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Senate

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Almighty God, eternal and unchangeable, before whom the generations rise and pass away, guide the Members of this body so that all they say and decide will be according to Your will.

Take command of their thoughts today. Provide them with words to speak that will bring unity. Give them clarity for the hard choices they face and strength for the stresses of leadership. Help them hear the cries of those in our world who struggle with pain, loss, fear, confusion, limitations, and loneliness.

Give our Senators the vision and willingness to see and do Your will. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK PRYOR, a Senator from the State of Arkansas, 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 (Mr. PRYOR). 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, January 29, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period for the transaction of morning business until 3:30 p.m. today. Senator DORGAN will be recognized for up to 45 minutes and Senator SPECTER for up to 30 minutes. We will resume H.R. 2 at 3:30 p.m. for debate only until 5:30 p.m. During this time, Senator SESSIONS will be recognized for an hour at 4 p.m. As a reminder to Members, cloture has been filed on the substitute amendment to H.R. 2. and the bill itself. Therefore, Members have until 3 p.m. today to file any additional first-degree amendments.

Currently, there are 23 amendments pending. I am told that the vast majority of these amendments, after initial review by the Parliamentarians, will be ruled not germane or arguably not germane. The cloture vote on the substitute amendment will occur prior to the conference luncheons tomorrow at 12 noon.

Mr. President, if I may say a few words in addition, today we are going to, hopefully, have a debate that will be meaningful to the American people on minimum wage. This debate will be completed tomorrow in many respects, with a cloture vote on the substitute occurring tomorrow. The other debate we may get to this week is that dealing with Iraq. Both are issues past Congresses have neglected and both are

areas where Democrats and Republicans must work together to move America forward.

MINIMUM WAGE

It has been 10 years since the minimum wage was last raised. During that period of time, the cost of food has risen 23 percent, the cost of health care almost 45 percent, the cost of housing about 30 percent, the cost of gas 135 percent, and that is as of today. Of course, as we know, in the past, it has been much more than that. Congressional pay has risen during that period of time by \$30,000 per year per Member of Congress. But the minimum wage has stayed the same, \$5.15.

Today, a full-time minimum wage worker earns \$10,700 a year, working 40 hours a week. That is \$6,000 below the Federal poverty line for a family of three. This is wrong. It doesn't speak well of our country. At its heart, this debate is about fairness.

In America, we believe—I think we should believe—a person working full time should be able to live a life that is not in poverty. A mother, a father who works hard and plays by the rules should be able to feed, clothe, and raise their children. Isn't it better that we have people who are engaged in work rather than welfare? The answer is yes.

Mr. President, \$7.25 might not seem like a lot of money in Washington, but it would mean almost \$4,500 more a year for the Nation's working poor. That is enough money for a family of 3 to buy 15 months of groceries, 19 months for their utility bills, 8 months of rent, 2 years of health care, 20 months of childcare, and even 30 months of college tuition at some schools.

Tomorrow we will have a cloture vote on the minimum wage, and I sure hope this will be a good bipartisan vote on cloture, so we can complete this legislation quickly.

Senators have had time to offer amendments. As I said Friday, when is enough enough? After 10 years, it is

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



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time to stop talking about this issue and finally give working Americans an overdue raise.

IRAQ

When the Senate completes its work on the minimum wage—whether it is tomorrow, the next day, next day, the next day or next week—we are going to move to Iraq, and that is a debate regarding the proposed plan by the President to escalate the conflict. We owe it to our troops who serve bravely to have a real debate about the way forward in that war.

We are approaching 3,100 dead American soldiers. I was watching the Lehrer "NewsHour." They show, in silence, pictures of the soldiers who have died in Iraq. They do it every few days. I watched this Friday and was struck by the number of women in this most recent reporting of deaths who are pictured there, who have been killed. They were not combat troops. They were doing activities important to the cause, such as driving vehicles. It is hard to determine what is combat and what is not combat. A helicopter went down and women were in that helicopter. A helicopter went down yesterday. I don't know who was in it, but we know two Americans were killed. So we have to have a debate about the way forward in the war in Iraq.

In Washington, we hear a lot of rhetoric about how the upcoming congressional debate emboldens our enemies. To quote a headline that appeared in a lot of newspapers, this particular one was the Las Vegas Sun newspaper, it said: Those who peddle such deceitful, political talking points "need a lesson in civics."

As Mr. WARNER, the gentleman Senator from Virginia, has said in this debate, Senators are "trying to exercise the fundamental responsibilities of our democracy."

Critics of the war also need a lesson in history. If history has taught us anything, it is that our country is strongest when all three branches of Government function. Our country is strongest when this legislative branch is more than a rubberstamp. And, finally, our country is strongest when we have real, meaningful debate on issues of consequence on behalf of the American people.

There is no issue greater in consequence than what is going on in Iraq. To suggest that the former chairman of the Armed Services Committee, a former Secretary of the Navy, a former marine, Senator JOHN WARNER, or highly decorated Vietnam veteran CHUCK HAGEL, who on the battlefields of Vietnam saved his own brother's life, would take any action to undermine our troops and embolden the enemy—of course not—to suggest such is beneath any administration official or Member of Congress, even though they both tried it. I think they should reexamine what they have said. It is dangerous rhetoric, motivated more by politics than events in Iraq.

These two men are examples of this not emboldening the enemy but our

doing, as the legislative branch of Government, what we are obligated to do: to talk about this conflict in Iraq.

We are in a hole in Iraq. Escalating the war is deepening that hole. We need to find a way out of that hole. Our troops, most of all, need our help. They need a policy that is worthy of their heroic sacrifices. They don't need hollow speeches or inflammatory rhetoric. They don't need a rubberstamp. They need someone to ask the tough questions. They need a legislative branch that will finally exercise its constitutional responsibilities.

I, for one, am glad we have finally arrived at this point where Congress is exercising its power. We arrived here because the American people demanded we exercise our power.

In his State of the Union Address, the President asked Members of Congress to give escalation a chance. But the truth is, escalation is the same failed President Bush policy that has already run out of chances. The President has escalated the war before, only to see the same results: increasing chaos, innumerable costs, and a civil war that is spinning out of control.

Is there a war in Iraq that is civil in nature? Of course. A marketplace where people came to buy pets, to sell pets was blown to smithereens, snakes crawling away from their cages. Children taking tests were hit with a mortar round over the weekend. And 600 insurgents were gathered in an orchard where a battle that took 15 hours ensued over the weekend. Is there a civil war? Of course, there is a civil war. Is there chaos in Iraq? Of course, there is chaos in Iraq.

The President knows how the American people feel. Generals Abizaid and Casey, when asked whether this escalation would be a good idea, told the President "no." They were relieved of duty. Prime Minister Maliki, speaking face to face with the President, said: Mr. President, get American troops out of Baghdad. That is what the democratically elected Prime Minister of Iraq told the President of the United States. The Iraq Study Group has so told the President. And now we are going to have a bipartisan vote that will tell the President the same.

There is no military solution in Iraq; there are only political solutions in Iraq. With the vote, which will eventually come, we will give the President another chance to listen, listen to the generals, listen to the Iraq Study Group, listen to the American people, and listen to a bipartisan Congress.

The stunning part of this is the people of Iraq don't want us there. Polls show that 70 percent of the Iraqis believe Iraq would be better off if we were out of there. So it is another chance to listen and change course. That is what we hope will be the outcome of our debate. That will be the right result for the Nation, for our strategic interests, and for the troops.

We will work with my distinguished friend, the Republican leader, to try to

have something that is more understandable. The way things now stand, if cloture is invoked tomorrow, this matter can be played out, as I understand the procedures here, until about 1 o'clock Friday morning and, if necessary, we will do that. But hopefully we can agree on a way to proceed through this without those many votes and arrive at a point where we can come to some agreement as to how we should proceed in a reasonable, logical way, so everyone has their opportunity to express views on Iraq. We have a number of competing legislative matters we can vote on. It would seem to me very likely it will take 60 votes to pass anything, but at least if we set up a responsible way to go forward, I think it would be more meaningful to the body and to the American people.

I know my friend, the Republican leader, will work with me. We will try to do the best we can for the body itself; otherwise, we will work through the rules of the Senate, which will get us there but maybe not as quickly and as conveniently.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REPUBLICAN COOPERATION

Mr. MCCONNELL. Let me say to my good friend, the majority leader, I think we should be able to work our way through some negotiations on the Iraq matter that will allow us to consider a variety of proposals that may be forthcoming. With regard to the advisability of doing any resolution at all, I think the Washington Post basically had it right last week when they said they found it curious that we would confirm General Petraeus overwhelmingly, which we did Friday, 81 to nothing, and then turn around and pass a resolution saying his mission, in our judgment, has no chance of succeeding.

I hope at the end of the day such a resolution will not be approved. Having said that, I do think this is the last opportunity for the Iraqis to get it right. They need to understand that even those of us who are strong supporters of the President believe this is it. This is their chance to demonstrate that they can function in this effort to quiet the capital city of Baghdad so it can become a place in which political compromise can in fact occur. It is very difficult for that to happen when there are daily car bombings.

With regard to the minimum wage, let me indicate, Republicans made a pledge at the start of this session to cooperate and that is exactly what we have done. We passed one strong bill and we are about to pass another by keeping that pledge. Two weeks ago some of our colleagues on the other side started to dispute our commitment to cooperation over the ethics and lobbying bill. One of my good

friends on the other side said Republicans hated the bill and decided to kill it. Another said our effort to make the bill better through the amendment process was “one of the worst stunts he had seen in 25 years as a legislator.” What made those observations particularly absurd is that on that same day, the very same day those quotes were made, the bill passed 96 to 2.

Last week, many of our colleagues on the other side were reviving their charges of noncooperation after we took up the minimum wage bill. One said Republicans don’t tend to vote for a minimum wage increase. Another said we were putting up obstacles to the bill so we wouldn’t have to act on it.

We passed a good ethics and lobby reform bill and we are going to pass a good minimum wage increase bill because of Republican support and because Republicans insisted on a bipartisan package for both ethics and lobbying. That is the reason we saw an overwhelming vote at the end, support on both sides of the aisle. It is only because Republicans insisted on a bipartisan package for the minimum wage bill that I expect at some point in the near future we will see a similar vote on that. We pledged cooperation, and cooperation is exactly what we are offering in these early days of this Congress.

I yield the floor.

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, the Senate will now proceed to a period for the transaction for morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each, and the Senator from North Dakota, Mr. DORGAN, in control of 45 minutes and the Senator from Pennsylvania, Mr. SPECTER, in control of 30 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator DORGAN and I have arranged to switch times. He graciously consented to that. I ask unanimous consent that I may proceed for the 30-minute special order that was already announced and that Senator DORGAN be recognized for 45 minutes when my time is concluded.

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

TELEVISIONING OF SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to comment about S. 344, which provides for the televising of Supreme Court proceedings. This

bill is cosponsored by Senator GRASSLEY, Senator DURBIN, Senator SCHUMER, Senator FEINGOLD, and, with unanimous consent Senator CORNYN—a bipartisan representation. It is identical with legislation introduced in the last Congress after having been voted out of committee, and was voted out of committee on a 12-to-6 vote. It was previously introduced in 2005. It had a hearing on November 9 of 2005 and was reported out of committee on March 30 of 2006.

The essential provision is to require televising proceedings at the Supreme Court of the United States unless the Court determines on an individual basis that there would be an inappropriate occasion and a violation of the due process rights of the parties.

The thrust of this legislation is to bring public attention and understanding of how the Supreme Court of the United States functions, because it is the ultimate decisionmaker on so many—virtually all of the cutting edge questions of our day. The Supreme Court of the United States made the decision in *Bush v. Gore*, essentially deciding who would be President of the United States. The Supreme Court decides cases on the death penalty, as to who will die.

It decides by 5-to-4 decisions so many vital cases, including partial-birth or late-term abortion, deciding who will live. It decides the question of who will be elected, controlling the constitutional decision on campaign contributions. It decides the constitutionality—again, and all of the cases I mentioned are 5 to 4—on school prayer, on school vouchers, on whether the Ten Commandments may be publicly displayed, on whether affirmative action will be permitted, on whether eminent domain will be allowed—the taking of private property for governmental purposes. The Supreme Court of the United States decides the power of the President as illustrated by *Hamdan v. Rumsfeld*—that the President does not have a blank check and that the President is not a monarch.

The Supreme Court of the United States, again in a series of 5-to-4 decisions, has decided what is the power of Congress, declaring in *U.S. v. Morrison* the legislation to protect women against violence unconstitutional because the Court questioned our “method of reasoning,” raising a fundamental question as to where is the superiority of the Court’s method of reasoning over that of the Congress. But that kind of decision, simply stated, is not understood.

Or the Supreme Court of the United States dealing with the Americans With Disabilities Act, making two decisions which are indistinguishable, upholding the statute on a paraplegic crawling into the courthouse in Tennessee and striking down the constitutionality of the statute when dealing with employment discrimination. They did so on a manufactured test of congruence and proportionality, which is literally picked out of thin air.

Under our Constitution, I respect the standing of the Supreme Court of the United States to be the final arbiter and to make the final decisions. But it is, I think, fundamental that the Court’s work, the Court’s operation ought to be more broadly understood. That can be achieved by television. Just as these proceedings are televised on C-SPAN, just as the House of Representatives is televised on C-SPAN, so, too, could the Supreme Court be televised on an offer made by C-SPAN to have a separate channel for Supreme Court oral arguments. There are many opportunities for the Court to receive this kind of coverage, to inform the American people about what is going on so that the American people can participate in a meaningful way as to whether the Court is functioning as a super-legislature—which it ought not to do, that being entrusted to the Congress and State legislatures, with the Court’s responsibility being to interpret the law.

It should be noted that the individual Justices of the Supreme Court have already been extensively televised. Chief Justice Roberts and Justice Stevens were on “Prime Time” on ABC TV. Justice Ruth Bader Ginsburg was on CBS with Mike Wallace. Justice Breyer was on “FOX News” Sunday. Justice Scalia and Justice Breyer had an extensive debate last December, which is available for viewing on the Web—and in television archives. So there has been very extensive participation by Court members, which totally undercuts one of the arguments, that the notoriety would imperil the security of Supreme Court Justices.

It is also worth noting that a number of the Justices have stated support for televising the Supreme Court. For example, Justice Stevens, in an article by Henry Weinstein on July 14, 1989, said he supported cameras in the Supreme Court and told the annual Ninth Circuit Judicial Conference at about the same time that, “In my view, it is worth a try.”

Justice Stevens has been quoted recently stating his favorable disposition to televising the Supreme Court.

Justice Breyer, during his confirmation hearings in 1994, indicated support for televising Supreme Court proceedings. He has since equivocated, but has also noted that it would be a wonderful teaching device.

In a December 13, 2006 article by David Pereira, Justice Scalia said he favored cameras in the Supreme Court to show the public that a majority of the caseload involves dull stuff.

In December of 2000, an article by Marjorie Cohn noted Justice Ruth Bader Ginsburg’s support of camera coverage, so long as it is gavel to gavel—which can be arranged.

Justice Alito, in his Senate confirmation hearings last year, said that as a member of the Third Circuit Court of Appeals he voted to admit cameras. He added that it would be presumptuous of him to state a final position until he

had consulted with his colleagues, if confirmed. But at a minimum, he promised to keep an open mind, noting that he had favored television in the Third Circuit Court of Appeals.

Justice Kennedy, according to a September 10, 1990, article by James Rubin, told a group of visiting high school students that cameras in the Court were "inevitable," as he put it. He has since equivocated, stating that if any of his colleagues raise serious objections, he would be reluctant to see the Supreme Court televised. Chief Justice Roberts said in his confirmation hearings that he would keep an open mind. Justice Thomas has opposed cameras. Justice David Souter has opposed televising the Supreme Court. Justice Souter has been the most outspoken opponent of televising the Supreme Court, saying if cameras rolled into the Supreme Court, they would roll over his—as he put it—over his dead body—a rather colorful statement. But there has been, as noted, considerable sentiment by quite a number of the Justices as to their personal views expressing favorable disposition toward televising the Supreme Court.

The question inevitably arises as to whether Congress has the authority to require televising Supreme Court proceedings, and I submit there is ample authority on Congress's generalized control over administrative matters in the Court. For example, it is the Congress which decides how many Justices there will be on the Court. It is remembered that President Roosevelt, in the mid to late 1930s, proposed a so-called "packing of the Court" plan to raise the number to 15. But that is a congressional judgment. The Congress decides when the Supreme Court will begin its term: on the first Monday of every October. The Congress decides what number will constitute a quorum of the Supreme Court: six. The Congress of the United States has instituted timelines that are required to be observed by the Supreme Court when determining timeliness in habeas corpus cases. So there is ample authority for the proposition that televising the Supreme Court would be constitutional.

There is an article which is due for publication in May 2007 by Associate Professor Bruce Peabody of the political science department of Fairleigh Dickinson University, and in that article, Professor Peabody makes a strong analysis that congressional action to televise the Supreme Court would be constitutional. Also, in that article Professor Peabody refers at length to the legislation which I introduced in 2005 and says that it would be constitutional and observes that:

A case could be made for reform giving rise to more wide-ranging and creative thinking of the role and status of the judiciary if the Supreme Court was, in fact, televised.

He further notes that:

Televising the Supreme Court could stimulate a more general discussion about whether other reforms of the court might be in order.

He notes that:

The so-called Specter bill would be meaningful in giving wider play to a set of conversations that have long been coursing through the academy about the relationship between the court and the Congress.

The Supreme Court itself, in the 1980 decision in *Richmond Newspapers v. Virginia*, implicitly recognized, perhaps even sanctioned, televising the Court because in that case, the Supreme Court noted that a public trial belongs not only to the accused but to the public and the press as well; and that people acquire information on Court proceedings chiefly through the print and electronic media. But we know as a factual matter that the electronic media, television, is the basic way of best informing the public about what the Supreme Court does.

There was enormous public interest in the case of *Bush v. Gore* argued in the Supreme Court in December of 2000 after the challenge had been made to the calculation of the electoral votes from the State of Florida and whether the so-called chads suggested or showed that Vice President Gore was the rightful claimant for those electoral votes or whether then-Governor Bush was the rightful claimant.

The streets in front of the Supreme Court chambers across the green from the Senate Chamber were filled with television trucks. At that time, Senator BIDEN and I wrote to Chief Justice Rehnquist urging that the proceedings be televised and got back a prompt reply in the negative.

But at least on that day the Supreme Court did release an audiotape when the proceedings were over, and the Supreme Court has made available virtually contemporaneous audio tapes since. But I suggest the audio tapes do not fill the bill. They do not have the audience. They do not have the impact. They do not convey the forcefulness that televising the Supreme Court would.

There has been considerable commentary lately about the Court's workload and the Court's caseload. Chief Justice Roberts, for example, noted that the Justices:

Hear about half the number of cases they did 25 years ago.

And, he remarked that from his vantage point, outside the Court:

They could contribute more to the clarity and uniformity of the law by taking more cases.

They have a very light backlog. In the 2005 term, only 87 cases were argued and 69 signed opinions were issued, which is a decrease from prior years. They have left many of the splits in the circuits undecided. Former Senator DeWine, when serving on the Judiciary Committee, asked Justice Alito about the unresolved authority at the circuit level. Now Justice Alito characterized that as "undesirable." But that happens because of the limited number of cases which the Supreme Court takes.

There has also been concern, as noted in an article by Stuart Taylor and Ben

Wittes captioned, "Of Clerks And Perks," that the four clerks per Justice constitute an undesirable allocation of resources, and the Taylor-Wittes article cites the Justice's extensive extracurricular traveling, speaking, and writing, in addition to their summer recesses and the vastly reduced docket as evidence that something needs to be done to spur the Court into taking more cases.

If the Court were to be televised, there would be more focus on what the Court is doing. That focus can be given without television, but once the Supreme Court becomes the center of attraction, the center of attention, articles such as that written by Taylor and Wittes would have much more currency.

The commentators have also raised a question about the pooling of the applications for certiorari. There were, in the 2005 term, some 8,521 filers. Most of those are petitions for certiorari. That is the fancy Latin word for whether the Court will grant process to hear the case from the lower courts. As we see, the Court acts on a very small number of those cases. Only 87 cases were argued that year in a term when more than 8,500 filings were recorded, most of those constituting cases which could have been heard. And, the Supreme Court has adopted a practice of the so-called "cert pool," a process used by eight of the nine Justices. Only Justice Stevens maintains a practice of reviewing the cert petitions himself on an individual basis, of course, assisted by his clerks. But when the Court is charged with the responsibility of deciding which cases to hear, it is my view that it is very problematic and, in my judgment, inappropriate for the Justices not to be giving individualized attention, at least through their clerks, and not having a cert pool where eight of the Justices have delegated the job of deciding which cases are sufficiently important to hear to a pool.

We do not know the inner workings of the pool, but I believe it is fair and safe to infer that the judgments are made by clerks. Precisely what the level of reference and what the level of consultation with the Justices is we do not know, but when an application is made to the Supreme Court of the United States to hear a case, it is my view that there ought to be individualized consideration.

That also appeared to be the view of now Chief Justice John Roberts, who said in a 1997 speech, according to a September 20, 2000, article in the *Legal Times* by reporter Tony Mauro where then-private practitioner John Roberts said he "found the pool disquieting, in that it made clerks a bit too significant in determining the Court's docket."

I would suggest that is an understatement, to give that kind of power to the clerks and, beyond that, to give that kind of power to the clerks in a pool, where the individual Justices do

not even make the delegation to their own clerks with whatever review they would then utilize but make that a delegation to a cert pool.

There have been many scholarly statements about the desirability of having greater oversight on what happens in the Supreme Court. Chief Justice William Howard Taft, who was the 10th Supreme Court Chief Justice and the 27th President of the United States, said that review and public scrutiny was the best way to keep the judges on their toes. And Justice Felix Frankfurter said that he longed for the day when the Supreme Court would receive as much attention as the World Series because the status of the Supreme Court depended upon its reputation with the people.

These are the exact words of Chief Justice William Howard Taft:

Nothing tends more to render judges careful in their decision and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism.

Justice Felix Frankfurter's exact words were:

If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since "public confidence in the judiciary hinges on the public perception of it."

We have a continuing dialogue and a continuing discussion as to the role of the Supreme Court in our society. We have the cutting edge questions consistently coming to the Court. We have them deciding the issues of who will live, who will die, what will be the status of prayer in the schools, what will be the status of our election laws, and through the vagaries of due process of law and equal protection, there are many standards which the Court can adopt.

I was candidly surprised, in reviewing the recent Supreme Court decisions for the confirmation hearings on Chief Justice Roberts and Justice Alito, to find how far the Court had gone in striking down the power of Congress. It was 11 years between the confirmation proceeding on Justice Breyer and the confirmation proceeding on Chief Justice Roberts. With our workload here, it is not possible, even with responsibilities on the Judiciary Committee, even with responsibilities as chairman of the Judiciary Committee, to keep up with the Supreme Court opinions.

When I read *United States v. Morrison*, where the Supreme Court struck down the legislation protecting women against violence on a 5-to-4 decision because Chief Justice Rehnquist questioned our "method of reasoning," I wondered what kind of a transformation there was when you leave the Senate Chamber, where our columns are aligned exactly with the Supreme Court columns across the green, what kind of a transformation there was with method of reasoning that there is such superior status when going to the Court. Certainly I have

noted no complaint about Senators' method of reasoning when we confirm Supreme Court Justices.

Then we picked up the Americans with Disabilities Act. We had two cases—one involving Alabama which involved employment discrimination and one involving Tennessee which involved access by a paraplegic to the courtroom—dealing with exactly the same records. In the Alabama case, the Supreme Court declared 5 to 4 that the act of Congress was unconstitutional. In the Tennessee case, exactly on the same record, they decided the act was constitutional. What standard did they use? They adopted a standard on a 1997 Supreme Court decision in a case called *Boerne*. In that case, the Supreme Court decided they would render a constitutional judgment in a context where Congress had legislated under article V of the 14th amendment to preserve due process of law where the challenge was made by the State that the States were immune under the 11th amendment. The Supreme Court decided it would impose a test of whether the statute was "congruent and proportional." This standard had never been heard in jurisprudence before that time, "congruent and proportional." I defy anyone to say what those words mean in a standard which can be applied in a way which can be predicted by lawyers and understood by State legislators and understood by clients.

In a dissenting opinion, Justice Scalia chastised the Court for being, in effect, the taskmaster of the Congress, to see if the Congress had done its homework, whereas in prior cases the adequacy of the record was determined by a substantial record and the Court would defer to the judgment of Congress, which established, through lengthy hearings and proceedings, a very extensive record. In talking to my colleagues, those decisions by the Supreme Court undercutting congressional power were not known.

Then we have the Supreme Court being the final arbiter on what happens on Executive power, what happens at Guantanamo, what is the responsibility of the President of the United States on military commissions, what is the responsibility under the Geneva Conventions. Here again, I respect the Supreme Court's decisions, respect their role as the final arbiter, but say that there ought to be an understanding by the public. It may be that there will never be a case which has more impact on the working of Government than the decision as to whether the Florida electoral votes would be counted for George Bush or for Albert Gore in the famous case of *Bush v. Gore*.

A prior version of this legislation came out of committee last year on a bipartisan 12-to-6 vote. It has very substantial cosponsorship. I urge my colleagues to consider it carefully. I urge the distinguished majority leader to look for a spot to bring such legislation to the Senate.

There is companion legislation which Senator GRASSLEY is offering which gives the courts—the Supreme Court, courts of appeals, trial courts—the discretion to have television. My legislation, S. 344, is more targeted. It has a requirement as to the Supreme Court televising its proceedings unless there is some due-process violation which is considered on a case-by-case basis.

When the article comes out by Professor Bruce Peabody in the University of Notre Dame Law Journal, I commend it to everyone's attention. I have advance text, have cited some of Professor Peabody's conclusions on his decision that the legislation has very important public policy benefits and, as he analyzes it, is constitutional.

I ask unanimous consent that the full text of the written statement be printed in the CONGRESSIONAL RECORD as if recited, and I ask that prior to the introduction of that prepared statement, my statement appear, that the comments I have made up until now have been a summary of that more extensive statement, an extemporaneous summary, and the full statement follows. Sometimes people reading the CONGRESSIONAL RECORD wonder why there is so much repetition, and I think a word of explanation that the initial statement is a summary and the formal statement is added would explain why the repetition exists.

