision of mental health services, coordinate mental health preparedness and response activities with federal, state and local partners and ensure that trained professionals in mental health service delivery can be identified and quickly mobilized.

Thank you for your attention to and leadership on this important public health issue. We look forward to working with you to move this legislation forward this Congress. If you have questions, or for additional information, please contact me or have your staff contact Courtney Perlino (202) 777-2436 or courtney.perlino@apha.org.

Sincerely,  
GEORGES C. BENJAMIN, MD,  
FACP, FACEP (EMERITUS),  
Executive Director.

NATIONAL ASSOCIATION OF  
SOCIAL WORKERS,  
Washington, DC, May 22, 2007.

Hon. HILLARY RODHAM CLINTON,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the National Association of Social Workers (NASW), the largest professional social work organization in the world with 150,000 members nationwide. NASW promotes, develops, and protects the effective practice of social work services throughout the country. NASW strongly supports the “Public Mental Health Emergency Prepared-

ness Act of 2007,” and is pleased to endorse it. We greatly appreciate your attention and that of Senator Domenici to the important but often neglected needs of emergency preparedness in mental health services. NASW is particularly pleased to see that social workers and other behavioral health professions would have an enhanced role in the Nation's disaster response teams through the National Disaster Medical System (NDMS).

NASW, both nationally and in state chapters, was a resource for the identification of trained mental health professionals during the Hurricane Katrina aftermath. In addition, several NASW state chapters worked with local Red Cross organization to ensure that mental health services were made available to hurricane victims in affected states. We recognize the need to be prepared to provide mental health training in emergencies and the steps that are required to ensure the availability of a wide network of trained professionals with the skills to provide emergency mental health evaluation and triage. We also understand the importance of providing emergency mental health services.

Your tireless efforts on behalf of consumers of behavioral health services and professional social workers nationwide are greatly appreciated by our members. We thank you for your sponsorship of this legislation. NASW looks forward to working with you on this and future issues of mutual concern.

Sincerely,  
CAROLYN POLOWY,  
General Counsel.

AMERICAN ACADEMY OF  
CHILD & ADOLESCENT PSYCHIATRY,  
Washington, DC, May 22, 2007.

Hon. HILLARY RODHAM CLINTON,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write in support of the Public Mental Health Emergency Preparedness Act of 2007. The AACAP is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7-12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders. AACAP supports research, continuing medical education and access to quality care.

Tragic events, such as September 11 and Hurricane Katrina are devastating to the mental health of children and adolescents and could have significant alterations in child and adolescent development. Changes in environmental and societal patterns of parenting, socialization, education, maturation, acculturation, and technology due to a traumatic event all have significant ramifications. Too often mental health services for children are fragmented. This bill addresses the need to coordinate the delivery of mental health services in times of public health emergencies, which AACAP recognizes as elements of the treatment process.

It is your continued leadership that will help ensure a bright future for today's youth and the continued assurance of mentally healthy Americans. We look forward to working with you on this most important issue. Please contact Kristin Kroeger Ptakowski Director of Government Affairs, at 202.966.7300, x. 108 if you have any questions concerning children's mental health issues.

Sincerely,  
THOMAS ANDERS, M.D.,  
President.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 213—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 213

Whereas, despite advances in medical technology and research, men continue to live an average of almost 6 years less than women, and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 218,890 in 2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at [www.menshealthweek.org](http://www.menshealthweek.org) and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 11 through 17, 2007, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

*Resolved*, That Congress—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1151. Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, Mr. BURR, Mr. ISAKSON, Mr. BUNNING, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1152. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1153. Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1154. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1155. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1156. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1157. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1158. Mr. COLEMAN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1159. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1160. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1161. Mr. ALEXANDER (for himself and Mr. COCHRAN) submitted an amendment in-

tended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1162. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1163. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1164. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1165. Mr. LEAHY (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1151.** Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, Mr. BURR, Mr. ISAKSON, Mr. BUNNING, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702 and insert the following:  
**SEC. 702. ENGLISH AS NATIONAL LANGUAGE.**

(a) **SHORT TITLE.**—This section may be cited as the “S.I. Hayakawa National Language Amendment Act of 2007”.

(b) **IN GENERAL.**—Title 4, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 6—LANGUAGE OF THE GOVERNMENT**

“Sec.

“161. Declaration of national language.

“162. Preserving and enhancing the role of the national language.

“163. Use of language other than English.

**“SEC. 161. DECLARATION OF NATIONAL LANGUAGE.**

“English shall be the national language of the Government of the United States.

**“SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE NATIONAL LANGUAGE.**

“(a) **IN GENERAL.**—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

“(b) **EXCEPTION.**—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

“(c) **FORMS.**—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

**“SEC. 163. USE OF LANGUAGE OTHER THAN ENGLISH.**

“Nothing in this chapter shall prohibit the use of a language other than English.”.

(c) **CONFORMING AMENDMENT.**—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

**“6. Language of the Government ..... 161”.**



**SA 1152.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ EMPLOYMENT VERIFICATION REQUIREMENT FOR FEDERAL CONTRACTORS.**

(a) **IN GENERAL.**—A contractor shall not be eligible to be awarded a Federal contract for which registration with the Central Contractor Registration (CCR) database maintained under subpart 4.11 of the Federal Acquisition Regulation is required unless the contractor has verified as part of the Online Representations and Certifications Application (ORCA) process required under section 4.1201 of such subpart that the contractor is in compliance with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324A(a)).

(b) **IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to provide for the implementation of the verification requirement under subsection (a).

