person. I commend the Governor of Wyoming for an outstanding choice and look forward to serving with the Senator for many years.

I yield the floor.

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

Mr. REID. Mr. President, the last physician we had, Senator Bill Frist, was a great public servant. I worked very closely with him over the years I was Democratic leader. The one thing I learned from Bill Frist is that a physician is always a physician. Everything Bill Frist did was through the eyes of someone trying to heal people. I am confident our new Senator, the esteemed Dr. BARRASSO from Wyoming, will be the same. As everyone knows, my personal relationship with Bill Frist was a very warm, close one. I believe like most of us who served with Bill Frist, whenever there was a medical problem in their life, whether it was family or a friend, Bill Frist was the first person they went to. I am confident we will now have another physician to go to. I was in a little trouble after Bill Frist left because all I had was my veterinary friend JOHN ENSIGN to go to. Now we are better off. I wish him the very best, and we are happy to have him with us.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. I yield the Senator from Texas such time as he may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. I thank the distinguished Senator from Wyoming and offer my congratulations, together with the entire Senate family, to our new Senator from Wyoming. He has big shoes to fill, but I know he is ready to work hard, and he certainly couldn't have come to this body at a more propitious and challenging time.

IMMIGRATION REFORM

Mr. CORNYN. Mr. President, as we continue to debate proposed solutions to our Nation's immigration crisis, we have heard a lot of strong language about how important it is that we find a solution. I couldn't agree more. At the same time we have been treated to some incredible claims, if not downright myths. That is not to say this bill is all bad, because it isn't. But neither is it true that it is all good and can't be improved by a little time to offer amendments and debate them. Instead of a reasonable approach, however, we have been told, for example, that this bill is better than the status quo which some have defined as de facto amnesty. I disagree. What we have now is lawlessness and disorder, not a de facto amnesty.

It has been suggested this bill is better than rounding up 12 million undocumented immigrants, so the only option is to confer upon them the greatest gift America can give a human being, which is American citizenship. The American people can see through that argument in a heartbeat. There are plainly other options available, somewhere in the middle between those two extremes.

Then we have been told unless we agree to what some have rightly identified as indistinguishable from the 1986 amnesty, we can't get border security or a secure means of identifying legal workers on the job. I ask: Why should security be made a hostage to those demands? Employers have been told the only way they can get legal workers to fill in labor shortages is the present bill. That clearly is not the case.

I believe we can do better than this bill. I sincerely want to fix this problem in all of its manifestations. What I do not want to be a party to is trying to fool the American people. I value the trust my constituents have placed in me too highly to overpromise, which this bill does, when the American people have good cause and good reason to know we cannot deliver as advertised.

The fallacious arguments I have referred to and the process by which this bill has been produced, which further inflame the skepticism of the American people, seem only to confirm for many Americans that the Senate is not serious about fixing our broken immigration system. If we are going to insult the intelligence of the American people with such specious justifications for this bill, how can they trust us? Moreover, how can they have any confidence that the various assurances on border security, worksite enforcement, security checks, and implementation of the provisions of this bill will actually work as advertised?

We all know our broken immigration system is a serious threat to national security. Border security, after all, is about national security. So the question we have to ask ourselves is: Does this bill make us safer? The more we have debated the bill, the more I have become convinced this legislation is not only dysfunctional, but unless corrected, some provisions of this bill present an actual danger to our Nation. This bill puts such onerous burdens on our law enforcement officials and ties the Government's hands in so much redtape that it will make us less, not more, safe. Some of the individuals involved in the recently foiled terrorist plots at JFK Airport and Fort Dix were in our country illegally. Some of those involved had even been granted citizenship by our current flawed immigration system. Thankfully, these plots were uncovered before they could be carried out. But knowing that there are likely terrorist cells already present in the United States, how can we in good conscience grant same-day legal status to more than 12 million foreign nationals?