I ask all of this explanation be printed in the RECORD. Finally, I ask that Senator CORNYN be included as a cosponsor.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

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

SENATOR SPECTER'S TALKING POINTS UPON INTRODUCTION OF S. 344, A BILL TO PERMIT THE TELEVISION OF SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, once again I seek recognition to introduce legislation that will give the public greater access to our Supreme Court. This bill requires the high Court to permit television coverage of its open sessions unless it decides by a majority vote of the Justices that allowing such coverage in a particular case would violate the due process rights of one or more of the parties involved in the matter.

The purpose of this legislation is to open the Supreme Court doors so that more Americans can see the process by which the Court reaches critical decisions that affect this country and all Americans. The Supreme Court makes pronouncements on Constitutional and Federal law that have a direct impact on the rights and lives of all of us. Televising the Court's oral arguments will enhance the public's understanding of the issues and the impact of, and reasons for, the Court's decisions.

I believe that now is the right time for this legislation. In his 2006 Year-End Report on the Federal Judiciary, Chief Justice Roberts noted that "The total number of cases filed in the Supreme Court increased from 7,496 filings in the 2004 Term to 8,521 filings in the 2005 Term—an increase of 13.7 percent." Despite this increase in petitions, during the 2005 Term, only 87 cases were argued, and 69

signed opinions were issued. These 69 signed opinions compares to 74 opinions in the 2004 Term.

A recent article by law professor Jeffrey Rosen in *The Atlantic Monthly* points out that “Fifty-four percent of the decisions in the first year of the Roberts Court were unanimous” and “the Court issued more consecutive unanimous opinions than at any other time in recent history.” I commend the Supreme Court and Chief Justice Roberts for what appears to be an increase in consensus, as reflected in the unanimity in these cases.

But I am concerned about the steady decline each year in the number of Supreme Court full opinions; the number of cases decided by the slimmest majority of five justices; and the number of opinions that have multiple dissents and concurrences that lead to more confusion than clarity in the law. I believe that permitting cameras into oral arguments is one way to shed light on the nature of the work of the Supreme Court and to improve public awareness of the Court's workload, the Court's institutional prerogatives, and even judicial personalities. The public wants to know: Who are these judges and how do they do what they do?

A January 7, 2007 article by Robert Barnes in the *Washington Post* observes that “After decades of decline in its caseload, the [Supreme] Court is once again on track to take its fewest number of cases in modern history.” The article notes that during his confirmation proceedings, Chief Justice Roberts observed that the justices “hear about half the number of cases they did 25 years ago” and he remarked that from his vantage point outside the court, “they could contribute more to the clarity and uniformity of the law by taking more cases.” Similarly, during his confirmation hearings and in response to questions from Senator DeWine, Justice Alito described unresolved splits of authority at the circuit court level as “undesirable.”

The Barnes article posits six possible reasons for the Court's waning docket: (1) 1988 legislation passed at the Court's request that limits the Court's mandatory review docket (2) the change in justices over the past couple of decades, (3) a decrease in splits among the circuits due to an increasingly homogeneous appellate judiciary appointed by Republican administrations, (4) a decrease in appeals by the Federal government as a result of more government wins in the lower courts, (5) the “cert pool” process used by eight of the nine Justices, which relies upon law clerks to recommend which cases are “cert-worthy,” and (6) the possibility that justices on a closely divided court are hesitant to grant certiorari if they think their view will not prevail in the ultimate outcome of a case. I have no particular view on the merits of these possible explanations but they do make me increasingly curious about the Court and its workload.

In a September 2005 article in *The Atlantic Monthly*, Stuart Taylor, Jr. suggests, “As our Supreme Court justices have become remote from the real world, they've also become more reluctant to do real work—especially the sort of quotidian chores done by prior justices to ensure the smooth functioning of the judicial system. The Court's overall productivity—as measured by the number of full, signed decisions—has fallen by almost half since 1985. Clerks draft almost all the opinions and perform almost all the screening that leads to the dismissal without comment of 99 percent of all petitions for review. Many of the cases dismissed are the sort that could be used to wring clear perversities and inefficiencies out of our litigation system—especially out of commercial and personal-injury litigation.” Mr. Taylor con-

cludes the article by exclaiming, “Quietly our Supreme Court has become a sort of aristocracy—unable or unwilling to clearly see the workings, glitches, and peculiarities of the justice system over which it presides from such great altitude.”

Mr. Taylor's frustration with the Supreme Court may have reached its zenith when, in July of 2006, he coauthored an article with Benn Wittes entitled, “Of Clerks and Perks.” In this piece the authors suggest that “an exasperated Congress” should “fire” the Court's clerks by reducing the budget for clerks from four (4) per justice to one (1). Mr. Taylor and Mr. Wittes cite the justices' extracurricular traveling, speaking and writing, in addition to their summer recesses and vastly reduced docket as evidence that something needs to be done to spur the Court into taking up more cases. According to the authors, terminating ¾ of the clerks would end the justices' “debilitating reliance on twentysomething law-school graduates” and “shorten their tenure by forcing them to do their own work, making their jobs harder and inducing them to retire before power corrupts absolutely or decrepitude sets in.”

I do not necessarily agree with Mr. Taylor or Mr. Wittes about what ails the Supreme Court. I do, however, strongly agree with their observation that “Any competent justice should be able to handle more than the current average of about nine majority opinions a year. And those who don't want to work hard ought to resign in favor of people who do.”

Shortly after Taylor and Wittes issued their acerbic diatribe against the Court for its failure to grant certiorari in more cases, a September 20, 2006 article by *Legal Times* reporter Tony Mauro observed that eight of the nine sitting justices, including the recently confirmed Chief Justice Roberts and Justice Alito, would continue to participate in the Supreme Court's law clerk cert-pool. Mauro describes the cert-pool as an “arrangement, devised in 1972, [that] radically changed what happens when a petition for review or certiorari comes in to the court. Instead of being reviewed separately by nine clerks and/or nine justices, it is scrutinized for the pool, presumably in greater depth, by one clerk, who then writes a memo for all the justices in the pool.” Mr. Mauro goes on to remind us that in a 1997 speech John Roberts gave while in private practice, “he found the pool ‘disquieting’ in that it made clerks ‘a bit too significant’ in determining the court's docket.”

A December 7, 2006 article by Linda Greenhouse observed that “The Court has taken about 40 percent fewer cases so far this term than last. It now faces noticeable gaps in its calendar for late winter and early spring. The December shortfall is the result of a pipeline empty of cases granted last term and carried over to this one.” Looking back at last term, Ms. Greenhouse observed, “The number of cases the court decided with signed opinions last term, 69, was the lowest since 1953 and fewer than half the number the court was deciding as recently as the mid-1980s.” Ms. Greenhouse goes on to note that 16 of the 69 cases—about 23 percent—were decisions with a split of five to four.

On January 11, 2007, in an article by Brooke Masters and Patti Waldmeir, the *Financial Times* tells how “For years, the court declined to hear many cases that most profoundly affected corporate America.” Ms. Masters and Ms. Waldmeir note that 44 percent of the Supreme Court's docket this term includes cases involving business, up from 30 percent in the previous two terms. Nonetheless, they note, “Far too often . . . Supreme Court rulings cast as much ambiguity as they resolve.” The authors go on to quote Steve Bokat, general counsel of the

U.S. Chamber of Commerce as saying he'd “rather have a bad decision than that's clear than an OK decision that's not.” According to Bokat, “Ninety percent of the time, if you get clarity in a decision with a definitive holding, you at least know what your obligations are, and even if you don't like the opinion you are much less likely to get in trouble with litigation.” Bokat said Chief Justice Roberts “gets this” and “understands the importance of clarity” yet Bokat notes that “in order to get that unanimity the decisions tend to be more narrow [and] it doesn't give you much advice on what to do going forward.”

I should also note that recent news articles point out the high Court has become more media friendly—even though the same articles deem the prospect of televised proceedings “remote.” A December 25, 2006 article by Mark Sherman observes “Lately . . . some members of the court have been popping up in unusual places—including network television news programs—and talking about more than just the law.” Mr. Sherman notes with some irony that then-Chief Justice “Rehnquist could stroll around the court, unrecognized by tourists. Justice Anthony Kennedy snapped a photograph for visitors who had no idea who he was and Justice John Paul Stevens was once asked to move out of the way by a picture-taking tourist.” The article suggests that despite the Supreme Court's reticence about cameras in oral arguments, Chief Justice “Roberts believes its credibility will be enhanced if the justices appear less remote.”

Frankly, I agree with the view that making the justices less remote adds to the credibility of the Supreme Court. I also believe that public understanding may help heal some of the deep division and even cynicism we have in some segments of our society. This is why I'm introducing legislation to permit cameras into oral arguments. As our 27th President and 10th Chief Justice William Howard Taft teaches, “Nothing tends more to render judges careful in their decision and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subject to the intelligent scrutiny of their fellow men, and to their candid criticism In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep judges alive to the reasonable demands of those they serve.”

For their part, some of the justices have expressed an openness to the idea of allowing a broader audience to see oral arguments.

Chief Justice Roberts, in addition to comments about the court needing to appear less remote, stated at his 2005 confirmation hearing upon being nominated as Chief Justice, “Well, you know my new best friend, [former] Sen. Thompson assures me that television cameras are nothing to be afraid of. But, I don't have a set view on that.”

Justice Alito, at his Senate Confirmation hearings in 2006, said that as a member of the 3rd Circuit Court of Appeals, he voted to admit cameras, but a majority of his colleagues rejected the idea. In response to a question I posed, Justice Alito said, “I argued we should do it” but he went on to qualify his personal belief by saying, “it would be presumptuous for me to talk about it right now” with respect to the Supreme Court. Justice Alito pledged he would “keep an open mind despite the position I took on the circuit court.”

Justice Breyer, during his confirmation hearings in 1994, indicated support for televised Supreme Court proceedings. He has more recently stated, at an event in late

2005, that cameras in the Supreme Court "would be a wonderful teaching device" but might become a symbol for lower federal courts and state courts on the advisability of cameras in courtrooms. Justice Breyer noted that "not one of us wants to take a step that could undermine the court as an institution" and expressed the hope that "eventually the answer will become clear"

Justice Stevens, according to a July 14, 1989 article by Henry Weinstein in the *Times Mirror*, appears to support cameras and he told the annual 9th Circuit Judicial Conference attendees, "In my view, it's worth a try."

Justice Kennedy, according to a September 10, 1990 article by James H. Rubin, told a group of visiting high school students that cameras in the Court were "inevitable." But Justice Kennedy later stated that "a number of people would want to make us part of the national entertainment network." In testimony before the Commerce, Justice, State and Judiciary Subcommittee of the House Appropriations Committee in March of 1996, Justice Kennedy pledged, "as long as any of my colleagues very seriously objects, I shall join with them."

Justice Thomas, in an October 27, 2006 article by R. Robin McDonald, is quoted as saying, "I'm not all that enthralled with that idea. I don't see how it helps us do our job. I think it may distract from us doing our job." Justice Thomas added that if 80 percent of the appellate process is wrapped up in the briefs, "How many of the people watching will know what the case is about if they haven't read the briefs?" Justice Thomas went on to suggest the viewing public would have a "very shallow" level of understanding about the case.

On October 10, 2005, Justice Scalia, opposed an earlier version of my bill, stating, "We don't want to become entertainment I think there's something sick about making entertainment out of real people's problems. I don't like it in the lower courts, and I don't particularly like it in the Supreme Court." Yet a recent December 13, 2006, article by David Perara reports that Justice Scalia favors cameras in the Supreme Court to show the public that a majority of the caseload involves, "Internal Revenue code, the [Employee Retirement Income Security Act], the bankruptcy code—really dull stuff."

Justice Ginsburg made a similar observation: "The problem is the dullness of most [Supreme] Court proceedings." This comment was in a December 2000 article by Marjorie Cohen who noted Justice Ginsburg's support of camera coverage so long as it is gavel-to-gavel.

Justice Scalia's, Justice Thomas' and Justice Ginsburg's points are well taken. The public should see that the issues decided by the Court are not simple and not always exciting, but they are, nonetheless, very important.

So I have to disagree with Justice Souter, who appears to be the staunchest opponent of cameras in the Supreme Court and who famously said in 1996, "I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body."

Many years ago, Justice Felix Frankfurter may have anticipated the day when Supreme Court arguments would be televised when he said that he longed for a day when: "The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system." It is hard to justify continuing to exclude cameras from the courtroom of the Nation's highest court. As one legal commentator observes: "An effective and legitimate way to

satisfy America's curiosity about the Supreme Court's holdings, Justices, and modus operandi is to permit broadcast coverage of oral arguments and decision announcements from the courtroom itself."

In recent years watershed Supreme Court precedents, have been joined by important cases like *Hamdi*, *Rasul* and *Roper*—all cases that affect fundamental individual rights. In *Hamdi v. Rumsfeld*, 2004, the Court concluded that although Congress authorized the detention of combatants, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. The Court reaffirmed the Nation's commitment to constitutional principles even during times of war and uncertainty.

Similarly, in *Rasul v. Bush*, 2004, the Court held that the Federal habeas statute gave district courts jurisdiction to hear challenges of aliens held at Guantanamo Bay, Cuba in the U.S. War on Terrorism. In *Roper v. Simmons*, a 2005 case, the Court held that executions of individuals who were under 18 years of age at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments.

Then on June 27, 2005, the high Court issued two rulings regarding the public display of the Ten Commandments. Each opinion was backed by a different coalition of four, with Justice Breyer as the swing vote. The only discernible rule seems to be that the Ten Commandments may be displayed outside a public courthouse (*Van Orden v. Perry*), but not inside (*McCreary County v. American Civil Liberties Union*) and may be displayed with other documents, but not alone. In *Van Orden v. Perry*, the Supreme Court permitted a display of the Ten Commandments to remain on the grounds outside the Texas State Capitol. However, in *McCreary County v. ACLU*, a bare majority of Supreme Court Justices ruled that two Kentucky counties violated the Establishment Clause by erecting displays of the Ten Commandments indoors for the purpose of advancing religion. While the multiple concurring and dissenting opinions in these cases serve to explain some of the confounding differences in outcomes, it would have been extraordinarily fruitful for the American public to watch the Justices as they grappled with these issues during oral arguments that, presumably, reveal much more of their deliberative processes than mere text.

These are important cases, but does the public understand how the Court grappled with the issues? When so many Americans get their news and information from television, how can we keep them in the dark about how the Court works?

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions have been reached through a vote of 5-4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the meaning of the Constitution, reason and the application of legal precedents. On the contrary, these major Supreme Court opinions embody critical decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5-4, an individual justice has the power by his or her vote to change the law of the land.

5-4 SPLIT DECISIONS SINCE THE BEGINNING OF THE OCTOBER 2005 TERM

Since the beginning of its October 2005 Term when Chief Justice Roberts first began hearing cases, the Supreme Court has issued

twelve (12) decisions with a 5-4 split out of a total of 96 decisions—the most recent of which, *Osborn v. Haley*, was issued few days ago (January 22, 2007). The Court has also issued four (4) decisions with votes of 5-3, with one justice recused. Finally, it has issued a rare 5-2 decision in which Chief Justice Roberts and Justice Alito took no part. In sum, since the beginning of its October 2005 Term, the Supreme Court has issued seventeen (17) decisions establishing the law of the land in which only five (5) justices explicitly concurred. Many these narrow majorities occur in decisions involving the Court's interpretation of our Constitution—a sometimes divisive endeavor on the Court. I will not discuss all 17 of these narrow majority cases, but will describe a few to illustrate my point about the importance of the Court and its decisions in the lives of Americans.

EIGHTH AMENDMENT, DEATH PENALTY & AGGRAVATING FACTORS OR MITIGATING EVIDENCE

The first 5-4 split decision, decided on January 11, 2006, was *Brown v. Sanders*, which involves the death penalty. In that case the Court held that in death penalty cases, an invalidated sentencing factor will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances. The majority opinion was authored by Justice Scalia and joined by Chief Justice Roberts and Justices O'Connor, Kennedy and Thomas. Justice Stevens filed a dissenting opinion in which Justice Souter joined. Similarly, Justice Breyer filed a dissenting opinion in which Justice Ginsburg joined.

Last November the Supreme Court decided *Ayers v. Belmontes*, a capital murder case in which the Belmontes contended that California law and the trial court's instructions precluded the jury from considering his forward looking mitigation evidence suggesting he could lead a constructive life while incarcerated. In *Ayers* the Supreme Court found the Ninth Circuit erred in holding that the jury was precluded by jury instructions from considering mitigation evidence. Justice Kennedy authored the majority opinion while Justice Stevens wrote a dissent joined by three other justices.

Other 5-4 split decisions since October 2005 include *United States v. Gonzalez-Lopez*, concerning whether a defendant's Sixth Amendment right to counsel was violated when a district court refused to grant his paid lawyer permission to represent him based upon some past ethical violation by the lawyer (June 26, 2006); *LULAC v. Perry*, deciding whether the 2004 Texas redistricting violated provisions of the Voting Rights Act (June 28, 2006); *Kansas v. Marsh*, concerning the Eighth and Fourteenth Amendments in a capital murder case in which the defense argued that a Kansas statute established an unconstitutional presumption in favor of the death sentence when aggravating and mitigating factors were in equipoise (April 25, 2006); *Clark v. Arizona*, a capital murder case involving the constitutionality of an Arizona Supreme Court precedent governing the admissibility of evidence to support an insanity defense (June 29, 2006); and *Garcetti v. Ceballos*, a case holding that when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (May 30, 2006).

THE JUSTICES HAVE SPLIT 5-3 FOUR (4) TIMES
SINCE OCTOBER 2005

FOURTH AMENDMENT WARRANT REQUIREMENT

In *Georgia v. Randolph*, (March 22, 2006), a 5-3 majority of the Supreme Court held that a physically present co-occupant's stated refusal to permit a warrantless entry and search rendered the search unreasonable and invalid as to that occupant. Justice Souter authored the majority opinion. Justice Stevens filed a concurring opinion as did Justice Breyer. The Chief Justice authored a dissent joined by Justice Scalia. Moreover, Justice Scalia issued his own dissent as did Justice Thomas. In *Randolph*, there were six opinions in all from a Court that only has nine justices. One can only imagine the spirited debate and interplay of ideas, facial expressions and gestures that occurred in oral arguments. Audio recordings are simply inadequate to capture all the nuance that only cameras could capture and convey.

ACTUAL INNOCENCE AND HABEAS CORPUS

In *House v. Bell*, a 5-3 opinion authored by Justice Kennedy (June 12, 2006), the Supreme Court held that because House had made the stringent showing required by the actual innocence exception to judicially-established procedural default rules, he could challenge his conviction even after exhausting his regular appeals. Justice Alito took no part in considering or deciding the *House* case. It bears noting, however, that if one Justice had been on the other side of this decision it would have resulted in a 4-4 tie and, ultimately, led to affirming the lower court's denial of House's post-conviction habeas petitions due to a procedural default.

MILITARY COMMISSIONS, GENEVA CONVENTIONS AND HABEAS CORPUS

In *Hamdan v. Rumsfeld*, a 5-3 decision in which Chief Justice Roberts did not participate, the Supreme Court held that Hamdan could challenge his detention and the jurisdiction of the President's military commissions to try him despite the 2005 enactment of the Detainee Treatment Act. A thin majority of the justices held that, although the DTA states that "no court . . . shall have jurisdiction to hear or consider . . . an application for . . . habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay," the President could not establish a military commission to try Hamdan unless Congress granted him the authority through legislation. This case was of great interest and great importance, and was one of a handful of recent cases in which the Supreme Court released audiotapes or oral arguments almost immediately after they occurred. The prompt release of the audiotapes was good, but it would have been far better to allow the public to watch the parties' advocates and the Justices grapple with the jurisdictional, constitutional and merits-related questions that were addressed in that case. With due respect to Justices Scalia and Ginsberg, watching the advocates respond as the Justices pepper them with questions is something that should be seen and heard.

14TH AMENDMENT DUE PROCESS AND NOTICE CONCERNING TAX LIENS ON HOMES

In another 5-3 case, *Jones v. Flowers*, (April 26, 2006), the Supreme Court considered whether the government must take additional reasonable steps to provide notice before taking the owner's property when notice of a tax sale is mailed to the owner and returned undelivered. The public can readily understand this issue. In an opinion by Chief Justice Roberts, the Court held that where the Arkansas Commissioner of State Lands had mailed Jones a certified letter and it had been returned unclaimed, the Commissioner had to take additional reasonable steps to provide Jones notice. Justices Thomas,

Scalia and Kennedy dissented and Justice Alito took no part in the decision.

Not only lawyers who might listen to the audio tapes and read the full opinions, but all citizens could benefit from knowing how the Court grapples with legal issues related to their rights—in one case something as straightforward as the right to own one's home as it may be affected by unclaimed mail—and in another the right of someone who is in prison to be heard by a court. My legislation creates the opportunity for all interested Americans to watch the Court in action in cases like these.

Regardless of one's views concerning the merits of these decisions, the interplay between the government, on the one hand, and the individual on the other is something many Americans want to understand more fully. So, it is with these watershed decisions in mind that I introduce legislation designed to make the Supreme Court less remote. Millions of Americans recently watched the televised confirmation hearings for our two newest Justices. Americans want information, knowledge, and understanding; in short, they want access.

In a democracy, the workings of the government at all levels should be open to public view. With respect to oral arguments, the more openness and the broader opportunity for public observation—the greater will be the public's understanding and trust. As the Supreme Court observed in *Press-Enterprise Co. v. Superior Court* (1986), "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C-SPAN to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

JUDICIARY COMMITTEE HEARINGS AND ACTION ON CAMERAS IN THE FEDERAL COURTS

On November 9, 2005, the Judiciary Committee held a hearing to address whether Federal court proceedings should be televised generally and to consider S. 1768, my earlier version of this bill, and S. 829, Senator GRASSLEY's "Sunshine in the Courtroom Act of 2005." During the November 9 hearing, most witnesses spoke favorably of cameras in the courts, particularly at the appellate level. Among the witnesses favorably disposed toward the cameras were Peter Irons, author of *May It Please the Court*, Seth Berlin, a First Amendment expert at a local firm, Brian Lamb, founder of C-SPAN, Henry Schleif of Court TV Networks, and Barbara Cochran of the Radio-Television News Directors Association and Foundation.

A different view was expressed by Judge Jan DuBois of the Eastern District of Pennsylvania, who testified on behalf of the Judicial Conference. Judge DuBois warned of concerns, particularly at the trial level, where witnesses may appear uncomfortable because of cameras, and thus might seem less credible to jurors. I note, however, that these would not be issues in appellate courts, where there are no witnesses or jurors.

The Judiciary Committee considered and passed both bills on March 30, 2006. The Committee vote to report S. 1768 was 12-6, and the bill was placed on the Senate Legislative Calendar. Unfortunately, due to the press of other business neither bill was allotted time on the Senate Floor.

CONGRESSIONAL AUTHORITY TO LEGISLATE CAMERAS IN THE COURT

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Su-

preme Court to televise its proceedings. Such a conclusion is not free from doubt and may be tested in the Supreme Court, which will have the final word. As I see it, there is no constitutional prohibition against this legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested "in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish." While the Constitution specifically creates the Supreme Court, it left it to Congress to determine how the Court would operate. For example, it was Congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office. Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the appellate jurisdiction of the Court, it provides that such jurisdiction exists "with such exceptions and under such regulations as the Congress shall make."

The Supreme Court could permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating television coverage of oral arguments and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that its proceedings ought to be better known to the public; and, in the absence of a Court rule, public policy would be best served by enacting legislation requiring the televising of Supreme Court proceedings.

My legislation embodies sound policy and will prove valuable to the public. I urge my colleagues to support this bill. Finally, I ask unanimous consent that the text of the bill be printed in the RECORD and I yield the Floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, by previous order, I am to be recognized; is that correct?

The PRESIDING OFFICER. That is correct, for 45 minutes.

VA HEALTH CARE

Mr. DORGAN. Mr. President, on Saturday of this past weekend, I was in Minneapolis, MN, for some meetings. In the Minneapolis Star Tribune newspaper, there was on the front page a story that I read with substantial disappointment and concern. I will relate it to my colleagues.

Kevin Giles for the Minneapolis Star Tribune wrote a story:

This Marine's death came after he served in Iraq.

The subhead is:

When Jonathan Schulze came home from Iraq, he tried to live a normal life, but the war kept that from happening.

The story is a lengthy one about a man who served in Iraq, was a marine, very proud of being a marine, a combat marine. His name was Jonathan Schulze. In Iraq, he carried a heavy machine gun as part of his combat experience. He apparently indicated he had watched about 16 of his unit members and close friends die in some very aggressive fighting in Iraq, described the battles. He was twice wounded, earned two Purple Hearts, came back to this country, was discharged, and had very serious post-traumatic stress disorder, severe psychological problems. He couldn't sleep, reliving the combat during his sleep and then having flashbacks when awake.

On December 14, he went to the VA center in Minneapolis, met with a psychiatrist, according to this news account, and was told that he could be admitted for some treatment in March. This was December. On January 12, a couple of weeks ago, he went to the VA hospital in St. Cloud, according to this account. He told the people at the VA hospital in St. Cloud that he was thinking of committing suicide, thinking of killing himself. His parents were with him at that point. They verify that is what he told the VA hospital in St. Cloud. He was thinking of committing suicide, and he wanted to be admitted as a patient. They told him they could not admit him as a patient.

The next day, he called the VA, called them back, and they told him that he was No. 26 on the waiting list. Four days later, he hung himself. This young man who served his country honorably as a U.S. marine reached out for help. According to his parents, who were there at the time, he went to a VA hospital and said: I need help. I want to be admitted, I am having thoughts of suicide, and he was refused. The next day, he was told he is 26th on the list.

I don't know all of the facts about this. I only know the facts I have read in a newspaper. But the story is nearly unbelievable to me. The newspaper description of the flag-draped coffin of this young marine who earned two Purple Hearts fighting for his country in Iraq contains a sad, sad story of a young marine who should have gotten medical help for serious psychological problems that were the result of his wartime experience.