(c) **EFFECTIVE DATE.**—The requirement under subsection (a) shall apply with respect to contracts entered into on or after the date that is 180 days after the date of the enactment of this Act.

**SA 1153.** Mr. DORGAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Strike subtitle A of title IV.

**SA 1154.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

**Subtitle D—H-1B Visa Fraud Prevention**

**SEC. 431. SHORT TITLE.**

This subtitle may be cited as the “H-1B Visa Fraud Prevention Act of 2007”.

**SEC. 432. H-1B EMPLOYER REQUIREMENTS.**

(a) **PROHIBITION OF OUTPLACEMENT.**—

(1) **IN GENERAL.**—Section 212(n) (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

“(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H-1B nonimmigrant with another employer if the worksite of the receiving employer is located in a different State;” and

(B) in paragraph (2), by striking subparagraph (E).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) **IMMIGRATION DOCUMENTS.**—Section 204 (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) **EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.**—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.”.

**SEC. 433. H-1B GOVERNMENT AUTHORITY AND REQUIREMENTS.**

(a) **SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.**—Section 212(n)(1) (8 U.S.C. 1182(n)) is amended—

(1) in the undesignated paragraph at the end, by striking “The employer” and inserting the following:

“(H) The employer;” and

(2) in subparagraph (H), as designated by paragraph (1) of this subsection—

(A) by inserting “and through the Department of Labor’s website, without charge.” after “D.C.”;

(B) by inserting “, clear indicators of fraud, misrepresentation of material fact,” after “completeness”; and

(C) by striking “or obviously inaccurate” and inserting “, presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate”; and

(D) by striking “within 7 days of” and inserting “not later than 14 days after”; and

(E) by adding at the end the following: “If the Secretary’s review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).”.

(b) **INVESTIGATIONS BY DEPARTMENT OF LABOR.**—Section 212(n)(2) is amended—

(1) in subparagraph (A), by striking “The Secretary shall conduct” and all that follows and inserting “Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.”;

(2) in subparagraph (C)(i)—

(A) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1);” and

(B) by striking “(1)(C)” and inserting “(1)(C)(ii)”;

(3) in subparagraph (G)—

(A) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer’s compliance with the requirements of this subsection.”;

(B) in clause (ii), by striking “and whose identity” and all that follows through “failure or failures.” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements of this subsection.”;

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) by amending clause (v), as redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance

would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(G) in clause (vi), as redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(H) by adding at the end the following:

“(vii) The Secretary of Labor may impose a penalty under subparagraph (C) if the Secretary, after a hearing, finds a reasonable basis to believe that—

“(I) the employer has violated the requirements under this subsection; and

“(II) the violation was not made in good faith.”; and

(4) by striking subparagraph (H).

(c) **INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.**—Section 212(n)(2), as amended by this section, is further amended by inserting after subparagraph (G) the following:

“(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H-1B employers as part of the adjudication process that indicates that the employer is not complying with H-1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.”.

(d) **AUDITS.**—Section 212(n)(2)(A), as amended by this section, is further amended by adding at the end the following: “The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H-1B nonimmigrants.”.

(e) **PENALTIES.**—Section 212(n)(2)(C), as amended by this section, is further amended—

(1) in clause (i)(I), by striking “\$1,000” and inserting “\$2,000”;

(2) in clause (ii)(I), by striking “\$5,000” and inserting “\$10,000”; and

(3) in clause (vi)(III), by striking “\$1,000” and inserting “\$2,000”.

(f) **INFORMATION PROVIDED TO H-1B NON-IMMIGRANTS UPON VISA ISSUANCE.**—Section 212(n), as amended by this section, is further amended by inserting after paragraph (2) the following:

“(3)(A) Upon issuing an H-1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections;

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers’ rights; and

“(iii) a copy of the employer’s H-1B application for the position that the H-1B nonimmigrant has been issued the visa to fill.

“(B) Upon the issuance of an H-1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

“(i) a brochure outlining the employer’s obligations and the employee’s rights under Federal law, including labor and wage protections;

“(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer’s obligations and workers’ rights; and

“(iii) a copy of the employer’s H-1B application for the position that the H-1B non-immigrant has been issued the visa to fill.”.

#### SEC. 434. H-1B WHISTLEBLOWER PROTECTIONS.

Section 212(n)(2)(C)(iv) (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting “take, fail to take, or threaten to take or fail to take, a personnel action, or” before “to intimidate”; and

(2) by adding at the end the following: “An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.”.

#### SEC. 435. FRAUD ASSESSMENT.

Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

**SA 1155.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

#### SEC. 427. REPORT ON THE Y NONIMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—Not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act, the Secretary shall report to Congress on the number of Y nonimmigrant visa holders that return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TERMINATION OF Y NONIMMIGRANT VISA PROGRAM.—

(1) IN GENERAL.—If the Secretary of Homeland Security reports to the Congress under subsection (a) that 15 percent or more of Y nonimmigrant visa holders provided Y nonimmigrant visas in the first 2 years after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act do not comply with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act, then—

(A) the Y nonimmigrant visa program shall be immediately terminated; and

(B) section 218A of the Immigration and Nationality Act shall have no force or effect, except with respect to those Y immigrant visa holders described under paragraph (2).

(2) COMPLIANT Y NONIMMIGRANT VISA HOLDERS.—If the Y nonimmigrant visa program is terminated under paragraph (1), any Y nonimmigrant visa holder who is found to have been in compliance with the return requirement under section 218A(j)(3) of the Immigration and Nationality Act on the date of such termination shall be allowed to continue in the program until the expiration of the period of authorized admission of such visa holder.