Naturally, this bill does purport to require a background check. But instead of providing a reasonable timeframe for these reviews, an impossible burden is placed on our already overworked citizenship and immigration services to provide these checks in 24 hours. It simply cannot be done. Under our current immigration system, this office already does more of these screenings than it can handle. The Government Accountability Office reported last year this agency was stretched to the breaking point already. This has resulted in an unofficial 6-minute rule, the most amount of time that can be spent adjudicating any one application. Adding an average of 48,000 applications a day more will further backlog an already overtaxed system, meaning less in-depth reviews and more haphazardly granted visas. Again, more cases and less time for review of these applications can do nothing but increase the likelihood of mistakes.

An article in the June 17 edition of the Washington Post explained that a large part of the backlog involved in our current system was due to FBI name checks. Delays in FBI name checks already force long waiting times for citizenship applications. The Post reports that of about 329,000 cases pending as of May, 64 percent were stalled for more than 90 days, 32 percent for more than 1 year, and 17 percent for more than 2 years. They added that the backlog appears to get worse because of a fee increase slated to take place in July which has prompted a 50-percent rise in new naturalization applications so far this year. If a new immigration bill is enacted, millions of foreign nationals would also apply for legalization.

This problem is even more apparent considering the difficulties the State Department and the Department of Homeland Security have had this summer in implementing the new western hemisphere travel initiative. Of course, this legislation requires American citizens to have a passport for travel to Canada or Mexico, where that requirement did not exist before. Although the Federal Government had 3 years to get ready for this new stricter visa requirement and passport requirement, the Federal Government failed to adequately prepare, causing disruptions in the lives of tens of thousands of American citizens. If the Federal Government can't get it right with 3 years' notice to process passport applications for American citizens, how will it deal with the increased complexities and burden of processing up to 12 million foreign nationals? I wonder what the Government's response will be to the even larger backlog this bill will create? Will we simply give up on background checks altogether, when the citizenship and immigration service realizes what an impossible burden has been placed upon it?

As we overload our already fragile system and background checks are either too cursory to be safe or too delayed to meet unrealistic deadlines, we will be undoubtedly granting legal status to some individuals who should not

get it. The potential danger is actually worse than it might appear at first blush. Not only do we need to be concerned about terrorist cells and other criminals in our country, we should also be concerned about the privileges these individuals will receive with same-day legal status.

Most notably, the ability to travel in and out of the United States presents a great threat to us and to others. Those already in our country with the knowledge and ability to train others could travel to foreign nations, teaching terrorist cells everything from combat tactics to explosives construction. At the same time, terrorists in our Nation who do not possess the knowledge and training to participate in such attacks could use their new travel visas to visit training sites in other countries, bringing their newfound knowledge back home to America.

For example, a May 28 article from the New York Times describes the problems created by free travel in and out of nations surrounding Iraq. That article says:

> The Iraq war, which for years has drawn militants from around the world, is beginning to export fighters and tactics they have honed in the insurgency to neighboring countries and beyond.

The Times has reported:

> Some of the fighters appear to be leaving as part of the waves of Iraqi refugees crossing borders. . . . But others are dispatched from Iraq for specific missions.

Granting same-day legal status and the privileges that accompany it to poorly screened foreign nationals has the risk of making us less safe and, indeed, potentially helping spread this threat not just to America but to other places around the world.

The impossible goals of this bill do not stop there. The bill calls for the Department of Homeland Security to define, procure, develop, and implement a worker verification system to check 200 million Americans in less than 2 years. How can the American people have any faith in the enforcement provisions of this bill when these provisions include unattainable goals and untenable standards?

For this reason, it is important we not pass any immigration legislation that makes these mistakes and repeats so many from the 1986 predecessor. I continue to hope we can pass meaningful, safe immigration reform. Everyone knows our current immigration system is broken, and I wish to see it fixed. But this bill will not do it.