I am going to ask the inspector general to investigate what happened in this case. What happened that a young man who was a marine veteran with two Purple Hearts turns up at a VA center and says: I am thinking of committing suicide, can you help me, can you admit me, and he is told: No, the list is 26 long in front of you? Something dreadfully wrong happened. The result is a young man is dead. What happened here? Does it happen other places?

We know the heavy toll war imposes on these young men and women who wear America's uniform and who answer this country's call. My colleagues and I have all been to Bethesda and Walter Reed, and have visited the veterans who have lost arms and legs, who have had head injuries, especially, because the body armor these days means that the injuries more often sustained are the loss of an arm or a leg or a brain injury due to the improvised explosive devices. We know about the VA health care system. The VA health care system has been excellent in some respects. It has gotten good reviews. But what has happened here? Are there others who show up at a VA center and say: I need help, only to be told no help is available? I hope that is not the case.

But I am going to ask the Inspector General to investigate this case and find out what happened. Is it happening other places? And what can we do to prevent this from happening again? It is the unbelievable cost of war.

ISSUES OF PRIORITY

IRAQ

Mr. DORGAN. This week or next week we will discuss once again the war in Iraq—a war that has now lasted longer than World War II. President Bush has indicated to the Congress and to the American people he has a new strategy. The new strategy he is proposing is to move an additional 20,000 American troops into Iraq. This morning, the more recent polls suggest the President's approval is at 30 percent. Polls also suggest the American people do not support deepening our country's involvement in Iraq. It is quite clear that the Congress does not support it either.

The decision by the President comes on the heels of the Baker-Hamilton commission that had some of the best minds in this country—Republicans and Democrats, old hands and younger people—who took a look at this, who understand foreign policy, understand military policy, and evaluated what are the potential choices, and decided that the deepening of our country's involvement in Iraq would be the wrong choice.

The blue ribbon commission told the President it would be the wrong choice to deepen our involvement in Iraq. Yet, the President decided that is exactly what he is going to do.

It is important, I think, as we discuss it this week and next week, to understand this Congress will always support the men and women whom we have asked to go to battle for our country. I would not support any effort by anyone to withdraw funds for our troops. If our troops are there, they must have everything they need to complete their mission and finish their jobs. But the fact is, in all of these discussions, I regret to say the President and Vice President do not have all that much credibility. Four years ago they presented

to this Congress—much of it in top-secret briefings in this Capitol—intelligence that supposedly buttressed the Administration's request that Congress pass a resolution that would give them the authority to use force against Iraq. It turns out now that much of that intelligence was wrong. Much of it was just fundamentally wrong. Now we know that those who offered the intelligence assessment to Congress knew there were serious doubts about it even as they were offering it to Congress as fact. They are some of the highest officials in our Government. I wish I did not have to say that, but it is the truth.

It was not good intelligence. For example, take the mobile chemical weapons labs that we were told existed for sure. We now understand that was the product of a single source of intelligence, a person named "Curveball," a person who was likely a drunk and a fabricator. On the basis of a single source, whom the Germans, who turned Curveball's information over to our country, thought not to be reliable or likely not to be reliable, we were told by this administration in briefings that this was a case that would justify going to war.

The aluminum tubes. We now understand the aluminum tubes were not for the purpose of reconstituting a nuclear threat. We also understand there are those in the line of—well, I was going to say the chain of command—those at high positions in our Government today who knew there was substantial evidence and disagreement from other parts of our Government who did not believe the aluminum tubes were for the purpose of reconstituting a nuclear effort or nuclear capability in Iraq. Yet, that information was withheld from the Congress, probably and apparently deliberately withheld from the Congress.

Yellowcake from Niger: Again, another case of almost exactly the same thing.

It is the case that the Congress was misled by bad intelligence, and the American people were misled by that same intelligence. That is not me saying that. It is Colonel Wilkerson, who worked 17 years as a top assistant to Colin Powell, the Secretary of State, who made the case at the United Nations. Colonel Wilkerson, who was involved in all that activity, spoke out publicly, and he said it was the "perpetration of a hoax on the American people." That is not me. Those are the words of a top official who was involved, who was there. Yet, no one has had to answer for it, no one.

Hearings. No oversight hearings by the majority party in the last Congress. No one has answered for it.

Now we have a new Iraqi policy, new warnings about more danger in Iraq. But it comes at a time when there is precious little credibility. We now find ourselves in Iraq, longer than we were in the Second World War, in the middle of a civil war. Most of the violence in

Iraq is sectarian violence: Sunnis and Shias killing each other; American soldiers placed in the middle of a civil war.

The fact is, the leader of Iraq is now gone, dead. He was executed. Saddam Hussein does not exist. The Iraqi people were able to elect their own Government. They were able to vote for their own constitution. That is done. That is progress. But now Iraq is in the middle of a civil war. And to deepen America's involvement in the middle of a civil war in Iraq makes little sense to me.

What does make sense to me is to say to the Iraqis: This is your Government, not ours. This belongs to you, not us. And you have a responsibility now to provide for your own security.

Here is what General Abizaid, the head of Central Command, said 2 months ago. He said:

I met every divisional commander, General Casey, the corps commander, General Dempsey, we all talked together. And I said, "in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?" And they all said no.

"I met with every divisional commander." "They said no."

Now, General Abizaid, also in testimony 2 months ago, said:

And the reason [his commanders said no to additional troops] is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

In other words, the Iraqi attitude is: if American troops can do the job, that is fine. Let the American troops do the job. Our responsibility, it seems to me, is to say to the Iraqi people: This is your country, not ours. Security is your responsibility. And if you cannot provide for security, the American soldiers cannot do that for any great length of time. You have to decide whether you want to take your country back.

Now, as the President says, his change in strategy is to move more American troops to Iraq. I want to describe what John Negroponte, the head of our intelligence service, said in open testimony to the Congress 2 weeks ago:

Al-Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

That is testimony from the top intelligence chief in our country: Al-Qaeda is the greatest terrorist threat to U.S. interests, including to the homeland. Then let me show you what he says beyond that. He says: al-Qaeda "continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan. . . ."

Understand this is who attacked America: al-Qaeda. They described it. They boasted about it. They murdered thousands of Americans. They at-

tacked America on 9/11. Their leadership is now, according to our top intelligence chief, in testimony before this Congress 2 weeks ago, in a "secure hideout in Pakistan."

It seems to me if there are 20,000 additional soldiers available, job one for this country is to eliminate the greatest terrorist threat—the greatest terrorist threat—described by the intelligence chief the week before last as al-Qaeda. It "poses the greatest threat to U.S. interests, including to the homeland." He also says they are in secure hideaways in Pakistan.

I do not understand for a moment why the greatest priority for us is not to eliminate the most significant terrorist threat to our country and to eliminate the leadership of the organization that boasts about murdering Americans on 9/11. If that were part of the new strategy, I would be here saying: I am for it. But it is not.

There is not, regrettably, an easy answer or a good answer with respect to Iraq. The President described, last fall, prior to the election, false choices. He said the choice is between stay the course and cut and run. That was always a false choice.

We have to find a way to resolve this and be able to bring American troops home. It is just that simple. We have to say to the Iraqi people: This country belongs to you, and you have responsibilities. Meet those responsibilities.

We have responsibilities here at home—plenty of them—and we need to turn inward to meet those responsibilities. That does not mean we should pay no attention to what is going on around the world. But we also need to begin taking care of things here at home.

I was at a meeting in Minneapolis, a listening session with American tribes this weekend. Let me tell you what one fellow stood up and said. He was a tribal chair, a chairman of the tribe. He said: My two daughters are living in rehabilitated trailers that were brought to our reservation from Michigan. They heat those trailers with wooden stoves. The trailers have no plumbing. There is no running water and no indoor toilets. This is in South Dakota. Sound like something in a Third World country? He said: One of my daughters has eight children. The other has three. They live in donated trailers that came from Michigan, with no water and no toilet. And they heat it with a wood stove. Sound like the United States? No, it doesn't to me. It sounds like a Third World country. We have lots of people in this country living on Indian reservations in Third World conditions. We are told there is not enough money to respond to their housing, education, and health care needs. That is wrong.

We are going to have presented to us in a couple weeks another proposal for as much as \$120 billion in emergency spending to deal with Iraq and Afghanistan. That will bring to roughly \$600 billion what we have provided for the war. But when we have needs here at

home, it does not matter whether it is health care needs or housing or perhaps energy needs, the Administration tells us we cannot afford to spend for that.

Well, we have afforded now what is going to be about \$600 billion that the President has requested, all on an emergency basis, most of it for the war in Iraq. So we will debate and have great controversy, I assume, in the next couple weeks on the issue of a resolution dealing with Iraq. But controversy is not a stranger to the floor of the Senate.

MINIMUM WAGE INCREASE

Mr. President, we have a provision on the floor of the Senate today that should have been completed long ago dealing with the minimum wage. I mentioned the other day when I was talking about issues that come to the floor of the Senate that butter the bread of big interests, man, they float through here like greased lightning. We do not get it through fast enough, at least in the last Congress. Do you want to give a big tax break to the biggest interests in the country? Be my guest. We get it through here in 1, 2, 3 days.

Do you want to help the people at the bottom of the economic ladder, the people who make the beds in hotel rooms for the minimum wage, the people across the country in convenience stores getting the minimum wage—often working two, three jobs a day, 60 percent of whom are women, one-third of whom are working at the minimum wage for the only income for their family—well, then, you have some trouble because then it is going to get stalled. That does not get through here quickly because that hallway is not clogged with people representing the folks who are making the minimum wage and working two jobs a day.

It is just a fact, and it is a shame. We need to take care of some things here at home, and we need to do so soon. This minimum wage bill is not rocket science, nor should it be heavy lifting for any of us here. It has been 10 years since those who worked at the bottom of the economic ladder have had any adjustment in the minimum wage—10 years.

I mentioned the other day, what about a "maximum wage"? I am not proposing one. But I can tell you that the head of one of the largest oil companies in our country, when he left his company, was making \$150,000 a day in total income. Can you imagine that, \$150,000 a day?

Then when he left, the papers reported, in addition to having made \$150,000 a day, he got a \$400 million parachute on the way out. Anybody standing around here squawking about that? No, no complaints about that. It is the little guy, the person at the bottom. After 10 years, there is great complaint about trying to move a bill through the Senate that would give them some help, lift that minimum wage a bit. We are told: You can't do that without giving corporations a

break. I guess I don't understand the priorities. Some of the suggestions that have been described, expensing for small business, I support that, but it has nothing to do with this bill. We will almost certainly do it in other circumstances. We have done it before. But why should we hold hostage a bill that deals with a whole lot of folks who work hard all day long and for very little money, not \$150,000 a day but maybe \$44 a day, because of those who have an appetite for additional tax breaks? I don't understand that.

SWEATSHOP ABUSES

My point is, there is so much to do. I wish to talk for a moment about a couple of other items that relate to this. I introduced a bill last week with some of my colleagues to try to stop sweatshop abuses overseas, products made overseas in sweatshop conditions and sent into this country to compete unfairly against American workers.

The fact is, American workers are losing their jobs because there is so much outsourcing to foreign countries. American jobs are being shipped to foreign countries. The very people in this Chamber who are reluctant to increase the minimum wage and are holding us up are the same people who have voted when I have offered four times a simple amendment that says: Let's stop giving large tax breaks to U.S. companies that ship American jobs overseas.

Can you think of anything more pernicious than deciding, let's figure out what we have to do in America; let's give a big, fat tax break to a company that would fire their workers, lock their manufacturing plant, shut the lights off and move the jobs overseas? They move the jobs overseas, manufacture a product in Sri Lanka or Bangladesh and ship it back here and they get a big, fat tax break out of this Congress. That is unbelievable to me. We can't get that repealed. And we can't, on the other edge of the sword, get the minimum wage increased. Boy, that slices the wrong direction. There is something fundamentally wrong with that system.

I introduced legislation called the Decent Working Conditions and Fair Competition Act that sets up a circumstance so that at least if companies are going overseas to find sweatshop conditions, hire a bunch of people who will work for 20 or 30 cents an hour and then produce a product and ship it back here, at least we could try to stop them. There is a lot of dispute about trade and the conditions of employment. I think we could all agree that American workers should not have to compete against the product of prison labor in China. I think we could all agree that if somebody is making socks in a Chinese prison, that is not fair competition for an American worker. So we don't have Chinese prison labor products come into this country. What about the product of sweatshop labor, where people are brought into sweatshops?

I will cite an example: A sweatshop in northern Jordan, airplanes flying in

the Chinese and Bangladeshis, with Chinese textiles, being put in sweatshops in northern Jordan to produce products to ship into this country. Some were working 40-hour shifts, not a 40-hour week, 40 hours at a time. Some weren't paid for months. And then when they were paid, they were paid a pittance. Some were beaten.

Do we want that kind of product coming into this country? Is that whom we want American workers to compete with? I don't think so. This legislation is a first baby step toward some sanity in trying to make sure that what we are purchasing on the store shelves in our country is not the product of sweatshop labor overseas. We define what sweatshop labor is, what sweatshop conditions are. We establish a provision by the Federal Trade Commission to enforce, and we also allow American companies who are forced to compete against this unfairness to take action in American courts to seek recompense for the damages.

My hope is Congress will pass this. It is bipartisan. It relates to exactly the same thing we are talking about for people in this country who work on the minimum wage.

Last week, I also introduced a piece of legislation that deals with this building. This is a picture of a little white building on Church Street in the Cayman Islands. It is called the Uglad House. It is five stories. According to some enterprising investigative reporting done by David Evans of Bloomberg, this building is actually home to 12,748 corporations. It doesn't look like it could house 12,748 corporations. It is a five-story stucco building in the Cayman Islands, and it is what lawyers have allowed to become legal fiction so that companies could create a legal address in this little white building. It is their tax haven Cayman Island address so they can avoid paying taxes. Isn't that something? Twelve thousand seven hundred forty-eight companies call this place home. We ought to stop it.

I have introduced legislation to stop it, to say this: When U.S. companies want to set up a subsidiary in a tax-haven country, if they are not doing substantial business activity in that country, then they have created a legal fiction, and it will not be considered legal for us.

They will be taxed as if they never left our country. We can shut this down like that. If this Congress has the will, we can shut down these tax havens in a moment. And we should. Everybody else is paying taxes. It will be April 15th in a couple months. The American people work. They pay taxes and support the Government for the cost of roads and bridges and health care, all the things we do together, the National Institutes of Health, and our national defense. So they pay taxes. It is just that there are some in this country who decide they don't want to participate. They don't want to pay taxes.

Here is a report from the Government Accountability Office. It was done at my request and, I believe, that of Senator LEVIN as well. The report showed the number of large Federal contractors who do business with the Federal Government—that is, they want to benefit from having contracts with the Federal Government—who set up offshore subsidiaries in tax-haven countries to avoid paying U.S. taxes. The very companies that benefit from doing business with the Federal Government in getting contracts are setting up offshore tax haven companies to avoid paying U.S. taxes. That is unbelievable. It ought to stop.

I have introduced legislation—I should call it the Uglad House Act, now that I think about it—that shuts down that opportunity. This bill can shut down in a moment the opportunity for companies to decide they want all the benefits America has to offer them, but they don't want the responsibility of paying taxes. My hope is that this bill, which is cosponsored by Senators LEVIN and FEINGOLD, will be dealt with by the Senate Finance Committee and the full Senate in the days and weeks ahead.

FAST TRACK AUTHORITY

One final point, if I might. We are told this week that the President Bush will be asking the Congress for something called fast-track authority. Although the Constitution provides Congress the right to regulate foreign commerce—it is a constitutional responsibility of the Congress—the Congress has, in the past, given the President something called fast track, which says: Mr. President, you go out and negotiate trade agreements in secret and then you bring them back and we will have an expedited procedure. And we will require that no Senator be allowed to offer any amendments, no matter what you have negotiated.

I don't support fast-track authorization. I didn't support it for President Clinton. I don't support it for this President. This President has had it for 6 years over my objection. He is attempting to now get an extension of it by the end of June 30. I intend—and I am sure a number of my colleagues with whom I have spoken intend—to aggressively resist it. I am for trade and plenty of it. But I am for fair trade. I demand fair trade. This notion of a trade policy that has an \$800 billion trade deficit is an unbelievable failure. No one can describe it as a success for this country.

It is time to have a fair debate about trade, what strengthens America and what weakens it, what are the conditions under which we participate in the global economy? We have a right to participate the way we choose. We have been told in recent years that the way to participate in the global economy is to engage in a race to the bottom. If American workers can't compete with somebody making 36 cents an hour, that is tough luck.

I have often told stories about the companies and the stories of struggle

of the last 100 years. But James Fyler died of lead poisoning. He was shot 54 times. I suppose that is lead poisoning. Why was he shot 54 times? Because it was 1914, and James Fyler was radical enough to believe that people who went underground to dig coal should be paid a fair wage and ought to be able to work in a safe workplace. For that, he was shot 54 times. Over a century, going back to the early 1900s, we have created the standards of work. We lifted America. We expanded the middle class. We said: We will put in place fair labor standards, child labor provisions, safe workplace rules. We are going to lift America up. We are going to expand the opportunity for health care. We will have good jobs that pay well. We will give people the right to organize. We did all of that. We created the broadest middle class in the world and an economic engine that is unparalleled.

Now we are told it is a new day. We should compete. If there is a woman named "Saditia" in Indonesia making shoes and she makes 21 cents an hour and we can't compete with that, that is tough luck. If we have people in China making 33 cents an hour producing Huffy bicycles that used to be produced here and we can't compete with that, tough luck. If the Radio Flyer little red wagon that used to be produced in Chicago went to China, it was because we can't compete with Chinese workers. If Pennsylvania House furniture left Pennsylvania and they now ship the wood to China and then ship the furniture back, those workers in Pennsylvania should not complain because they couldn't compete with Chinese workers. It doesn't matter to me whether it is Chinese workers or Sri Lanka or Bangladeshi. The fact is, we are seeing a diminished standard in which we are racing to the bottom.

I read in the paper this weekend an op-ed piece. Somebody was asking: What is everybody complaining about? Things are great.

Wages and salaries are the way most people get their income. They are the lowest percentage of gross domestic product since they started keeping score in 1947. We added 5 million people to the poverty rolls in the last 6 years. Everything is great. Probably for some. Maybe the guy who is making \$100,000 a day running an oil company but not for the person working three jobs at a minimum wage who hasn't been boosted for 10 years, not to Natasha Humphrey. She did everything. She went to Stanford, an African-American woman, got her degree, went to work for a technology company. Her last job was to train her replacement, an engineer from India who would work for one-fifth the cost of an engineer in the United States. So things aren't so great for everybody. When you have a \$700 billion-a-year trade deficit, over \$250 billion a year with China alone, I say you better pay attention. You better get it straight.

ENERGY POLICY

There is a lot to say and a lot to do. I was going to talk about energy policy briefly, but I will only say that one of the major challenges in our country is the challenge of energy. We are so unbelievably dependent on foreign sources of oil. The bulk of our oil comes from outside of our country, well over 60 percent. We are dependent on the Saudis and the Kuwaitis, the Iraqis, the Venezuelans, and others for oil. It is unhealthy.

We need to make a major commitment to renewable energy. What we have done in energy is pretty much what we have done in too many areas. We put in place, in 1916, permanent robust tax incentives to incentivize the production of oil. It has been in place for 90 years. In 1992, we said: You know what, let's boost the production of renewable energy, so we put in place a production tax credit—temporary and rather narrow. It has been extended short term five times and allowed to expire three times. There has been virtually no consistent commitment to renewable energy. It has been on again/off again, like a switch. That is not a commitment.

If you are going to commit as a country to move in a direction on energy, whether it is renewable, biofuels, or hydrogen fuel cells, you should make a commitment and say: Here is where the country is headed, where we intend to be in 10 years, and we are going to give a tax incentive for 10 years for the production of these renewable fuels. You should have targets and timetables. That hasn't been the case. It has been a rather limited, tepid, miniature kind of provision that is turned off again and on again, a stutter-stop approach that tells investors: Don't rely on this because this Government isn't committed to it. We need to do better. I hope this year we can decide, as the President asked for in his State of the Union Address, on a much more robust commitment to renewable energy.

Having said that, let me point out, under this President and previous Presidents, the amount of money we have committed to the renewable energy area. We have laboratories, renewable energy laboratories, whose funding dropped consistently. Again, it is one thing to say something and have a goal; it is another thing to decide you are going to take steps to meet the goal. We have not done that.

So, Mr. President, I have said a lot about a lot of things because we are facing a lot of things that, in many ways, are related, including the war in Iraq, the international challenges. All of us want the same thing for our country. We all want this country to succeed and do well. I don't think there is a difference in goals. We will have sharp debate in the next 2 weeks, but I don't believe there is a difference in the goals we have. I suspect everybody in this Chamber wants very much for the Iraq war to be over, for our troops to be home, and for stability to exist in

Iraq and in that region. I expect we share the goal on energy. Does anybody think that we as a country aspire to be 60, 65 percent dependent upon oil from Saudi Arabia, Kuwait, Iraq, and elsewhere? I don't think so. It seems to me that it would make some sense for us to find a way to get the best of what both sides have to offer in these discussions rather than the worst of each. I hope in the coming days we can at least clear away the bill on the floor so we can move to other issues.

Last week, Senator KENNEDY gave a pretty animated presentation about his frustration with the day after day digging in the heels of this Chamber to stop or delay the passage of a minimum wage. Again, I just walked through the halls coming over here. They are not filled with people representing the workers at the bottom. We should represent those workers. We have that responsibility. We have the responsibility to do the right thing, and after 10 long years, it is the right thing to pass this minimum wage bill and not hold it hostage for other issues and other agendas. We will have plenty of opportunity with amendments that have nothing to do with this bill; we will have the opportunity to offer them. But not now. Don't hold a bill hostage that would help those working two and three jobs a day trying to take care of their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand the Senator from Arizona wanted to address the Senate. We also have, as I understand it, a request from the Senator from Alabama to speak from 4 to 5. So I would like to, if I could, speak and I will yield before 4 and request that the Senator from Alabama be delayed by a little. I think we were scheduled to come back to the minimum wage now. I don't mind starting 5 minutes after that. I would be glad to go 5 minutes early and make a request that we delay Senator SESSIONS' 5 minutes, and then the Senator from Arizona would have 10 minutes. I see my other friend here. It is going to get complicated after this. Senator SESSIONS, I think, is to be recognized.

Mr. KYL. Mr. President, if I may respond to the Senator, I would like to get in, and I will ask unanimous consent to speak as in morning business for 10 minutes. I don't know where Senator SESSIONS is. I gather it would be fine if he is delayed for 5 minutes. I don't know what Senator CORNYN's intentions are.

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized following Senator KENNEDY and Senator KYL for no more than 5 minutes.

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

Mr. KENNEDY. Mr. President, I personally don't have any objection. As I understood it, as part of the general agreement on the minimum wage, Senator SESSIONS would be recognized at 4.

I don't have any personal objection, and I will not object, and I will let those two Senators handle Senator SESSIONS.

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

Mr. KENNEDY. Well, Mr. President, I intend to talk now.

Mr. KYL. I am sorry. I thought I would be recognized now. Excuse me.

Mr. KENNEDY. I intend to talk for about 15 to 18 minutes, and then we will be on the minimum wage bill. I plan to speak on that minimum wage bill. I said I would end 5 minutes early to try to accommodate the Senator. We are scheduled to deal with the bill at 3:30. So I have recognition.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code

of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

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

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

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

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

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

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

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

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

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

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

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

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

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

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to pro-

vided for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Mr. KENNEDY. Mr. President, it has been a week now that the Senate has had on its agenda and before the Senate legislation to increase the minimum wage from \$5.15 to \$7.25. In that week, every Member of Congress has effectively earned \$3,200, but we have not acted on an increase in the minimum wage for hard-working American people who are earning \$5.15, to raise their minimum wage to \$7.25. We have had 1 week of talking here on the floor of the Senate without action.

It looks to me as if we are going to have, thankfully, as a result of the action of the majority leader, a vote at least on cloture to try to terminate the debate. But there will be additional procedural issues that will mean that those who are opposed to an increase in the minimum wage will be able to delay the increase in the minimum wage for another week.

As the parliamentary situation is playing its way out, there will be the possibility of 60 hours after the vote on cloture, which will take us effectively through the end of this week. So that will be 2 weeks where the Members of the Senate have then earned \$6,400, but we have been unwilling to either vote up or down on the increase of the minimum wage from \$5.15 an hour to \$7.25 an hour.

For the millions of people at the lower end of the economic ladder—men and women of dignity who work hard, those who are assistants to our teachers and work in the schools of this country, those who work in some of the nursing homes and look after the elderly, many of those of the great generation that fought in World War II and brought the country out of the time of the Depression—they are still earning \$5.15 an hour. They work in many of the hotels and motels that dot the countryside and the great buildings of American commerce—these people are working at \$5.15. They will work for that tomorrow, and they worked for that the day before. And now, because our Republican friends refuse to permit us a vote, they are going to continue to work at \$5.15 an hour. It has been 10 years.

I went back and looked at the number of days we have tried to get an increase in the minimum wage since our last increase, and that was 16 days. So we have effectively been debating an

increase in the minimum wage for 23 days since the last increase in the minimum wage, and there has been opposition from our Republican friends.

It is true that we have disposed of some 21 amendments, but there are almost 100 left from that side. We don't have any. We will have some if they insist on some amendments. But our side is prepared to vote now. I daresay the majority leader would come out here, if the minority leader would agree, and set a time—I bet even for this afternoon, in an hour, 2 hours, perhaps even less. Perhaps some colleagues have been notified that we would not have votes today, so in fairness to them we could start the vote at the start of business tomorrow morning. There would not be any objection here. There are no amendments on our side. Still, there are 90 amendments on the other side, and they are exercising parliamentary procedures in order to get to delay the consideration of the minimum wage, including \$200 billion in changes in Social Security—that was an amendment offered from that side—\$35 billion in tax reductions and areas of education, some of which I support, but certainly with no offsets. They were never considered. They didn't include offsets, for example, with IDEA, the legislation that looks after the disabled children, or didn't increase the Pell grants. We didn't even have a chance to look at it. But no, no, let's do that, use this vehicle for that measure. Let's get those Members on your side and the Democratic side lined up to vote against providing additional assistance on education. Maybe we can use that in the next campaign.