**SA 1156.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 419, insert the following:

(e) H-1B VISA EMPLOYER FEE.—

(1) IN GENERAL.—Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking “\$1,500” and inserting “\$2,000”.

(2) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (x), as added by section 402(b), the following:

“(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Gifted and Talented Students Education Account’. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

“(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).”.

**SA 1157.** Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title VI.

**SA 1158.** Mr. COLEMAN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ . INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

“(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.”.

**SA 1159.** Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

#### SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) CERTIFICATIONS.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking “process” and inserting “read”; and

(ii) inserting “at all ports of entry” after “installed”;

(B) in clause (vi), by striking “and” at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(viii) a pilot program in which not fewer than 1 State has been initiated and evalu-

ated to determine if an enhanced driver’s license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual’s driver’s license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

“(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

“(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

“(xi) sufficient passport adjudication personnel have been hired or contracted—

“(I) to accommodate—

“(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

“(bb) a surge in such demand during seasonal peak travel times; and

“(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.”; and

(2) by adding at the end the following:

“(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

“(i) an analysis of the impact of the pilot program on national security;

“(ii) recommendations on how to expand the pilot program to other States;

“(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

“(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

“(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver’s licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver’s licenses;

“(vi) recommendations for improving the pilot program; and

“(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver’s license program as compared with participating in an alternative program.”.

(b) SPECIAL RULE FOR MINORS.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

“(A)(i) is less than 16 years old;

“(ii) is accompanied by the individual’s legal guardian;

“(iii) is entering the United States from Canada or Mexico;

“(iv) is a citizen of the United States or Canada; and

“(v) provides a birth certificate; or

“(B)(i) is less than 18 years old;

“(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization,

or team associated with a youth athletics or organization; and

“(iii) provides a birth certificate.”.

(c) TRAVEL FACILITATION INITIATIVES.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

“(e) STATE DRIVER’S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver’s License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the ‘Program’) and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

“(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver’s license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

“(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver’s license or identity card meets the requirements of this paragraph if—

“(A) the license or card—

“(i) was issued by a State that is participating in the Program; and

“(ii) is tamper-proof and machine readable; and

“(B) the State that issued the license or card—

“(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

“(ii) does not require an individual to include the individual’s citizenship status on such a license or card; and

“(iii) manages all information regarding an applicant’s United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

“(4) ADMISSION OF CITIZENS OF CANADA.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver’s license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

“(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

“(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

“(A) from a country other than Canada; or

“(B) using evidence of citizenship other than a driver’s license or identity card described in paragraph (3) or a document described in paragraph (4).

“(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

“(7) STATE DEFINED.—In this subsection, the term ‘State’ means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

“(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a non-contiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

“(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

“(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

“(B) develop not fewer than 6 mobile enrollment teams that—

“(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

“(ii) are operated along the northern and southern borders of the United States; and

“(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

“(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

“(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

“(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

“(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

“(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

“(2) any potential savings that would result from the implementation of the State Driver’s License and Identity Card Enrollment Program established under subsection

(e) as an alternative to passports and passport cards.

“(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

“(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

“(A) the average delay at border crossings; and

“(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

“(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

“(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

“(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.”.

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking “To facilitate” and all that follows through “, the Secretary” and inserting “The Secretary”; and

(B) in paragraph (2), by striking “2008” and inserting “2010”.

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking “to facilitate” and all that follows through “Afghanistan.”; and

(B) in paragraph (2), by striking “2008” and inserting “2010”.

(f) REPORT ON BORDER INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

**SA 1160.** Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(h), strike paragraphs (1) and (2), and insert the following:

(h) **TREATMENT OF APPLICANTS.**—

(1) **IN GENERAL.**—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) **TIMING OF PROBATIONARY BENEFITS.**—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

**SA 1161.** Mr. ALEXANDER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, 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:

# **TITLE —STRENGTHENING AMERICAN CITIZENSHIP**

## **SECTION .01. SHORT TITLE.**

This title may be cited as the “Strengthening American Citizenship Act of 2007”.

## **SEC. .02. DEFINITION.**

In this title, the term “Oath of Allegiance” means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section .31(a)(2).

### **Subtitle A—Learning English**

## **SEC. .11. ENGLISH FLUENCY.**

(a) **EDUCATION GRANTS.**—

(1) **ESTABLISHMENT.**—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the “Chief”) shall establish a grant program to provide

grants in an amount not to exceed \$500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) **USE OF FUNDS.**—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) **APPLICATION.**—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) **PRIORITY.**—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) **NOTICE.**—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) **FASTER CITIZENSHIP FOR ENGLISH FLUENCY.**—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

“(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.”.

## **SEC. .12. SAVINGS PROVISION.**

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section .31(b)).

### **Subtitle B—Education About the American Way of Life**

## **SEC. .21. AMERICAN CITIZENSHIP GRANT PROGRAM.**

(a) **IN GENERAL.**—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) **ACCEPTANCE OF GIFTS.**—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section .22(a), for grants under this section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

## **SEC. .22. FUNDING FOR THE OFFICE OF CITIZENSHIP.**

(a) **AUTHORIZATION.**—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the “Foundation”), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) **DEDICATED FUNDING.**—

(1) **IN GENERAL.**—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) **GIFTS.**—

(1) **TO FOUNDATION.**—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) **FROM FOUNDATION.**—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

## **SEC. .23. RESTRICTION ON USE OF FUNDS.**

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

## **SEC. .24. REPORTING REQUIREMENT.**

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of

Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

#### **Subtitle C—Codifying the Oath of Allegiance**

#### **SEC. 31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.**

(a) **REVISION OF OATH.**—Section 337 (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking “under section 310(b) an oath” and all that follows through “personal moral code.” and inserting “under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).”; and

(2) by adding at the end the following:

“(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: ‘I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.’