Finally, one of the biggest problems we have had with this legislation centers around the way it came to the floor of the Senate. Written behind closed doors, this bill did not even see the light of a committee room. Instead, it promptly proceeded to the floor of the Senate. The short-term result was predictable. Senators wanted to offer amendments, many of them including important improvements which might have been appropriately dealt with in the committee process.

The majority leader's frustration with the number of amendments being offered led to that bill being pulled after almost 2 weeks on the Senate floor. Now a new bill is back. Instead of learning from our mistakes, the bill has once again been secretly negotiated, and will once again forgo the committee process.

What is worse, we have been told it will be presented to us with bipartisan amendments already chosen by a select few Senators, unrepresentative of the wide variety of strongly held views in the Senate.

There is a list of amendments which I believe ought to be included in this bill, amendments that I think might find support among my colleagues if given an opportunity to offer them—provisions such as one that would prevent criminal aliens from delaying and even avoiding their deportation by filing frivolous applications for a Z visa, and then appealing against those denied applications.

Another amendment I would offer, if given an opportunity, would prohibit criminal aliens, including gang members and absconders, from tying up our courts with frivolous appeals from the denial of a request for a waiver of grounds for removal. The bottleneck sure to ensue without these two provisions will cause extensive delays that will only increase the costs involved with this bill and allow abuse of the system.

A third amendment I would offer, if given an opportunity, would require judges to consider national security implications before issuing nationwide injunctions against immigration enforcement, an essential provision to protecting our border, something this bill claims to do.

I wish to add an amendment preventing those who have committed terrorist acts or aided terrorists from asserting they are meeting the ''good moral character'' requirement—something that seems so inherently obvious that I am shocked this bill, as currently written, would allow it.

Last year, Mohammed El Shorbagi pleaded guilty to providing material support to the terrorist organization known as Hamas. His conviction, however, did not specifically bar him from seeking American citizenship because under the law aiding an organization that routinely fires rockets on innocent civilians, families, and neighborhoods, abducts and kidnaps individuals, and has most recently staged a violent coup of an established unity government does not in any way affect your ''good moral character,'' as currently written. It is a dangerous shortcoming of our laws which will not be addressed because of the closed and secretive manner in which this bill is being considered.

I wish also to limit the timeframe for an appeal to 2 years so that court proceedings do not drag on endlessly, wasting tax dollars, and allowing those who are not entitled to the benefits of our immigration system to remain here indefinitely under the cover of an appeal.

These are only five of the amendments which I wish to offer which I think would make this bill better, if I had a chance to offer them and if Senators had a chance to vote on them. Others would make it harder for gang members to qualify, force immigrants to file a change of address notification with the Department of Homeland Security when they move, and authorize the detention of dangerous aliens during their deportation trial.

Unfortunately, under the process the majority leader will provide us, no opportunity for these measures to be considered will be allowed and, thus, they will not be in the final bill.

Rather, the world's greatest deliberative body will be presented with a bill that has not been fully considered, will not be fully debated, and where there will not be an adequate opportunity to offer and vote on amendments. Since when did the Senate have so little to say when shaping legislation which we will vote on? Since when did the majority leader get the power to force legislation on the rest of the Senate?

I cannot support this flawed bill or this broken secret process that has produced it. I hope my colleagues will join me in insisting upon free and open debates, which are the hallmark of the Senate, and which are the only possible path forward to providing a rational, commonsense answer to the challenge of immigration reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 30 minutes as in morning business, with the time taken from Senator KENNEDY's time.

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

The Senator from Oregon is recognized.

HEALTHY AMERICANS ACT

Mr. WYDEN. Mr. President and colleagues, there will be a great deal of activity in the Senate this week, and I want to take a few minutes to talk about the fact that this is going to be a big week in American health care as well.