What about health savings accounts—that wonderful idea that benefits the medium income; the people it benefits are those making \$133,000 a year. That is the medium income of the people who benefit from the health savings accounts. We are talking about raising the minimum wage to \$7.25. They are talking about giving additional tax benefits to individuals in the health savings accounts of hundreds of thousands of dollars.

The list goes on, Mr. President. These are matters which have absolutely nothing to do with the minimum wage. It is a delay, and it is to politicize these issues. We all know what is going on. The Republican leadership is opposed to the increase in the minimum wage. When they had the majority of the Senate, they constantly opposed any effort. Even though a majority of the Members of this body and the House of Representatives favored an increase, they refused to permit us to get a vote on it, and the President indicated he would veto it if we had.

So that is where we are as we start off this week on the issue of the minimum wage. We find out our side—the Democratic side—follows the leadership that took place in the House of Representatives with NANCY PELOSI. They had 4 hours of debate, and 80 members of the Republican Party

voted for an increase in the minimum wage. But here it is a different story. For the millions of Americans who say: My goodness, here is the House of Representatives; look, in 4 hours, it looks as if hope is on the way—and they didn't understand the strength of the Republican opposition to an increase in the minimum wage. I have seen it at other times. We have seen it at other times.

It is always baffling to me, what the Republicans have against hard-working Americans. What do they have against minimum wage workers? We don't hear about it. They don't debate it. They will debate other matters, but what do they have against them? What possibly do they have against these hard-working Americans? They are trying to provide for families, play by the rules, and work 40 hours a week, and in so many instances they are trying to bring up children. What is so outrageous?

Some say that if we raise the minimum wage, we are going to have the problem of increasing unemployment. We have heard that argument out here on the floor. Let me, first of all, show what has happened historically with the minimum wage.

Until recent times, we have had Republicans and Democrats who supported an increase in the minimum wage, starting with Franklin D. Roosevelt, Harry Truman, then Dwight Eisenhower. They raised it \$1 in 1955. Then President Kennedy increased it, Lyndon Johnson, Richard Nixon supported an increase, Jimmy Carter, George Bush I, and William Clinton. That was the last increase. We voted on it in 1996, and it became effective in the fall of 1997. There were two different phases to it.

First, people say: When you raise the minimum wage, look what is going to happen in terms of unemployment. Unemployment will rise.

If we look at what has happened with unemployment at the time we passed the last increase in the minimum wage to \$5.15 an hour in 1997, we can see there have been small increases, but the whole trend has been down. So much for the argument of unemployment.

They say: That chart really doesn't show it because it doesn't reflect what is happening in the economy in terms of job growth. Look at what happened when we raised the minimum wage from \$4.25 an hour to \$4.75 an hour, and then we raised it again to \$5.15 an hour. Look at that red line showing steady and constant job growth after an increase in the minimum wage.

Look at what percent the minimum wage is. Increasing the minimum wage to \$7.25 is vital to workers, but it is a drop in the bucket to the national payroll. All Americans combined earn \$5.4 trillion a year. A minimum wage increase to \$7.25 is less than one-fifth of 1 percent of this national payroll. It is less than one-fifth of 1 percent of this national payroll. And we have heard from those who oppose the minimum

wage about all of these economic calamities. These are the facts in terms of the national payroll. It isn't even a drop in the bucket. It isn't even a piece of sand on the beach it is so little. Yet they say the economic indicators say this.

Look what has happened to States that have a higher minimum wage than the national minimum wage, and see what has happened in terms of job growth. This chart shows 11 States plus the District of Columbia with wages higher than \$5.15 an hour. Overall employment growth has been 9.7 percent; 39 States with a minimum wage at \$5.15, 7.5 percent. Those States that have had an increase in the minimum wage have had more job growth, and it is understandable. The economic reports and studies show that if workers are treated fairly, there will be increased productivity. They are going to stay around longer and work. There will be less absenteeism, less turnover, more productivity, and you are going to increase your output. And this is all reflected in various studies.

Look at small business. They say that is good for the Nation, but it doesn't really reflect what is happening to small businesses.

This chart states that higher minimum wages create more small businesses. The overall growth in number of small businesses from 1998 to 2003 is 5.4 percent and 4.2 percent. These are the small businesses about which we heard a great deal. We have the small business exemption that exempts 3.6 million workers who are working for the real mom-and-pop stores, where their gross income is less than \$500,000.

This gives us some idea of the nature of the economic arguments. They don't hold water. They didn't hold water previously. We have seen a decline in the purchasing power of the minimum wage over this period of time. This chart is in real dollars. We can see where it was in 1960, 1965, 1970, 1975, going to 1980 and then a gradual decline. Starting in 1980, under President Reagan, it is going down. And we see the increases that came in the nineties under President Clinton. The purchasing power of \$5.15, as this chart shows, was probably the lowest it had ever been. Its purchasing power has lost 20 percent. All we are asking is to get it back to \$7.25 and to get the purchasing power back to where it was when we went to \$5.15. Isn't that outrageous?

What have we done in taxes for all the others? We are trying to restore the purchasing power. Let's look in the meantime at what we have done for companies and corporations. Let me go to this, Mr. President. Look at what has happened. Productivity and profits skyrocket while minimum wage plummets. Look at the profits. From 1997 to 2006 profits were up 45 percent, productivity was up 29 percent, and the minimum wage was down 20 percent.

Historically, in the sixties, seventies, all the way up to 1980, when we saw an

increase in productivity, that was shared with the workers. Companies, corporations shared the increase in productivity with the workers. No longer. That doesn't exist any longer. They take all of that productivity, and it is now an increase in profits.

This chart indicates what has happened to the real minimum wage and what has happened to productivity. See, going back to the sixties, 1960 to 1965, even into the seventies, closer productivity, workers working harder, increasing productivity. They shared in the increasing productivity with wages. Not anymore. All of that productivity has been turned into profits.

I want to spend my last few minutes—now that we have had the economic argument—reviewing quickly the most powerful argument, and that is what has happened in terms of these figures, how they translate into real people's lives. The charts reflect the growth of poverty in America. We are the strongest economic country in the world, and we find that between 2000 and 2005, we see that the number of people who are living in poverty in the United States of America has increased by over 5 million—5 million in the United States of America—during this period of the economy.

I listened to the President talk the other night about how the economy is just going like gangbusters. Talk about the number of bankruptcies, talk about the growth of poverty—5 million. Let's look at what happened with regard to the number of children who are living in poverty. There were 11 million in 2000 and 1.3 million more at the present time.

This country, of all the industrial nations in the world, has the highest child poverty in the world. Look at the chart and look at the end. Look at the red line. It is not even close. The United States of America has the highest child poverty in the world. That means the loss of hopes and dreams for these children, increasing pressures in terms of children dropping out of school because they are living in poverty and are not being fed in the morning. They are not getting good quality health care or any kind of health care. Their parents have two or three jobs and they are not getting the attention they need. The basic abandonment of so many children in our society.

We read last week into the *RECORD* the New York Times article about the burden that is going to be on the American economy. That may get the attention of some of our friends on the other side. They expect that increased child poverty in this Nation is going to cost another \$500 billion just because of what is happening to children in our society.

Let me show what happens to child poverty in States which have a higher minimum wage. This isn't an accident. If the minimum wage is raised, it has an impact on child poverty. Alaska, Connecticut—all the way, the States that are listed here—New Jersey, Or-

egon, Rhode Island, Vermont, the State of Washington—are above the national average poverty rate. They have higher economic growth, higher small business growth, less child poverty. That is what we have seen. National average child poverty, again, the high minimum wage States, again, have lower child poverty rates.

Very quickly, we have seen two nations of the world that have made child poverty a particular issue—Great Britain and Ireland. Now the minimum wage is \$9.58 an hour in Great Britain. They brought 2,000,000 children out of poverty. They are a very strong economy in Europe.

In Ireland, they have reduced child poverty by 40 percent. They are also a very strong economy.

What we know is that the economic arguments don't hold water, and the adverse impact is particularly harsh on children.

All during this time, we have seen this extraordinary explosion of tax breaks that have been given to large companies and small companies. They say these can't do it unless they get help. Over the last 10 years, there have been \$276 billion in tax breaks for corporations and \$36 billion in tax breaks for small businesses, and our Republican friends are insisting that we add more tax breaks if we want any hope of getting an increase in the minimum wage.

Americans understand fairness, and this is not fair. Trying to hold up an increase in the minimum wage for hard-working Americans, who are working and playing by the rules, is not fair. Americans understand fairness. There are no economic arguments. We have been out here now for 7 days. I haven't heard them. I have been willing to debate any of those arguments. No, no, we don't get into the economic arguments. We used to years ago. Now we don't get into them. We just have to use this vehicle for all these other additions in order to basically frustrate this body from getting an increase in the minimum wage.

As I said before, I don't understand what it is that our Republican friends find so obnoxious about hard-working men and women who are working at the minimum wage, but evidently there is something because they will not let the Senate of the United States act on this legislation.

This is about fairness. This is about the hopes and dreams of children. It is about decency and fairness to women because women are the primary recipients of the minimum wage. So many of them have children. Eighty percent of those who receive the minimum wage are adults; 40 percent of those who receive the minimum wage have been receiving it for 3 years.

This is an issue that women are concerned about, that has an enormous impact on children, that is basically a civil rights issue because minimum wage jobs so often are the entry jobs for men and women of color. But it

comes back to fairness. It is basically the issue of fairness, whether we are going to be fair to hard-working Americans. Our Republican friends refuse—absolutely refuse—they refuse to let us get a vote on this minimum wage, and they have basically filibustered by amendment.

As I said, we have over 90 amendments remaining. Democrats on this side are prepared, ready, and willing to vote. We thank our leader for bringing up this legislation. We are going to continue to battle on.

We give assurance to those who are looking to us to represent them, to speak for them in the Senate, that we will speak for them. We will stand for them. They should know that we are on their side, and we don't intend to fail.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

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

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

IRAQ

Mr. KYL. Mr. President, I, too, am anxious to get on to the debate about the resolutions that deal with Iraq. I will speak to that for 10 minutes.

My position is clear. I think we ought to give the President's strategy a chance to work. We asked him to come up with a new strategy. He has done so, and it seems to me that it is our responsibility as a Senate to give that a chance to work or to provide an alternative—not an alternative to leave but an alternative to win. There are plenty of ways to leave. We can begin leaving now and have it done in a year. We can leave in 6 months. We can leave to the border but not beyond. There are a lot of different ideas about how to leave, but an alternative is not how to leave but how to win.

The President has presented such a strategy and I believe we ought to give it a chance to work.

Resolutions that are nonbinding nevertheless have consequences. They can't change the policy that is already being effected, the strategy in Iraq, but what they can do is send very powerful messages. First, they can send a message to our enemies. It seems to me the last message we want to send to the enemy is that the Congress does not support the mission in Iraq. Obviously that emboldens the enemy. That is what GEN David Petraeus said in his testimony before the Armed Services Committee last week. It sends a message to our allies that we are not in it to the end, and they begin to wonder whether they should start hedging their bets.

By the way, it sends a message to a country such as Iran, which is already beginning to offer, now, to in effect take our place in Iraq: They will do the training of troops, they will do the reconstruction if the Iraqis will simply invite them in. That obviously would not be in our best interests, not to mention the Iraqis' best interests.

Most importantly, a resolution such as this sends a message to our troops. It is a very powerful message and a very negative one. It is a message that in effect says we support you, but we don't support your mission. We are sending you into a place where you could well die, but we don't support the cause for which you are dying. We don't think you can win. As a matter of fact, I have more respect for those who advocate voting on whether we should continue to support the effort monetarily—the legitimate function of the Congress, to cut off the funds if we don't like the war—than I do for those who simply want to “send a message.” At least the others would be willing to have the courage of their convictions, that if this is not a winnable war, we better stop it now as opposed to simply trying to send a message.

Let me tell you what this message does. Last Friday night I was watching the NBC “Nightly News.” Brian Williams was the broadcaster, and he called on Richard Engel, reporting from Iraq, to talk about what was going on there. Richard Engel talked about the Stryker Brigade, Apache Company, setting out on a mission to find bases for U.S. troops. I will quote what he said in the report.

He said:

It's not just the new mission the soldiers are adjusting to. They have something else on their minds: The growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also criticism of what they've been fighting for.

He goes on to say:

Twenty-one-year-old Specialist Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it's like firsthand before criticizing.

And here is what Specialist Tyler Johnson said:

Those people are dying. You know what I'm saying? You may support—“oh we support the troops,” but you're not supporting what they do, what they share and sweat for, what they believe for, what we die for. It just don't make sense to me.

Back to Richard Engel:

Staff Sergeant Manuel Sahagun has served in Afghanistan and is now on his second tour in Iraq. He says people back home can't have it both ways.

And then Staff Sergeant Manuel Sahagun says the following:

One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Engel then says:

Specialist Peter Manna thinks people have forgotten the toll the war has taken.

And Specialist Peter Manna says:

If they don't think we are doing a good job, everything we have done here is all in vain.

Engel concludes the report by saying:

Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

Richard Engel, ABC News, Baghdad.

That report struck me. I immediately talked to my wife about it, and

I said those three soldiers have said more eloquently than I and my colleagues have, than we have, in making the point that you can't have it both ways. You can't both support the troops and oppose the mission we are sending them on, putting them in harm's way. And can we say that their colleagues who died did not die in vain if the Senate goes on record saying we don't support your mission?

This is the conflict that has to be in the minds of the families of those who are putting their lives on the line and the very soldiers and marines who are doing the same.

Last Friday, this Senate confirmed GEN David Petraeus to take command of that theater, and there were all kinds of expressions of support for him. He is, indeed, one of the finest military officers ever to come before the Senate for confirmation. No one said otherwise. Yet at the same time we are talking about passing a resolution that would say to him: We don't believe in the mission we have just sent you on.

He testified he needed more troops in order to carry out the mission and that he supported the President's new strategy, one component of which is to add some troops so that he has the capability, in conjunction with the new Iraqi troops, to stabilize and pacify the city of Baghdad as well as the Al Anbar Province, which is currently being threatened by al-Qaida terrorists. He said he needs those new troops. Yet Congress would go on record as saying we do not believe you should have those new troops.

Again, at least some number of my colleagues, maybe half or thereabouts on the other side of the aisle, would cut off the funding for the troops in order not just to send a message but to end the involvement. At least that is a position that has action attached to it. I disagree with it, but simply sending the message by sending David Petraeus on the way, patting him on the back, saying, “Go do a good job but, by the way, we don't believe in the mission,” it seems to me is starting off on the wrong foot.

He said something else in his testimony that I thought was telling. He said: Wars are all about your will, your will and your enemy's will.

When asked a question by Senator LIEBERMAN, he said passage of these resolutions would not be helpful, among other things, because you need to break the enemy's will in a conflict, in a war. This kind of resolution would inhibit his ability, General Petraeus's ability, with our great military, to break the enemy's will to fight. How can you break the enemy's will to fight when the people who are allegedly running the war back home have already signaled that they think it is lost and it is simply a matter of bringing the troops home, and that the mission is not supported by a majority of the Senate?

Resolutions, even if they are non-binding, have consequences. In this

case the consequences are detrimental, to our enemy, to our allies, and to our soldiers and their families.

We have some solemn responsibility here, but none is more serious than putting our young men and women in harm's way. All of us want to bring them home safe and sound. We all understand when we vote for that, people are going to die. Everyone who does that does so with a solemn responsibility. We are all looking for a way also to end the conflict so no more have to die. But the reason we authorized this in the first place was because we understood there was a mission to perform. Even those who disagree with the reasons to begin with appreciate the fact that we cannot leave Iraq a failed state. I think virtually everybody in this body would agree with that proposition. We cannot leave Iraq a failed state. The consequences, not just to the Iraqis and to the other people in the region but to United States security, would be devastating.

Something else on which most people agree is that the Iraqis are not currently in a position to pacify Baghdad and Al Anbar Province all by themselves. They need our help. That is what the testimony before the committees was last week.

If they need our help, if we all agree we can't leave Iraq a failed state, if General Petraeus is saying we need some time and some troops to get this job done in conjunction with a significant change in the way the Iraqis are approaching the war—finally backing us up now when we say we want to go into these areas and not just clear them but hold them, keep the bad guys in jail, the ones who have not been killed, for example—if we agree with all those things, then it seems to me the last thing the Senate should be doing is considering a resolution which would say we disagree with the mission, we disagree with the President's strategy, we don't think we should be sending any more troops, and we want to begin a process of withdrawing from Iraq.

When the debate time comes, I am anxious to have it. The American people deserve a debate. I heard a message yesterday that the American people had spoken. Indeed they did. I had an opponent who said we should withdraw from Iraq. Yet I won the last election, saying we needed to stay there until the mission was completed, and I even supported the addition of more troops if that were necessary. In the case of Arizona, I think people have spoken.

The reality is, however, I think it is a mixed message. They would all like to get out as quickly as possible, but if you ask them, Do you think we should leave before the mission is accomplished, do you think we should leave even though there is the strong probability of a failed Iraqi state, do you think we can say we support the American troops but we don't support the mission, I think we would disagree with that proposition.

It is up to us as leaders to lead. That means to let them know we support not just them but their mission, that we want to see it accomplished, and we will not undercut that mission or their support by passing a resolution that disapproves of the new strategy.

I hope my colleagues will agree we have to give this strategy a chance to work.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 8 minutes, and following that, the Senator from Alabama to speak for up to an hour.

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

Mr. CORNYN. Mr. President, I have two amendments before the body I would like to explain briefly. Then I am impelled to respond to some of the argument we have heard from the distinguished Senator from Massachusetts. I guess the question he put was what do Republicans have against hard-working Americans? I will respond to that in a moment.

AMENDMENT NO. 135

My first amendment has to do with the Federal unemployment surtax. In the 1970s, the Unemployment Trust Fund faced financial strains, so Congress imposed a surtax to bring money into the unemployment system, the unemployment compensation system, in order to meet its obligations. That debt was paid off in the 1980s. Congress has continued, however, to collect the unemployment surtax, proving the maxim once stated by Ronald Reagan that the closest thing to eternal life here on Earth is a temporary government program. I think this proves that.

The Federal unemployment surtax should have expired 20 years ago. Since 1987, the surtax has taken approximately \$28 billion out of the pockets of U.S. businesses. Is that \$28 billion over 20 years worth the broken promise to eliminate it? I think not. Elimination of the surtax, which this amendment will do, will save businesses across the country—and in my particular State, \$135 million—but it will save businesses across the country proportionate amounts.

This is an easy and logical way to trim payroll taxes. The FUTA tax without the surtax is sufficient to fund State and Federal unemployment administrations. Without the surtax, the Federal unemployment tax generates nearly \$6 billion a year, and all accounts associated with the Federal Unemployment Trust Fund have ample balances.

It is simply a matter of keeping the faith with the American people, when we tell them we have a temporary program and that program runs its course and serves its purpose, to eliminate it. That is what this amendment would do, and I ask the support of my colleagues for that amendment.

AMENDMENT NO. 138

My second amendment addresses the issue of preventive health care. You

might ask what does that have to do with regulatory and tax relief to small businesses and the minimum wage? Well, this amendment, which asks for the adoption of a stand-alone bill called the Workforce Health Improvement Program Act, would put small businesses on a level playing field with big businesses to provide health benefits to their employees that they can deduct but for which small businesses cannot deduct the same benefits they might want to give by outsourcing those to health clubs, for example.

Let me explain where I am coming from. Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce the risk of contracting chronic diseases. A physically fit population helps decrease health care costs, 50 percent of which, by the way, are borne by the Federal taxpayer. A physically fit population reduces Federal Government spending, reduces illnesses, and improves worker productivity.

The costs, though, are not just measured in dollars. According to the Surgeon General's "Call to Action to Prevent and Decrease Overweight and Obesity" published in 2001, 300,000 deaths per year in America are associated with being overweight or obese. Regular physical activity reduces the risk of developing or dying from some of the leading causes of illness and death in the United States.

Additionally, Medicare and Medicaid programs currently spend \$84 billion annually on five major chronic diseases: diabetes, heart disease, depression, cancer, and arthritis. It is important we not only treat these diseases once they are manifested but that we also explore ways to prevent them in the first place. Consider this statistic—the numbers are staggering. This is from the American Diabetes Association:

The total annual economic cost of diabetes in 2002 in the United States of America was \$132 billion. Direct medical expenditures totaled \$92 billion and \$23.2 billion of that was for diabetes care, \$24.6 billion was for chronic diabetes-related complications, and \$44.1 billion was for excess prevalence of general medical conditions related to diabetes. Indirect costs resulting to lost work days, restricted activity days, mortality, and permanent disability due to diabetes totaled \$40.8 billion.

One NIH study reported in the New England Journal of Medicine showed that modest changes in exercise and diet can prevent diabetes in 58 percent of the people at high risk for the disease. What is more, the trial showed that participants over 60 years of age benefited the most, preventing the onset of diabetes by 71 percent. Even assuming that intervention with modest changes in exercise and diet is only half that effective, they estimated the possible 10-year savings to the health care system would be \$344 billion.

I think it makes enormous sense, as we look to try and level the playing field for small businesses as part of this

comprehensive package, that we seriously consider leveling the playing field by providing an ability to prevent the occurrence—the incidence, I should say—of obesity-related diseases, namely diabetes, which causes so much human misery and so much unnecessary expense that could be avoided if we could encourage more Americans to a more active lifestyle and a better diet.

So I ask my colleagues for their consideration of this amendment as well.

Mr. President, could I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Texas has 1 minute remaining.

Mr. CORNYN. Mr. President, if I may ask unanimous consent for an additional 2 minutes, for a total of 3 minutes, I would appreciate it.

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

Mr. CORNYN. Mr. President, the Senator from Massachusetts a moment ago asked—because Republicans have asked for additional tax and regulatory relief for small businesses that employ 70 percent of the American people—what it is that Republicans have against hard-working Americans because of our desire to pass not just a minimum wage of \$7.25 an hour, up from the \$5.15 an hour. He said that this was an effort to politicize the issue.

So I would have to ask the Senator, when the minimum wage affects 2.5 percent of the workforce in America, mainly teenagers and part-time workers, people entering the workforce, is this the way to address the needs of hard-working Americans? Why is it we are so focused on a minimum wage, when what we ought to be focused on is maximizing the wages of American workers primarily, I believe, through increased training, workforce initiatives, working through community colleges with the private sector to train people for good wages, much higher than minimum wage, that exist in this country but go wanting for lack of trained workers. These programs exist in our communities in my State and throughout the country, and I think we would do better to focus our efforts to try to improve the standard of living for people across America.

I simply disagree with the Senator from Massachusetts, if he says by focusing on 2.5 percent of the workforce and by trying to ameliorate some of the harm to small businesses that generate 70 percent of the jobs, we are doing anything that would harm hard-working Americans. To the contrary, what we are trying to do is make sure those hard-working Americans have jobs, not that they are put out of work by well-intentioned but unsuccessful attempts for Government to mandate wages without taking into account the impact on small businesses, the primary employers in our country.

Mr. President, I appreciate the courtesy of the Senator from Alabama, who

was supposed to start speaking at 4 o'clock, allowing a couple of us to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

IRAQ

Mr. SESSIONS. Mr. President, I thank the Chair and I thank Senator CORNYN and Senator KYL for their remarks. I share with Senator KYL his concern over the resolution that we will be apparently addressing later this week or next week. He quoted an NBC News report in which soldiers in Iraq in harm's way said that, in their view, you can't support the soldiers without supporting the policy we sent them on, and that is a troubling thing.

Today I talked to a businessman from Alabama—quite a fine, upstanding leader in the community. His son is in Iraq right now. They already heard about the Senate Foreign Relations Committee resolution. It was very troubling to them. They didn't know how to read it, according to him, or what it meant to them. I talked to a lady not long ago, within the last week, and she told me her son was in his second tour there, and he believed in what he was doing. He was proud to serve, but he didn't know what we were doing here. He said he: "Didn't want to be the last soldier to die if we weren't going to follow through on a policy that we have set here."

So we are in a difficult time, and we need to remember those things as we set about our policy. I don't know all of the answers. I don't disrespect people who would disagree with me on this. I know there are a lot of people with a lot of different ideas about what to do in Iraq. But my observation is and my thought is that we, as a Congress, ought to affirm the policies we are asking our soldiers to execute. They say we are not asking them, but the President is, and the President speaks for us, until Congress withdraws that power by reducing his funding. The President executes the policies as Commander in Chief. So it is a big deal and we need to be careful about what we do and I am disappointed we will be dealing with those resolutions.

Mr. President, I remember during the immigration debate last fall, last summer and spring, Senator KENNEDY and I were on the floor one night, and I talked about how I believe the large amount of immigration we are seeing today, much of it illegal, was adversely affecting the wages of American workers. Senator KENNEDY didn't object to that, but he stood up and in response basically said: Well, we are going to offer a minimum wage bill, and that is going to take care of it. If anyone heard Senator LAMAR ALEXANDER's speech on Friday—and not many people did; it was after the vote had been cast—but he went into some detail and with great care explained how the minimum wage is not reaching poor working people in this country in the ways most people think it is but that most people making minimum wage are part

of a household whose income exceeds \$40,000 a year, I believe was the figure he cited, and there are a number of studies on that. The point being that usually it is a transition period for young people or others—maybe they are part time and that kind of thing.

I am not saying people would not like an increase in the minimum wage, but the working poor, the people who are every day out giving their best to try to raise their families and who need to have a higher income, people who have been out there for years and working, they are already above \$7 an hour, for the most part. If they show up on time and are reliable and give an honest day's work, as almost all of them do, then they are going to be above \$7 an hour now. Do you follow me? So this is not the panacea we are concerned about. What we want and what we care about, fellow citizens and Members of the Senate, is having better wages for working Americans, having all the people be able to go out and get a better wage they can take home and take care of their families with. That includes how much taxes are taken out, how much insurance is taken out.

President Bush has a great proposal that is going to help a lot of people. I assure my colleagues a lot of people will feel a substantial benefit from this health care tax credit plan he has proposed. That is a way to help working people, a real significant way.