“(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

“(A) with the term ‘oath’ included, the term ‘affirmation’ shall be substituted for the term ‘oath’; and

“(B) with the phrase ‘so help me God’ included, the phrase ‘so help me God’ shall be omitted.

“(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

“(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words ‘bear arms, or’ shall be omitted; and

“(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words ‘bear arms, or’ and ‘noncombatant military or’ shall be omitted.

“(4) As used in this subsection, the term ‘religious training and belief’—

“(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

“(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

“(5) Any reference in this title to ‘oath’ or ‘oath of allegiance’ under this section shall be deemed to refer to the oath (or affirma-

tion) of allegiance prescribed under this subsection.”

(b) **HISTORY AND GOVERNMENT TEST.**—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) **NOTICE TO FOREIGN EMBASSIES.**—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

#### **Subtitle D—Celebrating New Citizens**

#### **SEC. 41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.**

(a) **ESTABLISHMENT.**—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) **PRESENTATION AUTHORIZED.**—

(1) **IN GENERAL.**—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) **MAXIMUM NUMBER OF AWARDS.**—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) **DESIGN AND STRIKING.**—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) **NATIONAL MEDALS.**—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

#### **SEC. 42. NATURALIZATION CEREMONIES.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) **VENUES.**—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) **REPORTING REQUIREMENT.**—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

**SA 1162.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ . GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.**

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency; and

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency.

(b) **STUDY COMPONENTS.**—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred by Federal, State, and local governments to serve citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation; and

(B) an estimate of lost productivity;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States;

(7) the number of citizens of the United States who are eligible to vote and are unable to read English well enough to read a ballot in English;

(8) the number of citizens of the United States who request a ballot in a language other than English; and

(9) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

**SA 1163.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ PRESIDENTIAL AWARD FOR BUSINESS LEADERSHIP IN PROMOTING AMERICAN CITIZENSHIP.**

(a) **ESTABLISHMENT.**—There is established the Presidential Award for Business Leadership in Promoting American Citizenship, which shall be awarded to companies and other organizations that make extraordinary efforts in assisting their employees and members to learn English and increase their understanding of American history and civics.

(b) **SELECTION AND PRESENTATION OF AWARD.**—

(1) **SELECTION.**—The President, upon recommendations from the Secretary, the Secretary of Labor, and the Secretary of Education, shall periodically award the Citizenship Education Award to large and small companies and other organizations described in subsection (a).

(2) **PRESENTATION.**—The presentation of the award shall be made by the President, or designee of the President, in conjunction with an appropriate ceremony.

**SA 1164.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, 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. \_\_\_\_ DEDUCTION FOR EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.**

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 194A the following new section:

**“SEC. 194B. EMPLOYER-PROVIDED ENGLISH LANGUAGE INSTRUCTION.**

“(a) **ALLOWANCE OF DEDUCTION.**—There shall be allowed as a deduction for the taxable year an amount equal to—

“(1) \$500, multiplied by

“(2) the number of limited English proficient employees for which English language instruction is provided free of charge to the employee during such taxable year.

“(b) **DOLLAR LIMITATION.**—The deduction allowable under subsection (a) for any taxable year shall not exceed \$150,000.

“(c) **LIMITED ENGLISH PROFICIENT EMPLOYEE.**—For purposes of this section, the term ‘limited English proficient employee’ means an employee of the taxpayer—

“(1)(A) who was not born in the United States or whose native language is a language other than English,

“(B)(i) who is a Native American or Alaska Native, or a native resident of the outlying areas (within the meaning of section 9101(25)(C)(ii)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(25)(C)(ii)(I)), and

“(ii) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency, or

“(C) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant,

“(2) whose difficulties in speaking, reading, writing, or understanding the English lan-

guage may be sufficient to deny the individual—

“(A) the ability to maintain employment, or

“(B) the ability to participate fully in society, and

“(3) the English language instruction of whom has not previously been taken into account under this section.

“(d) **DENIAL OF DOUBLE BENEFIT.**—No other deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the deduction determined under this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 194A the following item:

“Sec. 194B. Employer-provided English language instruction”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SA 1165.** Mr. LEAHY (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218E(d) of the Immigration and Nationality Act (as added by section 404(a)), strike paragraphs (2) and (3) and redesignate paragraph (4) as paragraph (3).

At the end of section 218E of the Immigration and Nationality Act (as added by section 404(a)), add the following:

“(i) **SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, AND DAIRY WORKERS.**—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a shepherd, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 1 year;

“(2) subject to subsection (j)(5), may have that initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) **ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.**—

“(1) **DEFINITION OF ELIGIBLE ALIEN.**—In this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a shepherd, goat herder, or dairy worker;

“(B) who has maintained that nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) **CLASSIFIED PETITION.**—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the eligible alien’s employer, on behalf of the eligible alien; or

“(B) the eligible alien.

“(3) **NO LABOR CERTIFICATION REQUIRED.**—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) **EFFECT OF PETITION.**—The filing of a petition described in paragraph (2), or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien’s ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) **EXTENSION OF STAY.**—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien’s eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) **CONSTRUCTION.**—Nothing in this subsection prevents an eligible alien from seeking adjustment of status in accordance with any other provision of law.