There will be considerable effort devoted to the State Children's Health Insurance program. I see our friend Senator HATCH on the floor of the Senate. I commend Senator HATCH for his work on this program. The effort on the State Children's Health Insurance Program, in particular, has been a bipartisan one, involving Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH. I commend their efforts on this legislation. Senator HATCH and I have talked about this in the context of health care reform many times. It is a moral blot on our country that so many youngsters do not have quality, affordable health care, do not have good coverage

like the children of Members of Congress.

So I want it understood that I am in strong support of the bipartisan efforts on the State Children's Health Insurance program that are ongoing in the Senate Finance Committee on which Senator HATCH and I serve. I particularly commend Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH for the leadership they have shown.

Also, this week there will be several other significant activities in health care. Tomorrow, the Senate Budget Committee will open hearings on comprehensive proposals to fix American health care. They will start by looking at the bipartisan legislation I have worked on with Senator BENNETT of Utah. It is the first bipartisan proposal to overhaul American health care in almost 15 years. That and other approaches will be talked about in the Senate Budget Committee with the chair of our committee, Senator CONRAD, and Senator GREGG, having a longstanding interest on the question of health care reform, realizing you cannot get on top of big budgetary challenges in the United States if you do not address health care.

Then, finally, at the end of the week, my guess is there are going to be a lot of Americans flocking to the movie theaters to look at Mr. Michael Moore's movie. I will say, for purposes of the discussion this afternoon, since I am not in the movie business, I will spend my time this afternoon talking about health care legislation that is bipartisan in the Senate. Since I have mentioned the question of SCHIP, and how important it is, and how important it is that it be addressed quickly, let me turn now to the question of the Healthy Americans Act.

After 60 years of debate, going back to the days of Harry Truman, I believe the cure for America's ailing health care system is now within reach. My view is we are seeing encouraging signs pop up everywhere.

For example, the business community has done an about-face on the issue of health care reform. For example, in 1993—the last time Congress tackled this issue, during the Clinton administration—the business community said: We cannot afford health care reform. Now the business community is saying: We cannot afford the status quo. Previous adversaries, particularly business and labor, are now coming together to work for reform.

As the distinguished Presiding Officer knows, from our discussions when I introduced my legislation, the bipartisan Healthy Americans Act, we had Andy Stern, the president of the Service Employees International Union, standing right next to Steve Burd, the president of Safeway Company, and mid-size employers and small employers. So we are seeing the business community that so often has been at odds with labor and others coming together with them saying: We cannot afford the status quo.

Finally, it seems to me we have had a coming together of Democrats and Republicans on this issue. I am very pleased, under the leadership of my lead co-sponsor, Senator BENNETT, many Republicans have said they will go to a place they have had questions about in the past; that is, covering everybody. You say those words, ''covering everybody,'' and, of course, to some people that implies you are going to have a government-run plan, it is somehow going to be a socialistic kind of plan. Well, many conservatives, many Republicans have come to agree with Senator BENNETT and me that you cannot fix American health care unless you cover everybody because if you do not cover everybody, what you have is people who are uninsured shifting their bills over to those who are insured.

Families USA has done an analysis indicating, in their view, that those who have insurance may pay in the vicinity of $1,000 worth of their premium to cover people who do not have insurance. So my view is, with Republicans and Democrats coming together in an area saying, ''Let's make sure everybody is covered,'' we do have positive signs for reform.

Now, of course, bumping up against these positive signs is the popular wisdom. The popular wisdom, of course, is: Oh, Government cannot possibly put something together. People say: Oh, Government cannot organize a two-car parade, let alone fix something that will be a seventh of the American economy: American health care. People say there are too many lobbyists—too many lobbyists—many more than legislators. They are going to block it. They say, of course, touching on the point I made earlier, that people who have coverage, they are going to say: Gosh, I would rather stay with the devil I know rather than that other guy, that other devil. But I will tell my colleagues, I think the public understands the system is broken, and if now the Congress comes forward with a step-by-step strategy to fix American health care, I think the public will be receptive.