Senator ALEXANDER mentioned the earned-income tax credit, and he went into some detail about it. Economists and experts are quite clear: The earned-income tax credit more appropriately benefits working Americans than a minimum wage at much less cost. We spend \$40 billion a year on the earned-income tax credit. That is what the credit amounts to in terms of benefits to working Americans. Their wages are lower, and, at certain levels, they don't qualify for other benefits. And as a result, they do qualify for the earned-income tax credit. So I would like to talk about that.

I offered an amendment that would have required the earned-income tax credit to be paid on individual's paychecks, when they get their paycheck each payday. That is correct, in my view, as a matter of policy. It is a complex thing. Some are concerned about the mechanics of it. So I offered another amendment that was accepted by the Democratic leadership and the Republican leadership that required the Department of the Treasury to review what would happen and how it could be done if we allowed people to get their earned-income tax credit on their weekly or biweekly paycheck. It can be done now. In fact, a little less than 2 percent of the people get their earned-income tax credit, or at least a portion of it, on their check each week.

So we would like to talk about that because as we debate the minimum wage, the real debate is how to help working Americans, middle-class Americans, lower income Americans

get more legitimate pay for the work they do.

Now, that is what we are all about; not some fetish with having an increase in the minimum wage, particularly when it is not going to be as effective in meeting the needs of the working poor, as is being sold to this Congress and the American people.

In 2004, more than 22 million Americans—get this—more than 22 million Americans claimed the earned-income tax credit, putting \$40.7 billion into the pockets of the working poor. This is a very large program. It is a very large shift of resources to the working poor. The amount of the credit for each recipient depends on several factors, such as the worker's income and the number of dependent children they claim.

Nonetheless, a low-income worker with one child will be eligible to claim up to \$2,853 for tax year 2007, while a worker with two or more children could receive \$4,718 on a 2,200-hour work year. The average earned-income tax credit for a beneficiary with a qualifying child was \$1,728 in 2004. That is almost \$1 an hour on average.

Many have criticized the earned-income tax credit over the years, saying it is another welfare handout and it has far too much fraud in it. Some numbers have shown fraud as high as over 30 percent, but the tax credit is here to stay. I don't see any real movement to eliminate it. Why don't we see if we can make it work better?

The idea is to reward work. It is a benefit of the Government, an earned tax credit, earned by working. That was the purpose of the earned-income tax credit from the beginning, to encourage welfare recipients and others who were not in the workforce to decide that it was beneficial for them to work. Some of this came from Milton Friedman, the great free market economist who recently died, calling for a negative income tax. That is sort of what inspired this.

All is not perfect. The earned-income tax credit has provided real money for low-income Americans working hard to pull their family out of poverty. As Senator ALEXANDER demonstrated in some detail, remarkably and ably, it gets to the working poor far better than an increase in the minimum wage.

An important feature added to the earned-income tax credit occurred in 1978, a few years after the law was passed. That allows the credit recipients to receive the benefit on their paychecks rather than as a one-time lump sum tax refund. Now, you work all year. Most people have no idea if they are earning any earned-income tax credit. They are not receiving extra money for their work. And next year, they file for a tax refund and get a big check, disconnecting, in their minds, the receipt of that check with the work they did the year before. Therefore, it ceases to be the kind of incentive to work we want it to be.

Receiving an advanced payment under the law is simple. Workers believing they will be eligible can fill out

a form or W-5 with their employer, and once completed workers will receive part of their EITC benefit on their paycheck based on the amount they are expected to receive over the year based on their income. So despite a number of campaigns by the IRS to increase the number that sign up for this advance payment, only a few do, less than 2 percent. The majority, unaware they can receive the credit in advance, receive it in the form of a tax refund in the spring of the next year.

Recipients earn the tax credit by working throughout the year. Yet they do not receive the benefit until months after when they file their tax returns. For most workers who receive the EITC as a lump sum at the end of the year, they never make that connection between the increased work and the increased paycheck, as they simply receive a fat check.

How can it encourage work if there is no correlation for most recipients between the work they do and the money they receive?

An amendment, which the Senate has already accepted, challenges the Secretary of the Treasury, the Department of the Treasury, to get us a report on how we can do this effectively. It is important. It will ensure the taxpayers who are giving this benefit to working Americans get the second part of the benefit that the taxpayers intended them to receive.

The first part, of course, is helping the working poor have more money for their families. We want to help them. The second benefit we want to occur is for the overall economy and health of America to encourage people to work, to make work more rewarding. If you are making \$7 an hour and you get \$1 an hour pay raise as a result of the earned-income tax credit, you have received a substantial increase, well over 10 percent increase in your take home pay, especially since there are no taxes taken out of that part that has accrued as a result of the earned-income tax credit.

That encourages work. That makes work more attractive. That helps meet the needs of America today. That is what this is about. A worker who is making \$6 an hour would be making closer to \$7. Workers making \$8 would be making closer to \$9. It adds up to real money as the years go by.

We can do a much better job of utilizing the existing program without any cost beyond what we are already expending, but in a way that gets money to people when they need it, right then on their paycheck. They may have a tire blow out and they need a new tire. The transmission may have broken in their car. A child may need to go on a trip at school. They need the money as they earn it so they can apply it in a sound way to their family's budgetary needs instead of one big fat check sometime in the spring of the next year. That is a suggestion I have for improving the quality of life for American workers.

Another sense-of-the-Senate amendment I offered, that was accepted, we voted on 98 to 0, was to call on Congress to state that it is a sense of the Senate that we should do a better job in Congress of establishing a uniform savings plan for Americans. We in the Government have a wonderful plan called the thrift plan. It allows every Federal worker, in any department or agency, to put money in the thrift plan and the Federal Government would match up to 5 percent of their contributions.

Many young people starting to work for the Government today, if they contribute 5 percent each paycheck, with the Government matching it, will retire with \$1 million in the bank—trust me on that—with the power of compound interest. It is an exciting program.

Many private companies have similar programs, 401(k)-type programs, but many don't. Half of the workers in America today work for a company that does not have such a retirement plan. A chunk of those, even if they do, don't take advantage of it. This is particularly concerning to me because I have learned from Secretary of Labor Elaine Chao that the average American has nine jobs by the time they are 35. What does that say to the practical men and women of the Senate? It says they are bouncing around a lot. They may go to a company that has a plan and they may invest in it a little bit, then they go to a company that doesn't. Or they go to a company that says they have to work for 6 months or a year before they can participate in their plan, or they decide not to put into that plan. Or, if they put in some money and they change jobs and the account is \$500, \$2,000, \$1,500—we have statistics that show that over 40 percent of them cash in those accounts paying the penalties—they think it is not enough money to worry about.

Whereas, if they set aside a small amount of money from the day they start working at age 18, or out of college, every day, every paycheck, a small amount of money set aside as is done by most of the thrift account savers, they could retire with hundreds of thousands in the bank, which would allow for an annuity, if they purchased it at age 65, to pay someone \$2,000 a month for the rest of their life, easy. Those things are realistically possible.

It is a great tragedy, it is a tremendous national tragedy, that in a time where we have relatively low unemployment—in my State it is not much over 3 percent, maybe 3.6 percent in Alabama—and most people are working, the wages have gone up, although not as much as we would like, but our wages are beginning to edge back up, that most Americans are not saving. They could be setting aside even a small amount that would transform their retirement years from retirement years that depend solely on Social Security, the retirement years can be supplemented by a substantial flow of money.

Finally, I talk about another subject, our general concern that wages have not kept up in America. I share that concern. I have heard the economists make the argument—many in the business community are people I respect—make the argument that wages tend to lag behind. Gross domestic production growth goes up for a while and wages do not go up, but they catch up, and there is some truth to that. I don't deny that.

But if you look at the numbers and how middle-class and lower income workers are getting along today, you cannot be pleased with what is occurring, particularly in certain areas and certain fields. It is from that perspective I say, as part of this debate over minimum wage which we are told is designed to help people have more money to take home, to take care of their families, and if you think this is not the right way to do it, you don't love families and you don't want to help poor people; that is not correct.

I hope to be able to vote for this minimum wage bill. I voted for several to increase the minimum wage. I am just saying the minimum wage has been demonstrated by analysis, by top-flight econometric firms, that it does not reach the poor people in a way that most people think it does. It often-times helps young people who are children of some corporate executive who may be working.

Our motivation, and I think it is universal in the Senate, through the legislation moving through the Senate now, is designed to improve the take-home pay of Americans so they can more fully benefit from the great American dream and take care of their families effectively.

Significant economic evidence indicates the presence of large amounts of illegal labor in low-skilled job sectors is depressing the wages of American workers. That is an important statement if it is true, right? If that is true, isn't that important? First of all, we are a nation of laws. We think the laws ought to be enforced.

Overwhelmingly the American people agree with that. But if it also is depressing the wages of working Americans, that is a double concern, particularly as we are asking ourselves in this debate: How can we help low-wage workers do better? I will talk about that. We have to talk about this.

Harvard economist George Borjas, who testified before the Senate Health, Education, Labor and Pensions Committee, and Lawrence Katz, also of Harvard, estimate that the influx of low-skilled, low-wage immigration into our country from 1980 to 2000 has resulted in a 3-percent decrease in wages for the average American worker—that is all workers—and has cut wages to native-born high school dropouts—those who have not obtained a high school degree; unfortunately, we have quite a number of those in our country—who make up the poorest 10 percent of our workforce, by some 8 percent. Eight percent, if you figure that

out on a yearly basis, amounts to \$1,200 a year. That is \$100 a month.

Now, for some people in America today, \$100 a month is not a lot. But if you are making near the minimum wage, \$100 a month is a lot of money.

Alan Tonelson, a research fellow at the U.S. Business and Industry Council Educational Foundation, says:

[T]he most important statistics available show conclusively that, far from easing shortages—

Shortages of labor—

illegal immigrants are adding to labor gluts in America. Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen.

Now, he is referring to Labor Department data and information from the Pew Hispanic Center. For example, he cites data from the U.S. Bureau of Labor Statistics that indicates the following: inflation-adjusted wages for the broad Food and Services and Drinking Establishments category—they have a category for that: the broad Food and Services and Drinking Establishments category; and they monitor the wages for it—between the years 2000 to 2005 fell 1.65 percent.

The Pew Hispanic Center estimates that illegal immigrants comprise 17 percent of food preparation workers, 20 percent of cooks, and 23 percent of dishwashers, about a fifth of those workers; three-fifths, four-fifths being legal native citizens. But contrary to what we have been told, that you cannot get workers at the wages they are paying, and paying fair wages, it looks as though the wages have fallen, which is a matter of interest.

Inflation-adjusted wages for the food manufacturing industry—the Pew Hispanic Center estimates that illegal immigrants comprise 14 percent of that workforce—fell 2.4 percent between 2000 and 2005.

Inflation-adjusted wages for hotel workers—the Pew Hispanic Center estimates illegal immigrants make up 10 percent of that workforce—fell 1 percent from 2000 to 2005.

Inflation-adjusted wages in the construction industry—Pew estimates that illegal immigrants make up 12 percent of the workforce there—fell 1.59 percent between 2000 and 2005.

Inflation-adjusted wages in the animal processing and slaughtering subcategory—and Pew estimates that illegal immigrants comprise 27 percent of that workforce, the highest percentage—fell 1.41 percent between 2000 and 2005.

So if these numbers are correct—and they come from the objective BLS and are supposed to be accurate, and we rely on them for our business around here—something is amiss if people say they cannot get workers, yet they are getting the work done, and they are paying less in 2005 than they were in 2000.

Now, you tell me.

Others studying the same issue have found similar trends. According to a re-

cent City Journal article by Steven Malanga, a senior fellow at the Manhattan Institute:

... low-wage immigration has produced such a labor surplus that many of these workers are willing to take jobs without benefits and with salaries far below industry norms. . . .

Well, let me go on. Day laborers—these are people who gather at certain known locations within areas, and they hang out until somebody comes out and hires them—who work in construction in urban areas “like New York and Los Angeles . . . sell their labor by the hour or the day, for \$7 to \$11 an hour . . . far below what full time construction workers earn.”

You see, we want Americans to be able to have a job that has some permanency to it, that pays a decent wage, that has retirement benefits, and has health care benefits. But our workers who might be interested in construction—and more are than most people think—are having to compete against people who will work by the day for \$7 and \$11 an hour and do not demand any benefits.

Robert Samuelson, a contributing editor of Newsweek, has written a column for the Washington Post since 1977. In his column last spring he summed up the impact of illegal immigration on the unskilled American worker this way:

Poor immigrant workers hurt the wages of unskilled Americans. The only question is how much. Studies suggest a range “from negligible to an earnings reduction of almost 10 percent,” according to the [Congressional Budget Office].

That is a lot: 10 percent. Five percent is a lot.

To put this impact into a larger perspective, one might ask how much native workers have lost as a whole due to competition with low-skilled immigrant laborers. Although only a few studies have ever looked at this issue, a 2002 National Bureau of Economic Research paper written by Columbia University economics professors Donald R. Davis and David E. Weinstein is on point.

Using complex methodology, they aggregated the total loss to the U.S. native workers and found that the magnitude of losses for U.S. native workers equates roughly to \$72 billion a year, or .8 percent of GDP. Now, I don't know if that figure is correct, but the earned income tax credit is just \$40 billion a year, and they say it amounts to \$72 billion a year. The economics professors at Columbia University also said immigration is as costly to the United States as all trade protections.

When wages are suppressed, people drop out of the workforce. In addition to the evidence that low-skilled American workers—and particularly African-American workers—are suffering wage suppression due to the competition they face from illegal alien labor, we also know competition is causing some Americans to drop out of the labor force.

Steven Camorota, last spring, of the Center for Immigration Studies, analyzed the steady decline in the share of less-educated adult natives in the workforce between March 2000 and March 2005.

Prior to Hurricane Katrina, there were 4 million unemployed natives—those looking for jobs who were unable to find them—with high school degrees or less in the workforce. An additional 19 million natives with high school degrees or less existed but were not actively looking for jobs.

Between 2000 and 2005, the number of adult immigrants—legal and illegal—with only a high school degree or less in the labor force increased by 1.6 million.

During the same time period, unemployment among high school graduates and less educated native Americans increased by nearly 1 million—so unemployment among our high school graduates or high school dropouts increased by nearly 1 million—and an additional 1.5 million left the workforce altogether.

Although jobs grew in the United States from 2000 to 2005, natives only benefited from 9 percent of the total net job increase. That is an important factor. Although jobs grew in the U.S. from 2000 to 2005, natives only benefited from 9 percent of that total. The number of adult natives holding a job grew by only 303,000, while the number of adult immigrants holding a job increased by 2.9 million. So it is 303,000 compared to 2.9 million among high school graduates or high school dropouts.

Steven Malanga, a senior fellow at the Manhattan Institute, recently explained:

[M]any of the unskilled, uneducated workers now journeying here labor . . . in shrinking industries, where they force out native workers, and many others work in industries where the availability of cheap workers has led businesses to suspend investment in new technologies that would make them less labor-intensive. . . . [T]he unemployment rate among native-born “unskilled workers is high—about 30 percent.”

The unemployment rate among native-born, unskilled workers is about 30 percent, I repeat.

To me, those numbers do indicate a significant problem. It is a problem we need to talk about as we talk about how to help working Americans get a better wage.

Mr. President, I will note a few more points before I wrap up.

Professor Richard Freeman—the Herbert S. Ascherman Professor of Economics at Harvard—testified before the Senate Judiciary Committee. I participated in that hearing last spring. He said:

If you're a poor Mexican, your income in the U.S. will be six to eight times what it is in Mexico.

Robert Samuelson explained in a March 2006 column in the Washington Post:

They're drawn here by wage differences, not labor “shortages.”

American workers, I think it is fair to say, cannot compete with the wage gap between their country and other countries. I was in South America last May with Senator SPECTER. We visited Peru, and we saw a poll that had just been published in Nicaragua while we were there that said 60 percent of the people in Nicaragua would come to the United States if they could. I mentioned that to the State Department team there in Peru, and they told me that a poll in Peru had recently shown, just about this time last year, that 70 percent of the people in Peru would come to the United States if they could.

So I guess what I am saying to my colleagues is, we need an immigration policy that allows immigration and that is consistent with our historic values as a nation that welcomes immigrants, but the numbers and the skill sets that they bring ought to be such that they do not depress wages of our lower income people because we cannot accept everybody in the world who would like to come here. It is not physically possible to any degree that we could accept that.

We have a lottery section that does not have any requirements of skills in it. You apply to it if you want to come to America. It allows for 50,000 to be drawn out of a hat each year. And those who are drawn get to come to America on a random basis. We had 5 million people, according to Professor Borjas at Harvard, who applied for those 50,000 slots. I do not blame people who want to come here. I am not demeaning them. Most of them are good and decent people who want to get ahead. But we have such a higher wage base that we could attract people from all over the world in virtually unlimited numbers, and it does have the impact, if allowed to be too great and too concentrated in certain industries, to pull down American wages.

While we are thinking about how to increase the wages of American workers, we need to think about that. That is all I am saying. And we are going to talk about that if we talk about immigration this year, as I expect we will. We can have immigration, but it needs to be done right.

How do we level the playing field? Let's consider the advice given by Dr. Barry Chiswick. He is the head of the Department of Economics at the University of Illinois in Chicago. He testified before the Senate Judiciary Committee last spring, stating:

[T]he large increase in low-skilled immigration . . . has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently residing in the United States.

He goes on to say:

Over the past two decades . . . The real earnings of low skilled workers have either stagnated or decreased somewhat.

[W]e . . . need to . . . provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages. [O]ne of the best ways we can help them in this regard is by reducing the very substantial

competition that they are facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

That is pretty much indisputable. I haven't heard a professor who would dispute that yet, or anybody who can seriously object to those numbers.

Professor Harry Holzer, associate dean and professor of public policy at Georgetown University, a great university here, also testified at that same hearing. He believes American workers do want jobs currently being held by illegal laborers.

I don't agree with this idea that these are jobs Americans want to take. Americans are not interested in a job that is only going to last for 3 months, that pays the minimum wage and has no health care and no retirement benefits. I will say that. And neither do we want them to take those jobs.

Professor Holzer believes that absent illegal immigrant competition, employers would raise wages and improve working conditions to attract the American worker:

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

. . . [T]here are jobs in industries like construction that I think are more appealing to native-born workers, and many native-born low-income men might be interested in more of those jobs. . . . Absent the immigrants, the employer might need to raise those wages and improve those conditions of work to entice native-born workers into those jobs.

That is true. That is all I am saying. As we discuss the minimum wage—and I am confident somehow we will work our way through this, but there are some amendments and votes that need to be taken—it should be done only as part of a serious evaluation of what is happening to the wages of low-skilled workers and middle-class workers. If we do that and think it through, we will see we ought to reform the earned income tax credit so people can receive that benefit while they work. We will conclude we ought to create a savings program every American worker can put money into throughout their working career, from the first paycheck they get until the day of their retirement. It would transform the retirement years of those people. We have that in our capability.

As we craft an immigration policy, we cannot craft that policy in such a way that it only benefits corporate profits. It must be done in a way that considers the impact that is occurring on our own low-skilled workers. If we do a good lawful system of immigration that is in harmony with our history of immigration in America but at the same time provides protection to the least of our American workers, we will have done something worthwhile.

Unfortunately, I have to say the bill that passed the Senate last year would have been a disaster. It would have in-

creased legal immigration in this country, skewed mostly to low-skilled workers, by almost three times the current rate. How can that have done anything other than hurt our workers?

Those are some thoughts. I appreciate the opportunity of sharing them.

I ask unanimous consent that the pending amendment be set aside and that amendment No. 147, which I have offered, which deals with increased fines for employers who hire illegal immigrants, be called up. That fine currently is \$250. I think that is too low. I ask that that be called up.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I thank the Chair.

I think that is relevant to the issue we are talking about: How to help people get more take-home pay for their labor. One of the reasons that is not happening to the degree we would like is the large flow of illegal labor. One of the problems we have is that enforcement in the workplace is not adequate. Most employers want to do the right thing, but a \$250 fine is too low. We will be dealing with that again later on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 221 TO AMENDMENT NO. 157

Mr. DURBIN. Madam President, I call for the regular order with respect to amendment No. 157 and send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 221 to amendment No. 157.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

Section 2 of the bill shall take effect one day after date of enactment.

Mr. DURBIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I want to speak a few minutes about what we are doing. I also have several things I would like the American people to see. I have spent a lot of time thinking about the minimum wage and kind of the farce of what we are doing here. If we tell people we want them to have a real minimum wage, the debate ought to be about \$13 an hour. If we, as the Government, are going to tell the States and the employers what they ought to be paying, giving them a real minimum wage, then surely they deserve to earn \$28,000 a year. That is a livable wage. You can make it on that. The fact that nobody wants to do that and it will be voted down proves they

know how onerous that would be on the economy. Nobody wants to do that. Nobody wants to so disrupt wages. But it is OK to do it in a small amount. That is what we are talking about.

The first poster I have shows that 29 States and the District of Columbia have a minimum wage that is higher than the Federal minimum wage.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. COBURN. I am happy to yield.

Mr. SESSIONS. Dr. COBURN is such a thoughtful commentator on many issues, but he is an expert and has done a lot of work on the health care issue. I know he has some of his own ideas. But one of the ways you could help low-income workers would be to reduce the health care burden they pay in terms of health insurance. For example, the President's proposal of tax deductibility that he made in his State of the Union Address would be a rather sizable benefit to a lot of low-income workers, if it were passed, would it not?

Mr. COBURN. It will be a benefit but not to the extent a direct tax credit to them would be. Right now the average American, if you are in the upper income scale, gets \$2,700 worth of tax benefit from our income tax code. And if you are on the lower scale, you get \$103 worth of tax benefit.

Mr. SESSIONS. This is for health insurance deductibility.

Mr. COBURN. Under the President's proposal, that would be narrowed. I believe it ought to be the same for every American. Every American ought to get the same tax benefit. I also believe every American ought to be covered. There ought to be access for anybody with disease. There are ways to do that, and I will be introducing a global health care bill within the next month that attacks every aspect of health care and what we need to do about it.

Mr. SESSIONS. Madam President, I wanted to say I am interested in the earned income tax credit, immigration, and in savings. The Senator has mentioned health care. All of those are ways, apart from mandating a salary or minimum wage increase, to help workers. The bill the President proposed would not go as far as Senator COBURN would like to see—and I am impressed with his analysis—but it would, in fact, provide a good benefit for working Americans.

Mr. COBURN. The Senator from Alabama is correct.

You can see from this chart that 29 States currently have a minimum wage higher than the Federal minimum wage, and you can also see from the next chart that 14 other States are in their legislature right now considering increasing their own minimum wage. One of the things our Founders thought and planned and hoped we would stick with is having the States be laboratories of experimentation with respect to our democracy. So if you have 14 plus 29, you have 43 States out of 50 and the District of Columbia that have al-

ready answered this question. We are going to go through and answer it for them again.

There are a lot of problems associated with this. I want to put up another slide that shows what has happened since 1998 as far as the number of people on the minimum wage. It is a precipitous decline from over 4 million to less than 1.9 million workers presently. You need to break that down. When you break that down, when we say we want to help single moms with kids or four-person families, those working at the minimum wage, what happens is, when you run the numbers, in many instances we are going to hurt people who are making the minimum wage. Let me prove my point.

In Oklahoma today, if you are earning the minimum wage, you have access to the following benefits: A State tax credit—I am talking about families with children on the minimum wage, and there are 40,000 of those in Oklahoma—a school lunch program, which is federally sponsored; temporary assistance to needy families; childcare subsidies; Medicaid, which is called SoonerCare in our State; the earned income tax credit, which is over \$4,400 per year; food stamps; housing vouchers; plus what they earn on the minimum wage.

What happens is, if you are a family of four in Oklahoma today earning the minimum wage, your aftertax net benefits, taking advantage of what we are supplying supporting people making the minimum wage, is \$36,438 per year. The median household income is only \$38,000 and that is pretax. So the average person receiving the benefits we have offered for people who have less means in Oklahoma today actually has more benefit than the average Oklahoma family. What is going to happen when we pass this minimum wage for that person in Oklahoma? What is going to happen is, on the childcare, they are going to go from \$22 a month copay to \$95 a month. That is what is going to happen to families in Oklahoma. TANF, they are going to go from \$3,500 a year to \$2,600 a year, based on this minimum wage bill. On food stamps, they are going to go from \$3,588 a year to \$2,808 a year. Under this very bill, that is what is going to happen to families earning the minimum wage in Oklahoma. Their housing subsidy is going to go from \$4,140 a year to \$3,096, a 25-percent reduction. Their Medicaid, if they are a family of four, they are not going to qualify for the whole family anymore; only their children will be qualified. So, in essence, what they are going to lose is \$4,600 a year in aftertax benefits.

Net net, when you think about the median household income in Oklahoma being \$38,000 and they are paying a State income tax of less than 6 percent, and an average Federal income tax of about 18 percent, what you are going to see is they are going to lose.

In the name of helping them, they are going to lose. The vast majority of

the people we want to help, which is not the vast majority of the people on minimum wage anywhere in this country—the people who we really want to help the most, not the teenagers or the kids living in a family who have a minimum wage job as a first job, but those in Oklahoma and in 19 other States—you are going to actually decrease their income with this bill. It is not going to have any effect.

Put Massachusetts up there on the chart. The Senator from Massachusetts wants Oklahoma to have his minimum wage bill. The median household income in Massachusetts is \$52,354 a year. The total income for somebody making the Massachusetts minimum wage, they are making \$45,416 if they take advantage of the benefits available to them in Massachusetts. So his State won't be impacted because he is already above the minimum wage which is being proposed in the minimum wage bill.

How smart is it for us to decide that we want to take away from the families of 19 States—those people who we say we really want to help but, in essence, we are going to cut their aftertax income by about \$1,000, a net/net loss for them? Is that what we intend to do? That is the unexpected consequence of what we are going to do. Nobody is considering the fact that the 19 States that have lower minimum wages which will be impacted by this bill—their needy families, single moms with kids, are going to lose under this bill in the name of them winning. It is because we didn't think it out.