In section 218G of the Immigration and Nationality Act (as amended by section 404(a)), strike paragraph (11) and insert the following:

“(11) **SEASONAL.**—

“(A) **IN GENERAL.**—The term ‘seasonal’, with respect to the performance of labor, means that the labor—

“(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

“(B) **INCLUSION.**—Labor performed on a dairy farm shall be considered to be seasonal labor.

At the end of section 404, add the following:

(c) **CONFORMING AMENDMENT.**—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting “or work on a dairy farm,” after “seasonal nature.”

**AUTHORITY FOR COMMITTEES TO MEET**

**AIRLAND SUBCOMMITTEE**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 12:30 p.m. in closed session to mark up the airland programs and provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss reauthorization of the Federal rail safety program.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in



room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; S. 1089, a bill to amend the Alaska Natural Gas Pipeline Act to follow the Federal Coordinator for Alaska Natural Gas Transportation projects to hire employees more efficiently, and for other purposes; S. 1203, a bill to enhance the management of electricity programs at the Department of Energy; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building for a hearing entitled "Examining the Case for the California Waiver."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, at 10 a.m. to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 22, 2007, at 3 p.m. for a hearing titled "Implementing FEMA Reform: Are We Prepared for the 2007 Hurricane Season?"

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Restoring Habeas Corpus: Protecting American Values and the Great Writ" for Tuesday, May 22, 2007, at 10 a.m. in Dirksen Senate Office Building room 226.

Witness list: RADM Donald Guter, USN (ret.), Dean, Duquesne University School of Law, Pittsburgh, PA; William Howard Taft IV, Of Counsel Fried,

Frank, Harris, Shriver & Jacobson LLP, Washington, DC; Mariano-Florentino Cuellar, Professor, Stanford Law School, Stanford, CA; David B. Rivkin, Jr., Partner, Baker & Hostetler LLP, Washington, DC; and Orin Kerr, Professor, George Washington University Law School, Washington, DC.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Minority Entrepreneurship: Assessing the Effectiveness of SBA's Programs for the Minority Business Community," on Tuesday, May 22, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, May 22, 2007, after the first rollcall vote of the day in the reception room adjacent to the Floor, to conduct a vote on the nomination of Dr. Michael J. Kussman to be Under Secretary for Health at the Department of Veterans Affairs.

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

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 5:30 p.m. in closed session to mark up the Emerging Threats and Capabilities Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

PERSONNEL SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in closed session to mark up the Personnel Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday,

May 22, 2007 at 4 p.m. in closed session to mark up the Readiness and Management Support Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

SEAPOWERS SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 22, 2007 at 9 a.m. in closed session to mark up the Seapower Programs and Provisions contained in the National Defense Authorization Act for fiscal year 2008.

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

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing on the MINER Act during the session of the Senate on Tuesday, May 22, 2007 at 10 a.m. in room 628 of the Senate Dirksen office building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, May 22, 2007, at 10 a.m. to conduct a joint hearing entitled "GAO Personnel Reform: Does it meet expectations?"

The joint hearing will take place in conjunction with the House Committee on Oversight and Government Reform, and the House Subcommittee of Federal Workforce, Postal Service, and the District of Columbia.

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following detailees and fellows on my staff, Mary Giovagnoli, Todd Kushner, and Mischelle VanBrakle, be granted floor privileges for the remainder of the first session of the 110th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13,

1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 110th Congress: Senator CARL LEVIN of Michigan, Democratic Co-Chairman; Senator JOSEPH R. BIDEN, Jr. of Delaware, Democratic Co-Chairman; Senator FRANK R. LAUTENBERG of New Jersey, Democratic Co-Chairman; Senator EDWARD M. KENNEDY of Massachusetts, Senator BYRON L. DORGAN of North Dakota, Senator RICHARD J. DURBIN of Illinois, Senator BILL NELSON of Florida, Senator JOSEPH I. LIEBERMAN of Connecticut, and Senator ROBERT C. BYRD of West Virginia, Majority Administrative Co-Chairman.

#### WAIVING APPLICATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 109, S. 375.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 375) to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The bill (S. 375) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 375

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

#### SECTION 1. FINDINGS.

With respect to the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002, Congress finds that—

(1) the parcel of land described in the quitclaim deed, comprising approximately 19.86 acres of land originally used as part of the Chemawa Indian School, was transferred by the United States in 1973 and 1974 to the State of Oregon for use for highway and associated road projects;

(2) Interstate Route 5 and the Salem Parkway were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage of the parcel back to the United States;

(3) the United States could no longer use the returned acreage for the administration of Indian affairs, and determined it would be most appropriate to transfer the property to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon;

(4) on request of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon, the United States transferred the parcel jointly to the Tribes for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(5) the transfer of the parcel was memorialized by the United States in 2 documents, including—

(A) an agreement titled "Agreement for Transfer of Federally Owned Buildings, Improvements, Facilities and/or Land from the United States of America the [sic] Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Tribe [sic] of Oregon", dated June 21, 2001; and

(B) a quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County, Oregon, on June 19, 2002 (reel 1959, page 84);

(6) use of the parcel by Tribes for economic development purposes is consistent with the intent and language of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and other Federal Indian law—

(A) to encourage tribal economic development; and

(B) to promote economic self-sufficiency for Indian tribes;

(7) the United States does not desire the return of the parcel and does not intend under any circumstances to take action under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or any other legal authority to seek the return of the parcel; and

(8) in reliance on this intent, the Tribes have committed over \$2,500,000 to infrastructure improvements to the parcel, including roads and sewer and water systems, and have approved plans to further develop the parcel for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing.

#### SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) NONAPPLICATION OF LAW.—Notwithstanding any other provision of law, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the transfer of the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002.

(b) NEW DEED.—The Secretary of the Interior shall issue a new deed to the Tribes to the parcel described in subsection (a) that shall not include—

(1) any restriction on the right to alienate the parcel; or

(2) any reference to any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) PROHIBITION ON GAMING.—Class II gaming and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et

seq.) shall not be conducted on the parcel described in subsection (a).

#### AMENDING THE DISTRICT OF COLUMBIA HOME RULE ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 145, H.R. 2080.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2080) was ordered to a third reading, was read the third time, and passed.

#### REDESIGNATING THE OFFICE FOR VOCATIONAL AND ADULT EDUCATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 33, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 33) to redesignate the Office for Vocational and Adult Education as the Office of Career, Technical, and Adult Education.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 33) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 33

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

#### SECTION 1. REDESIGNATION OF THE OFFICE OF VOCATIONAL AND ADULT EDUCATION.

(a) REDESIGNATION.—Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

(1) in the section heading, by striking "OFFICE OF VOCATIONAL AND ADULT EDUCATION" and inserting "OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION";

(2) in the first sentence—

(A) by striking "Office of Vocational and Adult Education" and inserting "Office of Career, Technical, and Adult Education"; and

(B) by striking "Assistant Secretary for Vocational and Adult Education" and inserting "Assistant Secretary for Career, Technical, and Adult Education"; and

(3) in the second sentence, by striking “vocational and adult education” each place the term appears and inserting “career, technical, and adult education”.

(b) CONFORMING AMENDMENTS.—

(1) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—The Department of Education Organization Act (as amended in subsection (a)) (20 U.S.C. 3401 et seq.) is further amended—

(A) in section 202—

(i) in subsection (b)(1)(C), by striking “Assistant Secretary for Vocational and Adult Education” and inserting “Assistant Secretary for Career, Technical, and Adult Education”; and

(ii) in subsection (h), by striking “Assistant Secretary for Vocational and Adult Education” each place the term appears and inserting “Assistant Secretary for Career, Technical, and Adult Education”; and

(B) in the table of contents in section 1, by striking the item relating to section 206 and inserting the following:

“Sec. 206. Office of Career, Technical, and Adult Education.”.

(2) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—Section 114(b)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(b)(1)) is amended by striking “Office of Vocational and Adult Education” and inserting “Office of Career, Technical, and Adult Education”.

## ORDERS FOR WEDNESDAY, MAY 23, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, May 23; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled, with the majority controlling the first half and the Republicans controlling the final half; that at the close of morning business, the Senate resume consideration of S. 1348, the immigration bill.

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

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Wednesday, May 23, 2007, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 22, 2007:

### DEPARTMENT OF STATE

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR, EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

### DEPARTMENT OF EDUCATION

DIANE AUER JONES, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE SALLY STROUP, RESIGNED.

### RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2008. (REAPPOINTMENT)

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2012. (REAPPOINTMENT)

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2009. (REAPPOINTMENT)

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

DANIEL K. BERMAN, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

CAROL M. CHESLEY, OF THE DISTRICT OF COLUMBIA

HOLLY S. HIGGINS, OF IOWA

SCOTT S. SINDELAR, OF MINNESOTA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

LINDA THOMPSON TOPPING GONZALEZ, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

GARY ANDERSON, OF TEXAS

MARIO A. FERNANDEZ, OF TEXAS

BRIDGET FITZGERALD GERSTEN, OF ARIZONA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF AGRICULTURE

VALERIE R. BROWN-JONES, OF TEXAS

KARI A. ROJAS, OF VIRGINIA

OLIVER L. FLAKE, OF MARYLAND

DEPARTMENT OF STATE

MERRY MILLER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF STATE

JAMES E. AGUIRRE, OF VIRGINIA

PETER DONALD ANDREOLI, OF VIRGINIA

ROBERT B. ANDREW, OF TEXAS

BENJAMIN STEPHEN BAILL, OF CALIFORNIA

JEREMY H. BEER, OF COLORADO

SARAH K. BELLMAN, OF NEW JERSEY

JONATHAN M. BERGER, OF MICHIGAN

KELLY ANNE BILLINGSLEY, OF FLORIDA

ALFRED MICHAEL BOLL, OF WISCONSIN

HAROLD FRANK BONACQUIST, OF NEW YORK

QIANA BRADFORD, OF GEORGIA

MOZELLA N. BROWN, OF THE DISTRICT OF COLUMBIA

ELIZABETH A. CAMPBELL, OF TEXAS

EDWARD THOMAS CANUOL, OF MASSACHUSETTS

NATHAN C. CARTER, OF GEORGIA

WILLIAM CATO, OF VIRGINIA

ALEXANDER P. DELOREY, OF FLORIDA

CHRISTOPHER HAYES DORN, OF VIRGINIA

SHAWN H. DUNCAN, OF WASHINGTON

ANA M. DUQUE-HIGGINS, OF FLORIDA

CARRIE ELIZABETH REICHERT FLINCHBAUGH, OF VIRGINIA

ANDREA B. GOODMAN, OF CALIFORNIA

SHARON ELIZABETH GORDON, OF CALIFORNIA

JOSHUA M. HANDLER, OF THE DISTRICT OF COLUMBIA

SARAH E. HANKINS, OF NORTH CAROLINA

JOSHUA M. HARRIS, OF NEW JERSEY

DAVID PARKER HAUGEN, OF TENNESSEE

TIMOTHY B. HEFNER, OF NORTH CAROLINA

RICHARD C. HINMAN, OF NEW JERSEY

ERIC A. JOHNSON, OF THE DISTRICT OF COLUMBIA

KAREN YOUNG KESHAP, OF VIRGINIA

MARK EDWARD KISSEL, OF MARYLAND

DENISE LYNNETTE KNAFF, OF TEXAS

ANNEMETTE LIVERY, OF ARIZONA

JINNIE J. LEE, OF NEW YORK

MICHELLE ANNE LEE, OF OHIO

TELSIDE LOGAN MANSON, OF VIRGINIA

KIMBERLY M. MCCLURE, OF KENTUCKY

JAMES N. MILLER, OF CONNECTICUT

WILLIAM JOSEPH PATON, OF NEW YORK

JESSICA H. PATTERSON, OF VIRGINIA

MARGO LYNN POGORZELSKI, OF NEW YORK

MUSTAFA MUHAMMAD POPAL, OF VIRGINIA

CARSON R. RELITZ, OF INDIANA

CURTIS RAYMOND RIED, OF CALIFORNIA

WESLEY W. ROBERTSON, OF NEVADA

JOY MICHIO SAKURAI, OF HAWAII

CORINA R. SANDERS, OF FLORIDA  
PETER TIMOTHY SHEA, OF THE DISTRICT OF COLUMBIA  
EDWARD W. SOLTOW, OF ARIZONA  
MARJORIE A. STERN, OF CALIFORNIA  
BRADLEY KILBURN STILWELL, OF WASHINGTON  
ALEXANDRA ZWAHLN TENNY, OF WASHINGTON  
KENICHIRO TOKO, OF NEW JERSEY  
MICHELLE NICOLE WARD, OF MARYLAND  
BRADLEY G. WILDE, OF TEXAS  
BRIAN CHARLES WINANS, OF ILLINOIS  
ANDREW VAUGHN WITHERSPOON, OF NEW HAMPSHIRE  
CHRISTIAN MICHAEL WRIGHT, OF TEXAS  
THOMAS A. YEAGER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF COMMERCE

MARK COHEN, OF PENNSYLVANIA  
FRANKLIN D. JOSEPH, OF THE DISTRICT OF COLUMBIA  
DEAN R. MATLACK, OF THE DISTRICT OF COLUMBIA  
ELIZABETH M. SHIEH, OF NEW YORK

### DEPARTMENT OF STATE

ROBERT NEIL AINSLIE, OF VIRGINIA  
SARA J. AINSWORTH, OF THE DISTRICT OF COLUMBIA  
KIMBERLY A. AJTAJI, OF VIRGINIA  
LOREN B. ALLEN, OF VIRGINIA  
JAVIER ALFREDO ALVAREZ, OF VIRGINIA  
MOHAMMAD K. AL-WESHAHI, OF VIRGINIA  
WALTER B. ANDONOV, OF NEVADA  
CHASITY TIFFANY ANTHONY, OF VIRGINIA  
BRANDON SCOTT ARMITAGE, OF VIRGINIA  
LARRY R. BALDWIN, JR., OF VIRGINIA  
ERIC MATTHEW BARBEE, OF VIRGINIA  
BERNARD BARRIE, OF VIRGINIA  
LORI A. BATTISTA, OF VIRGINIA  
BRIAN ANDREW BERGER, OF VIRGINIA  
PRENTISS RAY BERRY, OF VIRGINIA  
DEBORAH A. BIERBACH, OF VIRGINIA  
ROBERT CRIG BOND, OF THE DISTRICT OF COLUMBIA  
ANDREA K. BOYLAN, OF VIRGINIA  
GREGORY ANTHONY BOYLAN, OF VIRGINIA  
JASON MICHAEL BRANDON, OF VIRGINIA  
CARYN D. BREEDEN, OF WEST VIRGINIA  
MELISSA LEIGH BREWSTER, OF VIRGINIA  
EDWARD A. BRISTOL, OF VIRGINIA  
ROBERT J. BROCKWAY, OF VIRGINIA  
KAREN L. BRONSON, OF WASHINGTON  
DAVID PENN BROWNSTEIN, OF NEW YORK  
EMILIE SUZANNE BRUCHON, OF VIRGINIA  
ERIKA BREE BRUMBELOW, OF VIRGINIA  
ROBERT W. BUNNELL III, OF NORTH CAROLINA  
MARY A. CALLAGHAN, OF VIRGINIA  
TINA MARIE CAPPA, OF VIRGINIA  
STEPHANE MARC CASTONGUAY, OF HAWAII  
THOMAS CATRIGNO, OF THE DISTRICT OF COLUMBIA  
CHRISTA MARIE CAVALLUCHI, OF VIRGINIA  
THOMAS D. CELESTINA, OF FLORIDA  
JANET CHEUNG, OF VIRGINIA  
JANE JERA CHONGCHIT, OF CALIFORNIA  
MARVEL C. CHURCH, OF VIRGINIA  
ROBIN S. CLUNE, OF CALIFORNIA  
HEATHER L. COBLE, OF VIRGINIA  
HANAN COHEN, OF VIRGINIA  
CURTIS GOLDEN CONOVER, OF VIRGINIA  
AMY ELIZABETH CONRAD, OF VIRGINIA  
CHRISTOPHER T. CORKEY, OF THE DISTRICT OF COLUMBIA