The reason we didn't think it out is because this isn't about minimum wage; this is about wage compression. This is about raising the wages of those people above minimum wage. It is not about minimum wage. We come down here and say it is, but it is not. It is designed to raise the wages of anybody under \$15 an hour. That is what it is going to do. We know wage compression. If you have 100 people working and the highest is making \$12 and the lowest is now making \$6, and you say they are going to have to make \$7.25 or \$7.50, what is going to happen to the other wages? They are going to have to be bumped up. The minimum wage is no longer designed to protect people as far as their income.

You can see it from this chart and you can see it in California—and I have it for every State—where the vast majority of the benefits don't come from what we earn in terms of a salaried job; they come from the other benefits the country put in as a social safety net. So in the States in which we would raise the minimum wage that have not done it, in 19 States what is going to happen is we are going to hurt the very people we say we want to help.

How is it we can do that? Why is it we will do that? We will do it because there is a very powerful interest group that is behind this called the labor unions in this country. For every dollar increase in labor rates paid through

the labor unions, what happens to the union's fees? More money. So is it about helping those people who need our help or is there another agenda here?

I have great respect for Senator KENNEDY. He is very eloquent on the floor. But when you see his charts, there are false questions asked. He showed the increase in the level of income in this country since we raised the minimum wage. It doesn't consider all of the other things that have happened over the last 20 years that, through productivity increases, have raised wages. Mandating a minimum wage in any market by any economist will not increase the market. That is not the reason. It looks good on a chart. But you don't consider all of the other benefits and factors that might have considered that. You just say this must have been it because it looks like it. I can show that on anything that we do in the Senate.

Here is a chart for New York. The State of New York is another example. The wage per-job average is \$51,165. A single mom earning minimum wage under New York's level, which is at \$7.15 right now, and taking advantage of all of the benefits there, aftertax income is \$49,000 a year in benefits. I am not saying cut the benefits; I am saying don't do something that will cut the benefits to those people you say you are going to help.

It is interesting when you look at this number, knowing that taxes—if you look at New York City's tax, you pay a city income tax, a State income tax, and a Federal income tax. Those people making minimum wage have more aftertax income in terms of benefits and salary than the average household in New York City. We have to ask the question, do we want to help people?

The Senator from Alabama talked about making sure that the earned income tax credit comes as a part of your wage every month instead of at the end of the year. It is a great idea and ought to be something we want to do. I want to show again what is going to happen to families earning the minimum wage in Oklahoma. There is a net loss of \$232, but that doesn't include the taxes. So the net loss for Oklahoma families who are on minimum wage under the new minimum wage, in essence, will be about \$1,200. Is that what we want to do to Oklahoma and 18 other States? I don't think so. We have to take the lid off of this pressure cooker. For us to pass a minimum wage that undermines the very people we are saying we want to help does not, in the long run, do anything except help organized labor; 1; No. 2, it makes certain jobs go away; we know it will, No. 3, send more jobs out of this country.

I believe and I hope the Senator from Massachusetts will look at our data. I hope he will try to amend his bill in such a way so that we have either a safe harbor or some other mechanism so the people in these 19 States don't

lose the very benefits we say we want to give to them. In fact, that is what will happen if this bill passes.

With that, I yield the floor.

Mr. ISAKSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. DORGAN. Madam President, I ask unanimous consent to have printed in the RECORD The Committee on Indian Affairs Rules of Procedure.

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

COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursdays while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b) At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, or shall submit an original, printed

version of his or her written testimony. In addition, each witness, on the day of the hearing, shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c) Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d) The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b) Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

(c) Any bill or resolution to be considered by the Committee shall be filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting. Any amendment(s) to legislation to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b) A measure may be reported from the Committee unless an objection is made by a member, in which case a recorded vote by the Members shall be required.

(c) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under

oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided*, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

SPECIAL COMMITTEE ON AGING RULES OF PROCEDURE

Mr. KOHL, Madam President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD the Rules of the Special Committee on Aging.

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

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. RES. 4, § 104, 95TH CONGRESS, 1ST SESSION (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section re-

ferred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, 87th Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The committee shall meet to conduct committee business at the call of the chairman.

2. Special Meetings. The Members of the committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

(a) Hearings. The committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The chairman shall give the Members written notice of any committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the chairman, with the concurrence of the ranking minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the ranking majority Member present shall preside. Any Member of the committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his examination to be in closed or open session. The chairman shall inform the committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the chairman and ranking minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The committee may poll (1) internal committee matters including those concerning the committee's staff, records, and budget; (2) other committee business which has been designated for polling at a meeting.

(b) Procedure. The chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by committee staff. Investigations may be initiated by the committee staff upon the approval of the chairman and the ranking minority Member. Staff shall keep the committee fully informed of the progress of continuing investigations, except where the chairman and the ranking minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the chairman, or by any other Member of the committee designated by him. Prior to the issuance of each subpoena, the ranking minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from committee investigations shall be printed only with the approval of a majority of the Members of the committee.

V. HEARINGS

1. Notice. Witnesses called before the committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the committee waives the oath. The chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the chairman or clerk of the committee at least 72 hours in advance of their appearance, unless the chairman and ranking minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the committee at least 48 hours prior to the

witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the committee. The chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the committee, the minority on the committee shall be entitled, upon request made by a majority of the minority Members to the chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the chairman or presiding Member of the committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the committee shall be authorized and issued by the chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the committee. If the Member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the question, but the committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the committee.

4. Filing. The committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the committee. Commissions shall be accompanied by instructions from the committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The chairman of the full committee and the ranking minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating committee findings and recommendations shall be printed only with the prior approval of the committee, after an adequate period for review and comment. The printing, as committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent

either findings or recommendations formally adopted by the committee."

IX. AMENDMENT OF RULES

The rules of the committee may be amended or revised at any time, provided that not less than a majority of the committee present so determine at a committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. INOUE. Madam President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 110th Congress on January 24. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator STEVENS, I ask unanimous consent that the accompanying Rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

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

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

NOMINATION OF GENERAL DAVID PETRAEUS

Mr. DORGAN. Madam President, I regret that commitments in North Dakota prevented me from voting on the nomination of David H. Petraeus to be promoted to the rank of General in the U.S. Army and to be commander of Multinational Forces Iraq.

If present, I would have voted in favor of General Petraeus's nomination.

I believe General Petraeus is well-qualified to command in Iraq. He was unanimously approved by the Senate Armed Services Committee because of his leadership skills and his operational experience. And he is widely recognized as one of the military's top experts on counterinsurgency operations.

He is an excellent choice to be entrusted with the operational command and welfare of over 130,000 American servicemembers who are in the middle of a bloody sectarian battle over the future of Iraq. He is familiar with the situation in that country from his experiences as an infantry division commander during and immediately after the invasion of Iraq, and from his tenure as the commander of U.S. efforts to train and equip Iraqi security forces. Altogether, he has served 27 months in Iraq since the war began.

I was impressed by the fact that General Petraeus promised to regularly update Congress on whether the President's new plan in Iraq is working and on how much progress the Iraqi Government is making toward assuming responsibility for security.

But my support for General Petraeus's nomination should not be taken as support for the President's decision to send additional soldiers and marines to Iraq and to escalate our military involvement there.

I am very skeptical that the President's plan to send 21,500 additional troops to Iraq is going to work.

I have listened to what President Bush and his advisers have said about the subject, and I listened to what General Petraeus said during his confirmation hearing. But I do not think they have adequately explained away the Senate testimony given less than 2 months ago by General Abizaid, the top commander of American troops in Iraq. In November General Abizaid said:

I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, "In your professional opinion, if we were to bring in more American troops now, does that add considerably to our ability to achieve success in Iraq?" And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

Has that changed? Has something changed in 2 months? The question for us now is: Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And why the change only two months after General Abizaid said the commanders do not believe additional troops will be effective?

That issue is going to be debated here in Congress in the coming weeks. All of us in that debate want to find the right solution for this country to support our

soldiers, make the right choices for them, and make the right judgments for our country's long-term interests. I believe that sending General Petraeus to Iraq will help accomplish that. I wish him well and Godspeed.

ADDITIONAL STATEMENTS

TRIBUTE TO HELEN FENSKE

• Mr. MENENDEZ. Madam President, today I wish to honor Helen Fenske, the grandmother of environmentalism in my great home State of New Jersey. I join with New Jerseyans and environmentalists everywhere in mourning her passing on January 19, 2007.

Helen was truly a pioneer in understanding the importance of preserving our environmental resources for future generations. Her activism began in the late 1950s and early 1960s, when the Port Authority of New York and New Jersey had plans to build a jetport on swampy land in Chatham Township, in Morris County, NJ. But not on Helen Fenske's watch. Self-described as "the little old lady in sneakers," she understood that the swamp was a treasure—an environmentally sensitive area—and that a jetport would be an ecological disaster to the region. With dogged determination, Helen Fenske mobilized a group of likeminded residents in the Green Village vicinity. In a grassroots effort that included raising money, creating awareness, and lobbying to retain this environmental resource, Helen Fenske managed to procure substantial acreage to be donated to the federal government. This acreage became the nucleus of the 7500 acre Great Swamp National Wildlife Refuge—established by Congress in November 1960.

The Great Swamp National Wildlife Refuge is, indeed, a treasure and was the first refuge to receive national wilderness recognition—signed into law by President Johnson in 1968. This was the culmination of Helen Fenske's efforts to save the Great Swamp. Thanks to Helen's perseverance and vision, today, one can walk on a boardwalk through vast portions of the swamp to enjoy the natural wildlife that inhabits it, including 244 species of birds, mammals such as red fox, coyote, beaver, raccoons, fish, reptiles, and amphibians, and many large oak and beech trees, and plants such as mountain laurel, mosses, and ferns.

But Helen Fenske's legend did not stop with the Great Swamp. She went on to become an environmental advocate assuming key leadership positions in State government, as special assistant to the first commissioner of the New Jersey Department of Environmental Protection, Richard Sullivan, and Assistant Commissioner for Natural and Historic Resources. Her leadership became the inspiration for a myriad of conservation efforts, including the battle to save Sunfish Pond along the Appalachian Trail at the Delaware Water Gap. She was addition-

ally the inspiration for the formation of the New Jersey Conservation Foundation and was involved with the Association of New Jersey Environmental Commissions, Patriot's Path, the Hudson River Walkway, the Morris Parks and Land Conservancy, and the preservation of the Highlands along with many other efforts.

For her groundbreaking efforts as a champion of the environment, Helen Fenske was the deserving honoree of numerous awards, including the Marcellus Hartley Dodge Award from the Great Swamp Watershed Association; a Congressional Citation for her work in saving the Great Swamp and the creation of the American Revolution Heritage Corridor; the Achievement Award of the Washington Association; and honorary degrees from Ramapo College and Drew University.

Even after she moved to New Hampshire, she remained in touch with her New Jersey roots, always connected to her fight to preserve the Great Swamp and its environs. She died in New Hampshire, but left a living legacy in New Jersey. She will be greatly missed, but the legacy of the "old lady in sneakers" has been passed on to a new generation of environmentalists who have taken on her very important mission. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

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-491. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas—Interim Final Order" (Docket No. DA-06-01) received on January 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-492. A communication from the Chairman and Chief Executive Officer, Office of Secondary Market Oversight, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Federal Agricultural Mortgage Corporation Disclosure and Reporting Requirements; Risk-Based Capital Requirements" (RIN3052-AC17) received on

January 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-493. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC-494. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, (14) reports relative to vacancy announcements within the Department, received on January 25, 2007; to the Committee on Armed Services.

EC-495. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities for fiscal year 2006; to the Committee on Armed Services.

EC-496. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Department of Defense Policy on Organizations that Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining" (RIN0790-AH99) received on January 25, 2007; to the Committee on Armed Services.

EC-497. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Restriction on Carbon, Alloy, and Armor Steel Plate" (DFARS Case 2005-D002) received on January 25, 2007; to the Committee on Armed Services.

EC-498. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Service by Members of the Armed Forces on State and Local Juries" (RIN0790-AH99) received on January 25, 2007; to the Committee on Armed Services.

EC-499. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Material Inspection and Receiving Report" (DFARS Case 2003-D085) received on January 25, 2007; to the Committee on Armed Services.

EC-500. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Acquisition-Related Thresholds" (DFARS Case 2004-D022) received on January 25, 2007; to the Committee on Armed Services.

EC-501. A communication from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a competition that was performed to reduce the cost of the Base Operating Support function at Homestead Air Reserve Base; to the Committee on Armed Services.

EC-502. 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 269) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-503. 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 272) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-504. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Flood Elevation Determinations" (72 FR 287) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-505. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the Commission's competitions in fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-506. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Reports and Public Disclosure of Indebtedness of Executive Officers and Principal Shareholders to a State Nonmember Bank and its Correspondent Banks" (RIN3064-AD14) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-507. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment" (RIN3064-AD11) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-508. 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" (71 FR 75885) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-509. 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" (71 FR 76206) received on January 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-510. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-511. A communication from the Director, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report on the Office's competitive sourcing efforts for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-512. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the nuclear device detonated by North Korea on October 9, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-513. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-514. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Quota Period 2 Fishery for Spiny Dogfish)" (RIN0648-AT59) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-515. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfers from MA to RI" (I.D. No. 122806A) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-516. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (New Jersey Summer Flounder Commercial Fishery)" (I.D. No. 111406C) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-517. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from Maryland to Rhode Island and Delaware to Rhode Island" (I.D. No. 121806B) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-518. A communication from the 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; Arrowtooth Flounder and Flathead Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 122006D) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-519. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Summer Flounder Quota Transfers from Maryland to New York" (I.D. No. 121906A-X) received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-520. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category C to Directed Tilefish Fishing—Temporary Rule" received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-521. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure" received on January 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC-522. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report on the Commission's competitive sourcing activities for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-523. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing activities of fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-524. A communication from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-525. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2006; to the Committee on Energy and Natural Resources.

EC-526. A communication from the Secretary of Energy, transmitting, pursuant to law, the "Hydrogen Posture Plan"; to the Committee on Energy and Natural Resources.

EC-527. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for Certain Ceiling Fan Light Kits" (RIN1904-AB54) received on January 25, 2007; to the Committee on Energy and Natural Resources.

EC-528. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Environment and Public Works.

EC-529. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Alabama Beach Mouse" (RIN1018-AU46) received on January 25, 2007; to the Committee on Environment and Public Works.

EC-530. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007-2012; to the Committee on Environment and Public Works.

EC-531. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Title II Cost-of-Living Adjustments in Primary Insurance Amounts" (RIN0960-AG42) received on January 25, 2007; to the Committee on Finance.

EC-532. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Fees for Certain Services" (RIN1505-AB62) received on January 25, 2007; to the Committee on Finance.

EC-533. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's intent to transfer \$1.8 million in funds to the International Narcotics Control and Law Enforcement account; to the Committee on Foreign Relations.

EC-534. 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 2006-304-2006-313); to the Committee on Foreign Relations.

EC-535. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a semi-annual report relative to the continued compliance of certain nations with the freedom of emigration provisions; to the Committee on Foreign Relations.

EC-536. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the certification of the effectiveness of the Australia Group; to the Committee on Foreign Relations.

EC-537. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Elementary and Secondary Education, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-538. A communication from the White House Liaison, Office of the Under Secretary,

Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Under Secretary, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-539. A communication from the White House Liaison, Office of the Under Secretary, Department of Education, transmitting, pursuant to law, the report of discontinuation of service in an acting role for the position of Under Secretary, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-540. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to the Foundation's competitive sourcing efforts during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-541. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's annual report on Grants Streamlining; to the Committee on Health, Education, Labor, and Pensions.

EC-542. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a change in previously submitted reported information and action on a nomination for the position of Inspector General, received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-543. 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 "Supplements and Other Changes Approved New Animal Drug Applications" ((RIN0910-AF59)(Docket No. 1999N-1415)) received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-544. 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; Patient Examination and Surgeons' Gloves; Test Procedures and Acceptance Criteria" (Docket No. 2003N-0056) received on January 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-545. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts of fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-546. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report relative to the organization's competitive sourcing activities of fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-547. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Bureau's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-548. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC-549. A communication from the Secretary of Agriculture, transmitting, pursu-

ant to law, the Department's six-month periodic report for the period that ended September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-550. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-551. A communication from the Corps of Engineers Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-552. A communication from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Service's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-553. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the unvouchered expenditures report; to the Committee on Homeland Security and Governmental Affairs.

EC-554. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Actions Taken on Office of Inspector General Recommendations"; to the Committee on Homeland Security and Governmental Affairs.

EC-555. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the building project survey for Burlington, Vermont; to the Committee on Homeland Security and Governmental Affairs.

EC-556. A communication from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting, pursuant to law, a report relative to the competitions performed by the Office in fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-557. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Administration's Audit Report Register for the six-month periods ending March 31, 2006 and September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-558. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-559. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Office, received on January 25, 2007; to the Committee on the Judiciary.

EC-560. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2006; to the Committee on the Judiciary.

EC-561. A communication from the Chief of Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Accrued Benefits" (RIN2900-AM28) received on January 25, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. BROWNBACK (for himself, Mr. INHOFE, Mr. BURR, Mr. SESSIONS, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. THUNE, Mr. BUNNING, Mr. KYL, and Mr. ALLARD):

S. 415. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 416. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 417. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 418. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 419. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 420. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 421. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

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

S. 422. A bill to authorize any alien who has been issued a valid machine-readable biometric border crossing identification card

to be temporarily admitted into the United States upon successfully completing a background check; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. ENSIGN, Mr. WEBB, Mr. SANDERS, and Mr. BROWN):

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 424. A bill to require the Secretary of the Army to carry out the Penobscot River Restoration Project; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 425. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 426. A bill to provide that all funds collected from the tariff on imports of ethanol be invested in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KOHL:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 85

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and In-

dian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 206

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

S. 207

At the request of Mr. COLEMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 207, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 280

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

S. 291

At the request of Mr. SMITH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 315

At the request of Mr. WARNER, the name of the Senator from Colorado

(Mr. SALAZAR) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as a result of award of disability compensation.

S. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 368

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 376

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Alabama (Mr. SESSIONS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 381

At the request of Mr. INOUE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 382

At the request of Ms. COLLINS, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 382, a bill to amend the Public Health Service Act to establish a State family support

grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 388

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

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. RES. 36

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 36, a resolution honoring women's health advocate Cynthia Boles Dailard.

AMENDMENT NO. 105

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 105 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 169

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 169 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 416. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today a private immigration relief bill to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in California for more than 20 years. The Fulops are the parents of six U.S. citizen children. Today, they face deportation having exhausted all administrative remedies under our immigration system.

The Fulop's story is a compelling one and one which I believe merits Congress' consideration for humanitarian relief.

The most poignant tragedy to affect this family occurred in May of 2000,

when the Fulops eldest child, Robert "Bobby" Fulop, an accomplished 15 year-old teenager, died suddenly of a heart aneurism. Bobby was considered the shining star of his family.

That same year their six-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition and a frightening situation similar to Bobby's. Not long ago, she successfully underwent heart surgery, but, requires medical supervision to ensure her good health.

The Fulop's youngest child, Matthew, was born seven weeks premature. He subsequently underwent several kidney surgeries and is still being closely monitored by physicians.

Compounding these tragedies is the fact that today the Fulops face deportation. They face deportation, in part, because in 1995 the family traveled to Hungary and remained there for more than 90 days.

Under the pre-1996 immigration law, prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, their stay in Hungary would not have been a factor in their immigration case and they would have been eligible for adjustment of status to lawful permanent residents.

Indeed, in 1996, Mr. and Mrs. Fulop applied to the Immigration and Naturalization Service (INS) for permanent resident status. Due to large backlogs, the INS did not interview them until 1998. By the time their applications were considered, the new 1996 immigration law had taken effect. Given their one-time 90 day trip outside the United States, they were statutorily ineligible for relief pursuant to the cancellation of removal provisions of the Immigration and Nationality Act.

One cannot help but conclude that had the INS acted on the Fulop's application for relief from deportation in a timelier manner, they would have qualified for suspension of deportation under the pre-1996 law, given that they were long-term residents of the United States with U.S. citizen children and many positive factors in their favor.

The irony of this situation is that the Fulops were gone from the United States for nearly five months in 1995 because they traveled to Hungary to help Mr. Fulop's brother build his home. Mr. Fulop's brother is handicapped and they went to help remodel his home.

The Fulops are good and decent people. Mr. Fulop is a masonry contractor and the owner and president of his own construction company—Sumeg International. He has owned this business for 12 years and currently has three full-time employees.

The couple is active in their church and community. As Pastor Peter Petrovic of the Apostolic Christian Church of San Diego says in his letter of support, "[t]he family is an exceptional asset to their community." Mrs. Fulop has served as a Sunday school teacher and volunteers regularly at

Heritage K-8 Charter School in Escondido. Mrs. Morris, a Heritage K-8 Charter School faculty member says in her letter of support that Mrs. Fulop is "... a valuable asset to our school and community."

This is a tragic situation. Essentially, as happened to many families under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the rules of the game were changed in the middle. When the Fulops applied for relief from deportation they were eligible for suspension of deportation. By the time the INS got around to their application, nearly three years later, they were no longer eligible and in fact suspension of deportation as a form of relief ceased to exist.

The Fulops today have been in the United States since the early 1980s. Most harmful is the effect that their deportation will have on the children, all of whom were born here and who range from three years old to 19 years of age. Their eldest, Dennis, is a 4.0 honor student at Palomar Community College. His sister, Linda, has a 3.8 grade point average, is an honor student in high school, and is also taking one class at Palomar Community College.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States given their many years here, the profound sadness they have already experienced and the harm that would come from their deportation to their six U.S. citizen children.

I ask unanimous consent that the three letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APOSTOLIC CHRISTIAN CHURCH

OF SAN DIEGO,

Escondido, CA, December 28, 2006.

Re The Denes Fulop Family.

TO WHOM IT MAY CONCERN: My family and I have known Denes and Joy Fulop for many years. They have been members in good standing in our church for approximately 20 years. Denes has served the congregation faithfully in many capacities. He was a building committee member during the construction of our church 10 years ago. He also served as church treasurer for four years and Sunday School Superintendent for many years. Presently he is a member on the board of trustees.

Joy Fulop was a building sub-committee member during the construction of the church and also served for a few years as a Sunday school teacher. Joy is a devoted and committed homemaker, and a wonderful example of a loving mother and wife. Their three younger children, Elizabeth, Sarah and Abigail are actively involved in Sunday school and in various youth group activities. The two oldest, Denny and Linda, are also active in the church. Linda is currently a Sunday school teacher for 2nd to 5th grade children. Linda and Denny are very diligent and excellent students in High School and College and are outstanding citizens.

The family is an exceptional asset to their community. Denes has been self-employed for many years and is a knowledgeable and

successful contractor. Their family has never depended on any government aid, but rather contributes and shares their blessings with others. Denes, Joy, and their six children are truly an asset to our church and community.

Should you have any further questions, please don't hesitate to contact me.

Respectfully submitted,

PETER PETROVIC,
Pastor.

DECEMBER 29, 2006.

TO WHOM IT MAY CONCERN: The purpose of this letter is to describe our relationship with the Fulop family over the five years when they became our neighbors.

Dennis Fulop, a contractor, appears to be a very hard working man, carrying out the responsibilities of owning his business plus carrying out responsibilities at home for his wife and six children. I've come to know that Joy, Mrs. Fulop, spends every free minute taking care of the family, home, and involving herself in church and school activities. We have found them to be excellent neighbors, kind, thoughtful, and ready to carry out any favor we may have.

The six children have been wonderful to see grow up over the last several years. They excel in school, are well-mannered, church going, involved in church ministry, and very polite on every occasion.

Our family finds itself fortunate to have a congenial and honest family living next door. It is rare to find such a quality family.

Sincerely yours,

ELIZABETH BRANDSTATER SHAW.

R. RIMMER CONSTRUCTION INC.,
Cardiff, CA, January 3, 2007.

TO WHOM IT MAY CONCERN:

The purpose of this letter is to describe my relationship with Dennis Fulop whom I have known for approximately twenty-four years.

As a building contractor in the San Diego area I have been fortunate to have worked with Dennis for most of those years. He has constructed nearly all of the foundations for the room additions and new houses that I have built. Dennis has also constructed most of the driveways, sidewalks, retaining walls, fireplaces and masonry on my projects. He has also attended to much of my finish grading, drainage and backhoe construction needs.

Dennis has long been an invaluable member of my construction "team". He is very knowledgeable in nearly all construction matters. He has always been very reliable and responsible in meeting deadlines and upholding high standards of construction quality.

Dennis is also a very successful small business owner. He has his own credit accounts with all of the necessary construction suppliers and to my knowledge has always paid his bills in a timely manner. In fact, I have never been contacted or liened by any of his suppliers to date. Dennis is also very proficient at managing and providing work for his employees.

Dennis' wife Joy is a dedicated wife and mother to their six children. She is also actively involved in their church, the Apostolic Christian Church of Escendido.

I am thankful to know the Fulops on a personal level as well. They have graciously invited me and my family to several family and holiday festivities over the years. We always look forward to getting together with the Fulops and other members of their church.

Sincerely,

RON RIMMER,
President, R. Rimmer Construction Inc.

By Mrs. FEINSTEIN:

S. 417. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Six years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcala. The Alcalas are a generous and loving couple. They are U.S. citizens with two children of their own. They took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcala serves as a youth soccer coach. In 2001, the Alcalas were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received bad legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependents due to abuse, abandonment or neglect. Today, their younger brother Omar is on track to lawful permanent residence status as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently answering charges on 29 counts of professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to being disbarred.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia and Jose finished school and now work together in a pet grooming store in Redwood City, where Clau-

dia is the store manager. They support themselves, and they are dedicated to their community and devoted to their family. In fact, last year Claudia became the legal guardian of her 14-year-old sister Maribel, who lives with her and Jose at their home in Redwood City. Omar, now 17 years old, continues to live with the Alcalas so as not to interrupt his studies at Aragon High School in San Mateo. Again, Maribel is a U.S. citizen, and Omar is eligible for a green card.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be a grave injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Claudia Rico.