WILLIAM P. COX, OF MARYLAND  
SEAN PATRICK COYAN, OF VIRGINIA  
NESA J. CRISP, OF VIRGINIA  
MICHAEL P. CROISSANT, OF VIRGINIA  
JEFFREY ROSS CUTLER, OF VIRGINIA  
MELISSA LYNN CUTLER, OF VIRGINIA  
JOSEPH V. DAMUSIS, OF VIRGINIA  
JOHN A. DEGORY, OF PENNSYLVANIA  
JOHN ALVIN RAYMOND DEHOFF, OF THE DISTRICT OF COLUMBIA

CHRIS ANN DELMASTRO, OF CALIFORNIA  
MARIE C. DEMIER, OF THE DISTRICT OF COLUMBIA  
CARLOS POURUSHASP DHABHAR, OF NEW YORK  
ANDREA T. DIAZ, OF VIRGINIA  
KELLY L. DIHO, OF VIRGINIA  
ROBERT ALAN DOLLINGER, JR., OF VIRGINIA  
ARA SEBASTIAN DONABEDIAN, OF VIRGINIA  
JENNIFER L. DOUGHERTY, OF VIRGINIA  
DAVID M. DUERDEN, OF IDAHO  
TIMOTHY T. DYKE, OF VIRGINIA  
WILLIAM M. ELLIOTT, OF VIRGINIA  
JOHN B. EVERMAN, JR., OF WISCONSIN  
DOROTHEA L. EWING, OF VIRGINIA  
CHRISTINE M. FAGAN, OF TEXAS  
GABRIELA ALEXANDRA FERNANDEZ, OF VIRGINIA  
RICHARD G. FITZMAURICE, OF INDIANA  
STEPHANIE J. FITZMAURICE, OF INDIANA  
MATTHEW C. FLIERMANS, OF GEORGIA  
DAVID MICHAEL FOGELSON, OF CALIFORNIA  
RICHARD WILLIAM FROST, OF VIRGINIA  
ELIZABETH J. FUSAKIO, OF VIRGINIA  
ERIC R. GARDNER, OF WASHINGTON  
CHRISTINE GETZLER VAUGHAN, OF ARIZONA  
VALERIA MICHELLE GIBSON, OF GEORGIA  
PETER P. GIOIELLA III, OF THE DISTRICT OF COLUMBIA  
JAVIER A. GONZALEZ, OF VIRGINIA  
SUSANNA GRANSSEE, OF NORTH CAROLINA  
LORRAINE A. GRIGGS, OF VIRGINIA  
ZACHARY T. GROVE, OF VIRGINIA  
NORA CATHERINE GRUBBS, OF VIRGINIA  
PAUL M. GUERTIN, OF RHODE ISLAND  
CHARLES OVERTON HALL II, OF THE DISTRICT OF COLUMBIA

PAMELA A. HAMBLETT, OF OKLAHOMA  
 BLYTHE B. HAMILTON  
 CONARD C. HAMILTON, OF CALIFORNIA  
 SHANA LORELLE HANSELL, OF THE DISTRICT OF COLUMBIA  
 J.J. HARDER, OF NEBRASKA  
 THEODORE RAY HARKEMA, OF VIRGINIA  
 DANE D. HART, OF VIRGINIA  
 KIMBERLY L. HAWK, OF VIRGINIA  
 AMANDA E. HICKS, OF OREGON  
 COURTNEY D. HILL, OF THE DISTRICT OF COLUMBIA  
 GERARD THOMAS HODEL, OF NEW YORK  
 JENNIFER M. HOFFMAN, OF VIRGINIA  
 VICTORIA HOILES, OF CALIFORNIA  
 ASHLEY A. HOKE, OF VIRGINIA  
 MARY DANIELLE MYERS HOKE, OF FLORIDA  
 NICHOLAS M. HOLT, OF THE DISTRICT OF COLUMBIA  
 ERIC ALDEN HUFFMAN, OF VIRGINIA  
 LINDSAY NICOLE JONES, OF VIRGINIA  
 LISA BARBARA KALECZYC, OF VIRGINIA  
 MARGARET E. KAMMEYER, OF VIRGINIA  
 MARLYSSA ANN KARCZ, OF VIRGINIA  
 GERRY PHILIP KAUFMAN, OF FLORIDA  
 DANIEL GILBERT DURAN KEEN, OF VIRGINIA  
 JAMES ROY KELLEHER, OF VIRGINIA  
 ANSON MORE KELLER, OF MARYLAND  
 MEGAN MARISA KELLER, OF VIRGINIA  
 SUSANNE PATRICE KELLER, OF MISSOURI  
 KWINN S. KELLEY, OF CALIFORNIA  
 SYLBETH KENNEDY, OF CALIFORNIA  
 KRISTI A. KENNISTON, OF MARYLAND  
 LINDSAY KIEFER, OF WASHINGTON  
 NEIL R. KINGLSEY, OF VIRGINIA  
 NICOLE SIMONE KIRKWOOD, OF VIRGINIA  
 ROBERT ZACHARY KOESTER, OF VIRGINIA  
 STEPHEN SETH KOLB, OF TEXAS  
 CINDY L. KONISKY, OF VIRGINIA  
 KELLY LEE KOPCIAL, OF VIRGINIA  
 ALETA MARIE KOVENSKY, OF VIRGINIA  
 JAN JOZEF KOZUBSKI, OF MARYLAND  
 KEVIN KRAPP, OF CALIFORNIA  
 KYLER O. KRONMILLER, OF VIRGINIA  
 JAMES M., KUEBL, OF FLORIDA  
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