By Mrs. FEINSTEIN:

S. 418. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 24-year-old Japanese national who lives in Chula Vista, CA.

I have decided to re-introduce a private bill on his behalf because I believe that Mr. Yamada represents a model American citizen, for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Mr. Yamada; it also served to impede the process for him to legalize his status. At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependants. Her death revoked his legal status in the United States. In addition, Mr. Yamada's

mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be deported from the United States and forced to return to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, he earned a number of awards including being named an Outstanding English Student his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award. His teacher and coach, Mr. John describes him as being responsible, hard working, organized, honest, caring and very dependable. His role as the Vice-President of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers. As an athlete, Mr. Yamada was named the Most Inspirational Player of the Year in Junior Varsity baseball and football, as well as, Varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous.

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, he helped freshman find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body. After graduating from high school, he volunteered his time for four years as the coach of the Eastlake High School Girl's softball team. The former head coach, who has since retired, Dr. Charles Sorge, describes him as an individual full of integrity who understands that as a coach it is important to work as a team player. His level of commitment to the team was further illustrated to Dr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was two hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Dr. Sorge hopes that, once Mr. Yamada legalizes his immigration status, he will be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family here. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends. And, he has no immediate family members that he knows of in Japan. Currently, both of his sisters are in the process of legalizing their immigration status in the United States. His older sister is married to a United States citizen and his younger sister is being adopted by a maternal aunt, who is a United States citizen. Since as all of his family lives in California, sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows. His sister contends that her younger brother would be lost if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read the language.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an upstanding All-American young man. Until being picked up during a routine check of riders' immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

Currently, Mr. Yamada holds sophomore status at Southwestern Community College. However, he is taking this semester off in order to alleviate his financial burdens by working full time. He had hoped to pursue a career in law enforcement, but his plans have recently changed due to his current immigration status dilemma. Until he obtains citizenship, Mr. Yamada will be prohibited from pursuing a career in law enforcement. Due to the circumstances, Mr. Yamada has changed his career goal to that of becoming a high school teacher. Mr. Yamada's commitment to his education is admirable. He could have easily taken a different path but, through his own individual fortitude, he has dedicated himself to his studies so that he can live a better life.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense. I ask you to help right a wrong and grant Mr. Yamada lawful permanent resident status so that he can continue towards his bright future.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Mr. Yamada.

I also ask unanimous consent that the three letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EASTLAKE HIGH SCHOOL,

Chula Vista, California, January 9, 2007.

Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am more than happy to write this letter on behalf of Shigeru Yamada as he pursues his efforts to stay in the United States. I was Shigeru's counselor while he attended Eastlake High School. During that time he always displayed exemplary behavior, academic focus, and personal determination.

Academically Shigeru was a model student. He earned a 3.84 grade point average; he made the National Honor Roll and was nominated to Who's Who Among High School Students for three straight years. Shigeru plans to attend a university to study sports medicine and physical therapy so he has set high goals for himself. He has the ability to not only handle college-level work, but to thrive on the challenge the university will bring. His quiet determination has been an example to his peers and was a joy to his instructors.

Shigeru Yamada not only took the most from his high school experience, but he has consistently "given back" his talents, time, and effort to serve the school community. He was elected ASB vice-president during his senior year. He demonstrated leadership skills as president of the Inter-Club Council on campus; he mentored incoming ninth-grade students and worked on numerous service projects. In addition to his involvement in student government, Shigeru participated in football, baseball, and wrestling. He was named "Most Inspirational Player of the Year" for both his junior varsity baseball and football teams. He was also awarded the J.T. Franks Memorial Award (most inspirational) from the varsity football team. (This award carries a great deal of respect amongst the players as it is named after a teammate who died of cancer.) Shigeru was a role model for our students when he attended our school: He earned good grades; he was an athlete; and he was involved in a variety of additional activities. He is the kind of student that Eastlake High School has been proud to have.

A further testimony to Shigeru's character is what he has been doing since graduating. This young man has come back to serve as an assistant football and wrestling coach for our students. He has given his time and energy to working with individual students during the week and on weekends; he has not only advised them on how to improve their athletic skills, but he has also been a wonderful role model and mentor. He is someone to whom the young men can relate, a person whose opinions are valued. I have personally seen Shigeru interact with these boys; the respect he gives them and the respect they give Shigeru is an absolute indication of the positive influence he has in their lives.

* * *

WORD & BROWN,

San Diego, CA, January 17, 2007.

TO WHOM IT MAY CONCERN:

For over 11 years now Shigeru Yamada has been my best friend. His presence in my life has been a blessing. From the very first moment I met him I knew that he was a special person destined to impact positively everyone's lives around him. His ability to see the silver lining even around the darkest rain cloud is amazing to me. As a student Shigeru was amongst the best and brightest. He was a California Scholarship Federation Scholar every semester, he was Spanish student of the year two years in a row, and he served as Associated Student Body Vice-President his senior year. As an athlete, Shigeru was a varsity letterman in Football, Wrestling,

and Track and Field. He also served as a team captain on the Football team. As a member of the community, Shigeru has donated of his time freely coaching the Eastlake High Softball team and Eastlake High football team. His ability to give so much and ask for so little in return is an inspiration to all around him. For the last few years Shigeru has been able to legally work in this country. In those few years Shigeru has risen to the top sales levels at Nordstrom's department store and was even promoted to assistant manager. In every aspect and in every arena in which Shigeru has been in he has always excelled. He exemplifies that which makes this country great; bravery, honesty, hard work. In this time of change and uncertainty people like Shigeru Yamada remind me what it is that makes this country of ours work. His pursuit of life, liberty, and happiness has been a difficult one but he has never stopped believing and working towards that goal. I respectfully request that you once again push for Shigeru Yamada to be granted full legal status in this great country of ours.

PEDRO MIGUEL REYES.

JANUARY 11, 2007.

DEAR SENATOR FEINSTEIN: I am writing to you from San Diego, CA on behalf of my friend Shigera Yamada's life-long quest for American citizenship.

I have known Shiggy as a fellow associate, as his manager, as a confidante, and most importantly as a friend. Shiggy is kind, honest, funny, giving, and intelligent. He is the type of person who will pick you up no matter how out of his way it is, bring you breakfast when you are sick, or just listen to you when you need to talk.

One of the qualities I admire most about Shiggy is his never-ending positive attitude. For the past two years that I have known him, I have never heard him complain about his situation. While going to school, working overtime, and standing in as a father figure for his baby sister, he was always there for me whenever I needed him. He has overcome so many obstacles in his life that have only made him stronger.

Shiggy is a model citizen who has worked extremely hard to get to where he is today. I am grateful for the chance to have befriended Shiggy. He is one of the most respectful and professional people I have ever met and had the chance to work with. I know that he does not take a single thing in his life for granted, and will continue to realize his goals through hard work.

Our country would be lucky to acquire his high caliber of determination, positive attitude, and perseverance as a citizen. I admire his ability to use the curveballs life throws his way as nothing less than learning experiences, and highly recommend him for United States citizenship.

Thank You,

SARA CHAFFEE-STANDISH.

By Mrs. FEINSTEIN:

S. 419. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private immigration relief legislation to provide lawful permanent residence status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola and Cindy Jael Arreola, Mexican nationals living in the Fresno area of California.

Mr. and Mrs. Arreola have lived in the United States for over 20 years.

Two of their five children, Nayely, age 20, and Cindy, age 18, also stand to benefit from this legislation. Their other three children, Roberto, age 15, Daniel, age 11, and Saray, age 9, are United States citizens. Today, Mr. and Mrs. Arreola and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are in this uncertain situation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking his disbarment for the disservice he caused his immigration clients.

Mr. Arreola has lived in the United States since 1986. He was an agricultural migrant worker in the fields of California for several years, and as such would have been eligible for permanent residence through the Seasonal Agricultural Workers (SAW) program, had he known about it.

Mrs. Arreola was living in the United States at the time she became pregnant with her daughter Cindy, but returned to Mexico to give birth so as to avoid any problems with the Immigration and Naturalization Service.

Given the length of time that the Arreolas had, and have been, in the United States it is quite likely that they would have qualified for relief from deportation pursuant to the cancellation of removal provisions of the Immigration and Nationality Act, but for the conduct of their previous attorney.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the devastating impact their deportation would have on their children—three of whom are U.S. citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, is a junior at Fresno Pacific University. She was the first in her family to graduate from high school and the first to attend college. She attends Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and works part-time in the admissions office. She is majoring in international business.

At her young age, Nayely has demonstrated a strong commitment to the ideals of citizenship in her adopted country. She has worked hard to achieve her full potential both in her academic endeavors and through the service she provides her community. As the Associate Dean of Enrollment Services, Cary Templeton, at Fresno Pacific University states in a letter of support, "[t]he leaders of Fresno Pacific University saw in Nayely, a young

person who will become exemplary of all that is good in the American dream."

In high school, Nayely was a member of Advancement Via Individual Determination (AVID), a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also president of the Key Club, a community service organization. She helped mentor freshmen and participates in several other student organizations in her school. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

It is clear to me that Nayely feels a strong sense of responsibility for her community and country. By all indication, this is the case as well for all of the members of her family.

The Arreolas also have other family who are lawful permanent residents of this country or United States citizens. Mrs. Arreola has three brothers who are U.S. citizens and Mr. Arreola has a sister who is a U.S. citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves. As I previously mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business repairing electronics. His business has been successful enough to enable him to purchase a home for his family.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have introduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

Mr. President, I ask my colleagues to support this private bill. I ask unanimous consent that eight letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

January 2, 2007.

DEAR SENATOR DIANNE FEINSTEIN. I Maria Esthela Garay would like to let you know that Nayely Arreola was my student at the beginnings of January 1989. It was my pleasure to meet and have her as my student. She was very obedient and nice. Nayely was always a very organized girl, and respected the rules of the class. She also always finished the class work since she was in preschool. I am glad I met Nayely since she was and will always be an educated girl.

Nayely is a young girl who will continue her education with the help of her parents whom I appreciate very much. She is the pride and joy of those around her and her family in Porterville California. If you would

like to know more feel free to call me at

Sincerely,

MARIA ESTHELA GARAY.

JESSE AND ANGIE ALDACO,
Terra Bella, CA, January 2, 2007.

Re Arreola Family.

DEAR DIANNE FEINSTEIN. We have known the Arreola family for three years now and are delighted to have ever met them. Mr. Isidro Arreola is a very good father, husband, businessman and member of his church. He portrays everything a good citizen should be.

His wife Maria Elena is a very hard working woman as well as a great caretaker of her family. She motivates her children to further their education.

Their oldest daughter is attending the University and taking courses on International Affairs. She comes during the weekends to be with her family.

The Arreolas are a great example to other members of the community of how a good Christian family should be.

Sincerely,

JESSE AND ANGIE ALDACO.

RAQUEL GARZA,
Porterville, CA, January 3, 2007.

Re Arreola Family.

DEAR DIANNE FEINSTEIN. The Arreola Family are very good friends of mine. They participate in the church that I also attend. Isidro Arreola is a very hard workingman and has his own business from home. Mr. and Mrs. Arreola bring up their children in a good Christian environment. They are a great example in their church and the community. They are elders in their church and are considered leaders. They always go an extra mile than what is asked of them. Their children try very hard in accomplishing their dreams and goals. It is a privilege to know this family and would not hesitate to speak up for them in any situation. This family is very honest and loving.

Sincerely,

ROQUEL GARZA.

MARIA GONZALEZ,
Porterville, CA, January 2, 2007.

Re Arreola Family.

DEAR DIANNE FEINSTEIN: I have known the Arreola family for 5-6 years. I used to work with Maria Elena Arreola and are delighted to have ever met her and her family.

This family is a great example to fellow community members. They are a good Christian family that set good examples to others. Isidro Arreola is a very hard working man repairing appliances. We attend the same church and they are leaders in the church. They demonstrate many Godly traditions and beliefs. They are a great family to know and have nearby. Their children are very studious in school and are always eager to become better. We are all very proud of their oldest daughter that attends the University and accomplishes her dreams.

Sincerely,

MARIA GONZALEZ.

JANUARY 1, 2007.

Re Arreola Family

DEAR DIANNE FEINSTEIN: The Arreola Family are very active in their church and Mr. Isidro Arreola is a very hard working man. They do what they can to bring up their children in a positive environment. I can seriously say that they are a very good family wanting the best for their children. They are good friends of ours and visit socially my family. If you require any more information do not hesitate to call me in the evenings.

Sincerely,

PERLA GARZA MARTINEZ.

DECEMBER 31, 2006.

DEAR DIANNE FEINSTEIN, (Senator): I am writing this recommendation on behalf of the Arreola family. It has been my profound comfort and pleasure to have known this family for many years. I have found them to be bright, well organized, self sufficient people.

Seldom have I met a family with more social integrity. Their togetherness, respect and appreciation for one another can not go unnoted.

Their degree of civility is not only noticed in their church but in their community and in their institutions of learning. They are gracious, honest people who have, by their own initiative, earned the right to human freedom and dignity.

The above statement is based on humanitarian observances and has little to do with the political movements dealing with immigration.

I am interested in the wellbeing of the Arreola family in its entirety.

I do not believe that it would be prudent for the State of California to make any disruptive moves affecting the life style of the Arreola family.

Senator Feinstein, I am asking you to consider the unique role in which this family plays in the wellbeing of the State of California.

The family consists of: Mother, MariaElaina, Father, Esidronio, Children, Nayely and Cindy, Children, (already citizens), Roberto, Daniel, Saray.

Thank You,

MR. LYNN MORGAN MCLEAN,
Retired Educator.

PORTERVILLE, CA.

Ms. DIANE FEINSTEIN

Regards: Areola Family

DEAR MS. FEINSTEIN: Pursuant to the case of the Areola family, I would like to take this opportunity to give my highest and best recommendation on behalf of my family and myself. We had the pleasure of meeting this wonderful family through Christian Services. They have proved to be a very respectful family with strong principles and that of accomplishing many goals that will prepare them for their future.

I am a business owner, therefore I am very careful about making any types of recommendations or references on behalf of my family, myself and our family owned business. This family, however, is very special to many, including our congregation and community.

Thank you in advance for taking the time to read my letter. If you have any questions, please feel free to call me.

Respectfully,

PATRICIA ESQUIVEL.

JANUARY 2, 2007.

SENATOR DIANE FEINSTEIN Greetings: The present letter I am writing to you is to recommend Nayely Arreola. I know Nayely since she was 8 years old. At that age she was my best student in Sunday school class, always eager to learn God's Word. She was a very smart child and demonstrated good behavior among her fellow students treating them with kindness and respect.

As a young lady Nayely developed very fine manners. I always remember her coming out from one of the classrooms at Granite Hills High School where I used to work as custodian. She always greets me with a broad smile and a big hug; not caring if I was sweaty and dirty.

Moreover, my husband and I, know her parents very well. We attend the same Christian church regularly, where I am pleased to see Nayely when she is in town. We all have

had a good friendship through all these years.

Sincerely,

MARIA OCHOA.

By Mrs. FEINSTEIN:

S. 420. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Jacqueline Coats, a 26-year old widow currently living in San Francisco.

Mrs. Coats came to the U.S. in 2001 from Kenya on a student visa to study Mass Communications at San Jose State University. Her visa status lapsed in 2003, and the Department of Homeland Security began deportation proceedings against her.

Mrs. Coats married Marlin Coats on April 17, 2006, after dating for several years. The couple was happily married and planning to start a family when, on May 13, Mr. Coats tragically died in a heroic attempt to save two young boys from drowning.

The couple had been on a Mother's Day outing at Ocean Beach with some of Mr. Coats' nephews when they heard cries for help. Having worked as a life-guard in the past, Mr. Coats instinctively dove into the water. The two children were saved with the help of a rescue crew, but Mr. Coats, caught in a riptide, died. Mrs. Coats received a medal honoring her husband.

Four days before Mr. Coats' death, the couple prepared and signed an application for a green card at their attorney's office. Unfortunately the petition was not filed until after his death, rendering it invalid. Mrs. Coats currently has a hearing before an immigration judge in San Francisco on August 24, but her attorney has informed my staff that she has no relief available to her and will be ordered deported.

Mrs. Coats, devastated by the loss of her husband, is now caught in a battle for her right to stay in America. At a recent news conference with her lawyer, Thip Ark, she explained of her situation, "I feel like I have nothing to live for. I have nothing to go home to . . . I've been here four years . . . It would be like starting a new life."

Ms. Ark explains that Mrs. Coats is extremely close with her late husband's family, with whom she lives in San Leandro, CA. Mrs. Coats has said that her husband's large family has become her own. Ramona Burton of San Francisco, one of Marlin Coats' seven brothers and sisters explains, "She spent her first American Christmas with us, her first American Thanksgiving . . . I can't imagine looking around and not seeing her there. She needs to be there."

The San Francisco and Bay Area community is rallying strong support for Mrs. Coats. The San Francisco chapters of the NAACP, the San Francisco Board of Supervisors, and the San Francisco Police Department, have all

passed resolutions in support of Mrs. Coats' right to remain in the country.

Unfortunately, if this private relief bill is not approved, this young woman, and the Coats family, will face yet another disorienting and heartbreaking tragedy. Mrs. Coats will be deported to Kenya, a country she has not lived in since she was 21. In her time of grieving, she will be forced to leave her home, her job with AC Transit, her new family, and everything she has known for the past 5 years.

I cannot think of a compelling reason why the United States should not allow this young widow to continue the green card process. Had her husband lived, Mrs. Coats would have filed the papers without difficulty. It was because of her husband's selfless and heroic act that Mrs. Coats must now struggle to remain in the country. As one concerned California constituent wrote to me, "If ever there was a case where common fairness, morality and decency should reign over legal technicalities, this is it. We, as a country, need to reward heroism and good."

I believe that we can reward the late Mr. Coats for his noble actions by granting his wife citizenship. It is what he intended for her. It can even be argued that a green card for his wife was one of his dying wishes, as the papers were signed just 4 days prior to his death.

For these reasons, I offer this private relief immigration bill and ask my colleagues to support it on behalf of Mrs. Coats.

I also ask unanimous consent that two letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Dear Judge,

This woman's husband sacrificed his life to save mine! They didn't get any type of award, or gift instead they got more of a punishment. Marlon Coates died and the wife is now a widow, when they just got married, she deserves some mercy, and a little consideration for her. She should stay in the country, she just got here she has bonded with Marlon's family, she gotten to know everyone. Please let her stay she really deserves it please!!

My Name is Chance Goss I'm 11 Love to design and go on roller coasters, paint, do art. I think it means compassion I think its heroic and wonderful. The incident made me think before doing don't!!!

Life is a very precious thing. When lost, it is very nostalgic to everyone. Not only is it a tragic thing, but it also affects the people around that are still living. I'm greatly traumatized by this whole quandary.

There happens to be a fine line between deaths by a bullet through the head of various thugs than deaths of heroes.

They don't hurt the same. People are saved everyday and you must wonder why Marlon? He transpired to be loved by everyone. He was a former lifeguard, and he saw my brother out in the water.

A real hero will do what Marlon did. He ran to the bone-chilling river, knowing that he might breathe his last breath. He knew that he might not be able to save him. He knew that might be the last time he saw his wife again.

He took this into account and dove into the water.

His wife is now crying, because she may face deportation after losing the only love in her life other than God. You must ask yourselves, is this fair? Marlon was her ticket in this country and he has deceased.

There should be no question of whether she should stay or not! She will never see him again. But emotionally they are still together, because in my mind, marriage is not until death do us part! His soul is still with her, in her heart, Let me conclude with me saying let her stay!!!

With God and Jesus giving you hope,
Nate Ewing—Adria's son

By Mrs. FEINSTEIN:

S. 421. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Robert Kuan Liang and his wife, Chun-Mei "Alice" Hsu-Liang, foreign nationals who live in San Bruno, CA.

I have decided to offer private relief immigration bills on their behalf because I believe that, without it, this hardworking couple and their three United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Liangs are foreign nationals facing deportation on account of their overstay of visitors visas and the failure of their previous attorney to timely file a suspension of deportation application before the immigration laws changed in 1996.

Mr. Liang is a foreign national and refugee from Laos. His wife is a citizen of Taiwan. They entered the United States 24 years ago as tourists and established residency in the San Bruno, CA. Because they overstayed the terms of their temporary visas, they now face deportation from the United States.

After living here for so many years, removal from the United States would not come easily or perhaps without tearing this family apart. The Liangs have three children born in this country: Wesley, 15 years old, Bruce, 12 years old, and Eva, 9 years old. Young Wesley suffers from asthma and has a history of social and emotional anxiety.

The immigration judge who presided over the Liang's case in 1997 concluded that there was no question that the Liang children would be adversely impacted if they were required to leave their relatives and friends behind in California to follow their parents to Taiwan, a country whose language and culture is unfamiliar to them.

I can only imagine how much more they would be adversely impacted now given the passage of 9 more years.

The Liangs have filed annual income tax returns; established a successful business, Fong Yong Restaurant, in the United States; are homeowners, and are financially successful. Since they arrived in the United States, they have

pursued and, to a degree, achieved the American Dream.

Mr. and Mrs. Liang's quest to legalize their immigration status began in 1993 when they filed for relief from deportation before an immigration judge.

The Immigration and Naturalization Service, INS, however, did not act on their application until nearly 5 years later, in 1997, after which time the immigration laws had significantly changed.

According to the immigration judge, had the INS acted on their application for relief from deportation in a timely manner, they would have qualified for suspension of deportation, given that they were long-term residents of this country with U.S. citizen children and other positive factors. By the time INS processed their application, however, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which changed the requirements for relief from removal to the Liangs' disadvantage.

I supported the changes of the 1996 law, but I believe sometimes there are exceptions which merit special consideration. The Liangs are such a couple and family. Perhaps what distinguishes this family from many others is that through hard work and perseverance, Mr. Liang has achieved a significant degree of success in the United States while battling a severe form of post traumatic stress disorder.

According to his psychologist, this disorder stems from the persecution he, his family and community experienced in his native country of Laos during the Vietnam war.

Throughout his childhood and adolescence, Mr. Liang was exposed to numerous traumatic experiences, including the murder of his mother by the North Vietnamese and frequent episodes of wartime violence. He also routinely witnessed the brutal persecution and deaths of others in his village. In 1975, he was granted refugee status in Taiwan.

The emotional impact of Mr. Liang's experiences in his war-torn native country has been profound and continues to haunt him. His psychologist has also indicated that he suffers from severe clinical depression, which has been exacerbated by the prospect of being deported to Taiwan, where on account of his nationality, he believes he and his family would be treated as second-class citizens.

Moreover, Mr. Liang believes that the pursuit of further mental health treatment in Taiwan would only exacerbate the stigma of being an outsider in a country whose language he does not speak. Given those prospects, he also fears the impact such a stigma would have on the well-being and future of his children.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of the Liangs.

I also ask unanimous consent that two letters of community support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 2, 2007.

DEAR SENATOR FEINSTEIN: I am writing to ask you to once again introduce a private bill to aid my friends Alice and Robert Liang, who are seeking permanent lawful resident status in the United States.

Without your assistance, the Liangs face deportation for overstaying their temporary visas by 24 years. Being forced to leave the United States would devastate their family. Their three minor children, Eva, Bruce and Wesley, are U.S. citizens and know no other home. Robert, a refugee from Laos, suffers from post-traumatic stress disorder that would be exacerbated if he were forced to relocate to Taiwan after building a life here.

The Liangs own and run a successful vegetarian Chinese restaurant, Garden Fresh, in Mountain View. They work hard, pay taxes and own their own home in San Bruno. Though they are by no means wealthy, they are generous donors to a variety of charities and are quick to provide food or assistance to anyone who needs help. They are also loving parents and wonderful people who have nearly magically turned hundreds of their customers into a community of friends vitally concerned about their welfare. The fact that so many of their customers are committed to ensuring their future in the U.S. is a testament to the Liangs high character.

Two years ago, you told Congress that the extraordinary and unique facts surrounding the Liangs situation merited the introduction of a private bill on their behalf. I hope that you will be similarly supportive once again, and I urge you to continue your efforts to aid this very worthy family.

Thank you.

Sincerely,

JUNE D. BELL.

DECEMBER 27, 2006.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are honored to write to you in support of the Liang family of San Bruno, California. We have known Robert and Alice for twelve years, and are repeatedly awed by their support of their children and their communities. They are the kind of people that we all wish could surround us: honest, hard-working and extraordinarily generous.

Anyone who has enjoyed their restaurants has unknowingly become a part of Alice's family, as a first-timer noted. But it is their service to the community, schools, and anyone in need, that is so extraordinary. For example, on two recent occasions, after the Katrina and Rita hurricanes, and again after the Asian tsunami, Robert and Alice gave every penny received on a full day to the relief efforts. Then on several occasions, they have taken food and solace to hospitalized customers (including me), giving up their free day. And for years, Robert and Alice have provided food for a local public school, at cost.

This kindness comes from a man who still suffers the effects of his childhood during the war years in southeast Asia, and a woman who grew up on a small farm in rural Taiwan. They are therefore driven to provide a better life for their American-born children.

We ask that you submit and guide to passage a Private Bill that would permit this wonderful family to stay together in our country, thereby enhancing not just the five of them, but all of us who are touched by them. All five members of the Liang family should be allowed to stay together in this country and call themselves American.

Sincerely,

W. CAMERON CASWELL, Jr.,

BARBARA ANNE MAAS.

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

S. 422. A bill to authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President. I rise today to introduce the Secure Border Crossing Card Entry Act of 2007. This bill allows certain travelers who seek to enter the U.S. temporarily and have already undergone rigorous security screening prior to entry and at the border, to enter our country and remain for up to 6 months.

We all agree that comprehensive immigration reform is a top priority this year—not only for the administration but also for Congress. I have stated that no effort on immigration reform can succeed without enhanced border security and worksite enforcement. We have been working hard to ramp up our border and interior enforcement efforts. Just last year, Congress dedicated approximately \$1.3 billion in last years Homeland Security Appropriations bill targeted at enhanced border security. I am pleased that the President and Secretary Chertoff have made border security a top priority this year as well.

Strong border security, however, must be balanced against policies that facilitate legitimate trade and travel to the U.S. The security of our Nation is always paramount. But we also must ensure that the U.S. remains an economic leader and a welcoming nation for visitors who seek to enjoy the many business and recreational benefits that the U.S. has to offer.

We have in place now a program that allows visitors who possess a machine-readable border crossing card, also known as the "laser visa," to enter this country for up to 30 days. The laser visa is issued by the State Department to Mexican nationals, but only after they have been screened and determined not to be a security risk or inadmissible to the U.S. Laser visa holders are screened again when they come to our borders and are inspected by an immigration inspector.

Canadian visitors, on the other hand, are not required to get a laser visa from the State Department prior to seeking to enter the U.S. Canadian visitors also can remain in the U.S. for up to 6 months initially. I see no reason that we should treat citizens and nationals of our northern neighbor differently from our southern neighbor.

The goal of this bill is to treat all citizens and nationals of our northern and southern neighbors seeking to temporarily visit the U.S. the same—allowing them to temporarily visit or conduct business in the U.S. for up to 6 months. And, because laser visa holders must undergo background checks

before they are issued their secure travel documents, this policy change would not conflict with our country's goal of improving border security.

I urge my colleagues to support this legislation.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. ENSIGN, Mr. WEBB, Mr. SANDERS, and Mr. BROWN):

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I introduce the Veterans Compensation Cost-of-Living Adjustment Act of 2007. This measure would direct the Secretary of Veterans' Affairs to increase, effective December 1, 2007, the rates of veterans' compensation to keep pace with the rising cost-of-living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Bureau of Labor Statistics' Consumer Price Index. Several of my colleagues on the Committee on Veterans' Affairs, including Ranking Member, LARRY CRAIG, and Senators ROCKEFELLER, MURRAY, SANDERS, BROWN, WEBB, and ENSIGN join me in introducing this important legislation.

Congress regularly enacts an annual cost-of-living adjustment, COLA, for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. This past year Congress passed, and the President signed into law, Public Law 109-361, which resulted in a COLA increase of 3.3 percent for 2007.

It is important that we view veterans compensation, including the annual COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Studies by VA indicate that the most significant predictor of new claims activity is the size of the active force. More than 1 million servicemembers have deployed in support of Operations Enduring and Iraqi Freedom. And, according to the Department of Defense, as of today there have been 24,216 reported casualties during these operations. This number, however, does not take into account conditions that develop over the course of a war, including musculoskeletal disorders. Therefore VA can expect a significant increase in the number of new claims for compensation as a result of these ongoing conflicts.

The COLA affects, among other benefits, veterans' disability compensation

and dependency and indemnity compensation for surviving spouses and children. Many of these more than 3 million recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish, and we, as a Congress, would be in dereliction of our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

Disbursement of disability compensation to our Nation's veterans constitutes one of the core missions of the Department of Veterans Affairs. It is a necessary measure of gratitude afforded to those veterans whose lives were irrevocably altered by their service to this country.

I urge our colleagues to support passage of this COLA increase. I also ask our colleagues for their continued support for our Nation's veterans.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 425. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise to introduce a bill that will further our Nation's energy independence, and provide for sustainable electricity generation. This bill, which is cosponsored by my colleague from Oregon Senator WYDEN, will make facilities that generate electricity using kinetic hydropower eligible for the production tax credit under Section 45 of the Internal Revenue Code.

As with many emerging renewable technologies, wave and tidal energy are more costly than traditional generation using fossil fuels. Yet, for our environment and our energy security, we must provide incentives that will encourage the development and commercialization of these resources.

Under this bill, kinetic hydropower is defined as: ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents; ocean thermal energy; or free flowing water in rivers, lakes, man-made channels, or streams.

These innovative technologies are renewable, non-polluting resources that can help meet our Nation's growing demand for electricity. In Oregon, it would be possible to produce and transmit over two hundred megawatts of wave energy without any upgrades to the existing transmission system. Already numerous preliminary permits have been filed at the Federal Energy Regulatory Commission for wave energy facilities off the Oregon coast. Due to the increasing interest in this form of energy, the Federal Energy Regulatory Commission even held a

conference in December 2006 to assess the types of wave and tidal technologies that developers are pursuing.

These facilities would be virtually invisible from shore, and could provide predictable generation that could be easily integrated with other electricity resources. In addition, according to a January 2005 report issued by the Electric Power Research Institute, "with proper siting, converting ocean wave energy to electricity is believed to be one of the most environmentally benign ways to generate electricity."

I urge my colleagues to support this important legislation, and to provide this production tax credit.

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. 425

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

SECTION 1. EXPANSION OF RESOURCES ELIGIBLE FOR RENEWABLE ENERGY CREDIT TO KINETIC HYDROPOWER.

(a) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) kinetic hydropower."

(b) DEFINITION OF RESOURCES.—Section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(10) KINETIC HYDROPOWER.—The term 'kinetic hydropower' means any of the following:

"(A) Ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents.

"(B) Ocean thermal energy.

"(C) Free flowing water in rivers, lakes, man made channels, or streams."

(c) FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by adding at the end the following new paragraph:

"(11) KINETIC HYDROPOWER FACILITY.—In the case of a facility using kinetic hydropower to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2011. Such term shall not include a facility which includes impoundment structures."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. NELSON of Nebraska:

S. 426. A bill to provide that all funds collected from the tariff on imports of ethanol be invested in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks; to the Committee on Energy and Natural Resources.

Mr. NELSON of Nebraska. Mr. President, today I rise to introduce the "Biofuels Investment Trust Fund Act" because I believe it is legislation that

can help America progress towards a more secure energy future; I believe it is a small piece to the puzzle that is our energy policy. The Biofuels Investment Trust Fund Act seeks to take a simple, common sense step down the path we in this country need to take to improve our energy security. The Act would direct that all money collected by the Federal Government pursuant to the tariff on imported ethanol be invested in the research, development and deployment of biofuels—especially biofuels like cellulosic ethanol that can be produced from biomass feedstocks.

There are some who advocate removing the ethanol tariff but I believe that it is currently unwise to do so. We are in the early stages of trying to build a renewable fuels industry that will eventually allow ethanol and other biofuels to be a real alternative to the fuels we currently derive from oil. The tariff is an important part of that because it helps the nascent ethanol industry and it ensures that we are not providing subsidies to ethanol produced in other nations.

It seems to me, however, that the money collected from this tariff can be put to better, more productive uses than merely deposited in the general fund. And, it would seem, that using these funds to help build our domestic ethanol production would be the wisest use of the money. Therefore, I propose that the tariff funds be collected in a specific trust fund and only be used for investment in biofuels research, development and deployment. Moreover, I propose that those funds be more specifically invested in the next generation of ethanol production—cellulosic ethanol produced from biomass feedstocks. These funds can be used in any of a number of ways to help offset the substantial costs inherent in starting an entire industry—like one for cellulosic ethanol—from scratch and in the face of volatile commodities and energy markets.

Our Nation faces a serious crisis brought on by our energy consumption and, most importantly, by our reliance on foreign sources of oil. As a Nebraskan, my focus has been on the role agriculture can play in the development of alternative sources of energy and I am convinced that American agriculture is positioned to supply the nation with an abundant source of clean, high-quality energy that will reduce our destructive reliance on foreign oil.

I also believe that biofuels production can be the catalyst for a new wave of American innovation as a part of the continuing search for better energy solutions. The virtue in producing cleaner, more sustainable fuels derived from our own fields rather than extracted from distant lands could help spur new technologies, new jobs and new growth in our national economy.

We in Nebraska know the value of ethanol. We know the benefits it holds for the environment and our farmers and we know that it is critical in lessening our dependence on foreign oil.

We also know that the ethanol industry creates jobs—nearly 1 in 4 jobs in Nebraska are agriculture related and new ethanol plants are opening across the State.

I believe that a national emphasis on biofuels production represents an important investment in the proud tradition of the American farmer, American ingenuity and American productivity. It's a win-win-win situation—a win for farmers, a win for agriculture and win for national security.

There is not an area of the country that does not have some agriculture product that can be used as an alternative energy source whether it's corn in Nebraska, forestry wastes in the Northeast and Northwest, or sugar cane in Hawaii, Louisiana and Florida; or whether it is biomass energy crops that can be grown throughout the country.

In conclusion, I am proud to introduce the Biofuels Investment Trust Fund Act with the hope that it will be part of the solution to our energy problems. The money we deposit in this Biofuels Trust Fund will help grow our biofuels industry and through that investment we will improve our national energy security, as well as boosting the economies in agriculture and our rural communities.

I request 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. 426

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 "Biofuels Investment Trust Fund Act".

SEC. 2. BIOFUELS INVESTMENT TRUST FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the "Biofuels Investment Trust Fund" (referred to in this Act as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under paragraph (2).

(2) TRANSFER.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Trust Fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

(b) EXPENDITURES FROM TRUST FUND.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Secretary of the Treasury, shall use amounts in the Trust Fund to provide financial assistance for research, development, and deployment programs for biofuels to increase the amount and diversity of biofuels produced in the United States and made available to consumers, especially for cellulosic ethanol production from biomass feedstocks.

(2) REQUIREMENTS.—The Secretary of Energy shall ensure that amounts made available under paragraph (1) shall be used only—

(A) to provide financial assistance to farmers, producers, biorefiners, researchers, universities, and other persons or entities involved in the research, development, deployment, or production of biofuels, especially the production of biomass feedstock for cellulosic ethanol production; or

(B) as otherwise directed by Congress to advance research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Trust Fund under subsection (a)(1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 45—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration.

S. RES. 45

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2007, through Sep-

tember 30, 2007, under this resolution shall not exceed \$1,524,019, of which amount (1) not to exceed \$117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed \$2,670,342, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed \$1,133,885, of which amount (1) not to exceed \$85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2008, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 212. Mr. PRYOR (for himself, Mr. WARNER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 213. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 214. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 215. Mr. HARKIN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 216. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 218. Mr. THUNE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 219. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 220. Mr. COLEMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 221. Mr. DURBIN proposed an amendment to amendment SA 157 proposed by Mr. DEMINT to the bill H.R. 2, supra.

TEXT OF AMENDMENTS

SA 212. Mr. PRYOR (for himself, Mr. WARNER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ EARNED INCOME INCLUDES COMBAT PAY.

(A) EARNED INCOME CREDIT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

“(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.”.

(b) REPEAL OF EGTRRA SUNSET APPLICABILITY.—Section 105 of the Working Families Tax Relief Act of 2004 shall not apply to the amendments made by section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 2006.

SA 213. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 4, line 21, strike “April 1, 2008” and insert “April 1, 2008 (January 1, 2009, if placed in service in the Gulf Opportunity Zone (as defined in section 1400M(1))”.

SA 214. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 6, lines 5 and 6, strike “April 1, 2008” and insert “April 1, 2008 (January 1, 2009, if placed in service in the Gulf Opportunity Zone (as defined in section 1400M(1))”.

SA 215. Mr. HARKIN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 16, line 1, strike all through page 31, line 8.

SA 216. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ALLOWANCE OF DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR ELECTING SMALL BUSINESS TRUSTS.

(a) IN GENERAL.—Section 641(c)(2)(C) of the Internal Revenue Code of 1986 (relating to modifications) is amended by adding at the end the following new sentence: “The deduction for charitable contributions allowed under clause (i) shall be determined without regard to section 642(c), and the limitations imposed by section 170(b)(1) on the amount of the deduction shall be applied to the electing small business trust as if it were an individual.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of section 3, add the following:

(c) APPLICABILITY TO AMERICAN SAMOA.—Notwithstanding sections 5, 6(a)(3), 8, 10, and 13(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206(a)(3), 208, 210, 213(e)), subsections (a) and (b) of this section shall apply to American Samoa in the same manner as such subsections apply to the Commonwealth of the Northern Mariana Islands.

SA 218. Mr. THUNE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE CONCERNING HEALTH INSURANCE FOR SMALL BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) raising the minimum wage may have an impact on small businesses and the number of employees and dependents who are covered by employee based health insurance; and

(2) the cost of health care is rising at an alarming rate and that almost half of the estimated 45,000,000 uninsured Americans are employees of, or are family members of, employees who work for small businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in order to address the issues described in subsection (a), Congress should vote during the first session of the 110th Congress to provide health insurance reforms that allow small businesses to purchase health insurance for their employees.

SA 219. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ REDUCTION IN INCOME TAX WITH-HOLDING DEPOSITS TO REFLECT FICA PAYROLL TAX CREDIT FOR CERTAIN EMPLOYERS LOCATED IN SPECIFIED PORTIONS OF THE GULF ZONE DURING 2007.

(a) GENERAL RULE.—In the case of any applicable calendar quarter—

(1) the aggregate amount of required income tax deposits of an eligible employer for the calendar quarter following the applicable calendar quarter shall be reduced by the payroll tax credit equivalent amount for the applicable calendar quarter, and

(2) the amount of any deduction allowable to the eligible employer under chapter 1 of the Internal Revenue Code of 1986 for taxes paid under section 3111 of such Code with respect to employment during the applicable calendar quarter shall be reduced by such payroll tax credit equivalent amount.

For purposes of the Internal Revenue Code of 1986, an eligible employer shall be treated as having paid, and an eligible employee shall be treated as having received, any wages or compensation deducted and withheld but not deposited by reason of paragraph (1).

(b) CARRYOVERS OF UNUSED AMOUNTS.—If the payroll tax credit equivalent amount for any applicable calendar quarter exceeds the required income tax deposits for the following calendar quarter—

(1) such excess shall be added to the payroll tax credit equivalent amount for the next applicable calendar quarter, and

(2) in the case of the last applicable calendar quarter, such excess shall be used to reduce required income tax deposits for any succeeding calendar quarter until such excess is used.

(c) PAYROLL TAX CREDIT EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “payroll tax credit equivalent amount” means, with respect to any applicable calendar quarter, an amount equal to 7.65 percent of the aggregate amount of wages or compensation—

(A) paid or incurred by the eligible employer with respect to employment of eligible employees during the applicable calendar quarter, and

(B) subject to the tax imposed by section 3111 of the Internal Revenue Code of 1986.

(2) TRADE OR BUSINESS REQUIREMENT.—A rule similar to the rule of section 51(f) of such Code shall apply for purposes of this section.

(3) LIMITATION ON WAGES SUBJECT TO CREDIT.—For purposes of this subsection, only wages and compensation of an eligible employee in an applicable calendar quarter, when added to such wages and compensation for any preceding applicable calendar quarter, not exceeding \$10,000 shall be taken into account with respect to such employee.

(d) ELIGIBLE EMPLOYER; ELIGIBLE EMPLOYEE.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term “eligible employer” means any employer which conducts an active trade or business in any specified portion of the GO Zone and employs not more than 75 full-time employees on the date of the enactment of this Act.

(B) SPECIFIED PORTION OF THE GO ZONE.—The term “specified portion of the GO Zone” means any portion of the GO Zone (as defined in section 1400M(1) of the Internal Revenue Code of 1986) which is in any county or parish which is identified by the Secretary of the Treasury as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

(2) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment with such eligible employer is in a specified portion of the GO Zone. Such term shall not include an employee described in section 401(c)(1)(A).

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term “applicable calendar quarter” means any of the 4 calendar quarters beginning after date of enactment.

(f) SPECIAL RULES.—For purposes of this section—

(1) REQUIRED INCOME TAX DEPOSITS.—The term “required income tax deposits” means deposits an eligible employer is required to make under section 6302 of the Internal Revenue Code of 1986 of taxes such employer is required to deduct and withhold under section 3402 of such Code.

(2) AGGREGATION RULES.—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply.

(3) EMPLOYERS NOT ON QUARTERLY SYSTEM.—The Secretary of the Treasury shall prescribe rules for the application of this section in the case of an eligible employer whose required income tax deposits are not made on a quarterly basis.

(4) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary—

(A) ACQUISITIONS.—If, after December 31, 2006, an employer acquires the major portion of a trade or business of another person (hereafter in this paragraph referred to as the “predecessor”) or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any calendar quarter ending after such acquisition, the amount of wages or compensation deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages or compensation paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

(B) DISPOSITIONS.—If, after December 31, 2006—

(i) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

(ii) the employer furnishes the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this section for any calendar quarter ending after such disposition, the amount of wages or compensation deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is at-

tributable to such trade or business or separate unit.

(5) OTHER RULES.—

(A) GOVERNMENT EMPLOYERS.—This section shall not apply if the employer is the Government of the United States, the government of any State or political subdivision of the State, or any agency or instrumentality of any such government.

(B) TREATMENT OF OTHER ENTITIES.—Rules similar to the rules of subsections (d) and (e) of section 52 of such Code shall apply for purposes of this section.

SA 220. Mr. COLEMAN (for himself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Beginning on page 31, line 9, strike all through page 39, line 10, and insert the following:

PART II—SUBCHAPTER S PROVISIONS

SEC. 211. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

“(B) PASSIVE INVESTMENT INCOME DEFINED.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term ‘passive investment income’ means gross receipts derived from royalties, rents, dividends, interest, and annuities.

“(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term ‘passive investment income’ shall not include interest on any obligation acquired in the ordinary course of the corporation’s trade or business from its sale of property described in section 1221(a)(1).

“(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term ‘passive investment income’ shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

“(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term ‘passive investment income’ shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

“(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term ‘passive investment income’ shall not include—

“(I) interest income earned by such bank or company, or

“(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.”.

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking “section 1362(d)(3)(C)” and inserting “section 1362(d)(3)(B)”.

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

SEC. 212. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

“(f) RESTRICTED BANK DIRECTOR STOCK.—

“(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

“(2) RESTRICTED BANK DIRECTOR STOCK.—

For purposes of this subsection, the term ‘restricted bank director stock’ means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

“(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

“(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

“(3) CROSS REFERENCE.—

“‘For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)’.”.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

“(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

“(1) shall be includible in gross income of the director, and

“(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount is included in the gross income of the director.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 213. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

“(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.”.

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

SEC. 214. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) **IN GENERAL.**—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking “For purposes of this title,” and inserting the following:

“(i) **IN GENERAL.**—For purposes of this title,” and

(2) by inserting at the end the following new clause:

“(ii) **TERMINATION BY REASON OF SALE OF STOCK.**—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

“(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

“(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.”.

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

SEC. 215. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after December 31, 2006) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 216. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) **NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.**—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: “This clause shall not apply for purposes of subsection (b)(1)(C).”.

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

SA 221. Mr. DURBIN proposed an amendment to amendment SA 157 proposed by Mr. DEMINT to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the end of the amendment add the following:

Section 2 of the bill shall take effect one day after date of enactment.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 1, 2007, at 9:30 a.m. in

Room 485 of the Russell Senate Office Building to conduct a confirmation hearing on the President's nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior, to be followed immediately by a business meeting to approve the nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the chairman would like to inform the members of the committee that the committee will hold a hearing entitled “Assessing Federal Small Business Assistance Programs for Veterans and Reservists,” on Wednesday, January 31, 2007, at 10 a.m. in Russell 428A.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I first ask unanimous consent that two members of my staff, Reed O'Connor and Ramona McGee, be granted the privilege of the floor for the duration of the 110th Congress.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Mexico-U.S. Inter-parliamentary Group during the 110th Congress: The Senator from Connecticut (Mr. DODD).

COMMENDING THE UNIVERSITY OF NEBRASKA—LINCOLN WOMEN'S VOLLEYBALL TEAM

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 44.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) commending the University of Nebraska-Lincoln women's volleyball team for winning the National Collegiate Athletic Association Division I Women's Volleyball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and I ask that a statement by Senator NELSON of Nebraska be printed in the RECORD.

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

• Mr. NELSON of Nebraska. Madam President, today I wish to congratulate the No. 1 volleyball team in America: the University of Nebraska Cornhuskers Women's Volleyball Team.

The Cornhuskers won their third national title with a 3-1 victory over Stanford University on December 16, 2006. Previously, Nebraska captured National Collegiate Athletic Association's Women's Division I Volleyball Championships in 1995 and 2000.

The win moved Nebraska into a tie for second place on the list of all-time NCAA Volleyball Championships among all schools. The title was also the second for the Huskers under Coach John Cook, who led Nebraska to the 2000 title in his first season as Nebraska's head coach.

Nebraska ended its 2006 season with a 33-1 record. The team's .971 winning percentage led the Nation and was the second-best mark in school history. The Huskers also became just the third team in NCAA history to be ranked No. 1 for the entire season.

In addition, the Cornhuskers are the first team outside of the Pacific Ten Conference to win a national title in women's volleyball since Nebraska's last title in 2000. After finishing runner-up last year, Nebraska became just the third volleyball team to ever win the National Championship season after losing in the NCAA's final match. Pennsylvania State University, Penn State, and the University of California at Los Angeles, UCLA, are the only other schools to accomplish such a feat.

Attendance at the championship match, played at the Qwest Center in Omaha, NE, totaled 17,209, an all-time collegiate volleyball record. The total attendance for the entire championship session of 34,222 also set an NCAA record. The previous record was 23,978 set during the 1998 Championships in Madison, WI.

On their way to winning the national title, several Huskers collected prestigious individual honors as well. Nebraska's 6-foot, 5-inch junior right-side hitter, Sarah Pavan, led the way, winning the American Volleyball Coaches Association's, AVCA, Division I National Player of the Year award and the 2006-2007 Honda Sports Award for volleyball. Pavan became the fourth Husker to win each award. Along with Pavan, sophomore outside hitter Jordan Larson was named an AVCA First Team All-American, while junior middle blocker Tracy Stalls was a second-team selection and redshirt freshman setter Rachel Holloway was a third-team honoree.

It is a tremendous accomplishment to win a National Championship, and the University of Nebraska's Women's Volleyball Team is to be commended for its excellence and for the pride it has instilled in all Nebraskans.●

The resolution (S. Res. 44) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 44

Whereas the University of Nebraska-Lincoln women's volleyball team (referred to in this preamble as the "Huskers") won the 2006 National Collegiate Athletic Association (NCAA) Division I Women's Volleyball National Championship at the Qwest Center in Omaha, Nebraska, on December 16, 2006;

Whereas Husker junior Sarah Pavan was chosen as the Nation's top collegiate female volleyball player, winning the 2006-07 Honda Sports Award for volleyball;

Whereas Sarah Pavan was named the ESPN Magazine Academic All-American of the Year, becoming the University of Nebraska's 234th Academic All-American and the university's 29th Academic All-American in volleyball;

Whereas the University of Nebraska leads the Nation in the number of players named Academic All-Americans;

Whereas the Huskers completed the 2006 season with a record of 33-1;

Whereas Husker head coach John Cook has led the team to 3 national championships;

Whereas the Huskers made their sixth appearance in the NCAA finals;

Whereas the 2006 Huskers are only the third team in the history of the NCAA to lead the American Volleyball Coaches Association poll for an entire season;

Whereas the entire Husker volleyball team should be commended for its determination, work ethic, attitude, and heart;

Whereas the University of Nebraska is building an impressive legacy of excellence in its volleyball program; and

Whereas the University of Nebraska volleyball players have brought great honor to themselves, their families, their university, and the State of Nebraska: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Nebraska-Lincoln women's volleyball team for winning the 2006 National Collegiate Athletic Association Division I Women's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication made winning the Championship possible.

ORDERS FOR TUESDAY, JANUARY 30, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand adjourned until 10 a.m., Tuesday, January 30; that on Tuesday, 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 for up to 10 minutes each, with the first 30 minutes under the control of the majority and the final 30 minutes under the control of the minority; that following morning business, the Senate resume consideration of H.R. 2, the minimum wage bill, and that the time until 12:15 p.m. be equally divided and controlled between the two leaders or their designees with the time from 11:55 a.m. to 12:05 p.m. under the control of the Republican leader and the time from 12:05 p.m. to 12:15 p.m. under the control of the majority leader; that at 12:15 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Baucus-Reid substitute amendment No. 100; that following the vote, regardless of the outcome, the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conferences; provided further, that Members have until 11 a.m. to file any second-degree amendments.

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

Mr. REID. Madam President, does the distinguished Republican leader have anything this evening?

Mr. McCONNELL. I would say to my friend, the majority leader, I have no additional observations to make at the moment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:35 p.m., adjourned until Tuesday, January 30, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2007:

DEPARTMENT OF DEFENSE

JAMES R. CLAPPER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE STEPHEN A. CAMBONE.

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008, VICE THOMAS WATERS GRANT, TERM EXPIRED.

IN THE AIR FORCE

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

To be major general

BRIGADIER GENERAL SHELBY G. BRYANT, 0000
BRIGADIER GENERAL MICHAEL D. DUBIE, 0000
BRIGADIER GENERAL HOWARD M. EDWARDS, 0000
BRIGADIER GENERAL NORMAN L. ELLIOTT, 0000
BRIGADIER GENERAL STEVEN E. FOSTER, 0000
BRIGADIER GENERAL ROBERT D. IRETON, 0000
BRIGADIER GENERAL EMIL III LASSEN, 0000
BRIGADIER GENERAL GEORGE T. LYNN, 0000
BRIGADIER GENERAL ROBERT B. NEWMAN, JR., 0000
BRIGADIER GENERAL TIMOTHY R. RUSH, 0000
BRIGADIER GENERAL STEPHEN M. SISCHO, 0000

To be brigadier general

COLONEL TRAVIS D. BALCH, 0000
COLONEL CRAIG W. BLANKENSTEIN, 0000
COLONEL WILLIAM J. CRISLER, JR., 0000
COLONEL JOHNNY O. HAIKEY, 0000
COLONEL RODNEY K. HUNTER, 0000
COLONEL JEFFREY R. JOHNSON, 0000
COLONEL VERLE L. JOHNSTON, JR., 0000
COLONEL JEFFREY S. LAWSON, 0000
COLONEL BRUCE R. MACOMBER, 0000
COLONEL GREGORY L. MARSTON, 0000
COLONEL JAMES M. MCCORMACK, 0000
COLONEL DEBORAH C. MCMANUS, 0000
COLONEL JOHN E. MOONEY, JR., 0000
COLONEL DANIEL L. PEABODY, 0000
COLONEL KENNY RICKET, 0000
COLONEL SCOTT B. SCHOFIELD, 0000
COLONEL JOHN G. SHEEDY, 0000
COLONEL JOHN B. SOLEAU, JR., 0000
COLONEL FRANCIS A. TURLEY, 0000
COLONEL JAMES R. WILSON, 0000
COLONEL PAUL G. WORCESTER, 0000

IN THE ARMY

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

To be brigadier general

COL. STEPHEN L. JONES, 0000