So let me outline, for purposes of a brief discussion, what goes into the diagnosis with respect to what is ailing American health care. I think, for the most part, people understand what is ailing our health care system, so I am going to make this diagnosis brief. First, for the amount of money we are spending in this country annually—$2.3 trillion—you could go out and hire a doctor for every seven families in the United States. So let's talk about what that means for folks in Arkansas and what it means for folks in Utah. If you divide the number of people in this country—300 million—into $2.3 trillion, which is what we will be spending on health care this year, you could go out and hire a doctor for every seven families in the State of Arkansas, pay the doctor $200,000 for the year and say, Doc, that is your job. You are going to take care of seven families. Whenever I am out and about speaking to physician groups, they always come up to me and say: RON, where do I go to get my seven families? Because I like that idea of being able to be a physician again, to actually be an advocate for patients. So we are spending enough money.

Now, despite these enormous sums and the fact that we have thousands of dedicated, caring, and talented health care professionals, the collective value we get for our health care dollar in America is shockingly small. For example, we are 31st in the world in life expectancy, having recently surged ahead of Albania but still lagging behind Jordan. On infant mortality, we are beating out Belarus, but we are still lagging behind Cuba.

Part of our challenge is we don't have a lot of health care; we have mostly sick care. Medicare Part A and Part B show this better than anything else. In the State of Arkansas, under Part A of Medicare—or Utah or Oregon or anywhere else—Medicare will pay thousands of dollars for senior citizens' bills. It goes right from Medicare to a hospital in Arkansas and Oregon. Medicare Part B, however, the outpatient part of Medicare in our States, pays hardly anything for prevention, hardly anything to keep people well, and keep them from landing in the hospital and racking up those huge expenses in terms of health care. We ought to change that. We ought to change it, and I am going to talk a bit about how the Healthy Americans Act does it and does it with incentives.

In addition to this bias against wellness and against preventive health care, we have a system where the biggest expenditure, which is the tax breaks for employer-based coverage, goes disproportionately to the wealthiest of us and encourages inefficiency to boot. Under the Tax Code today, if you are a high-flying CEO, you write off on your taxes the costs of getting a designer smile. But if you are a poor woman working at the corner furniture store, you get virtually nothing. The biggest reductions now in employer-based coverage—the biggest reductions, according to a new study by the Robert Wood Johnson Foundation—comes in the area of low-income workers.

So that is a bit about the diagnosis, and I already mentioned the fact that people who have insurance pay about $1,000 from their premium for folks who are uninsured.

Now I wish to talk about what we are going to do about it. What is it we are actually going to do about the big challenges with respect to health care? When I have gone home and had town meetings, we have always had kind of a back and forth early on between folks who say they want a government-run health care system of some sort and folks who want a private sector-oriented system. The discussion goes back and forth, and I am sure my colleagues have had similar experiences when they are home talking about health

care. But finally, after a little bit of back and forth, somebody in the audience stands up and says: RON, we want health care like you people in Congress have. We want coverage like you people and your families have. Then everybody starts cheering. Everybody is cheering for that. Nobody knows exactly what it involves or what it constitutes, but they figure if Members of Congress have it, that is what they want as well. So I very often, at that point, reach into my back pocket and take out my wallet, take out my Blue Cross card and ask people if that is what they want. It is private insurance. It covers me. It covers the Wyden family. People say, yes, that is what they want.

So I wrote a piece of legislation, the Healthy Americans Act, that gives folks across the country—in Oregon and Arkansas and Utah, across the country—guaranteed coverage such as Members of Congress get, delivered in a manner such as Members of Congress have, with choices and benefits such as Member of Congress have. Folks can get all the details about how this works at my Web site: Wyden.senate.gov.

Now, the Lewin Group—they are an independent, nonpartisan health care consulting group; kind of the gold standard for health policy analysis—says you can make that pledge, the pledge that I made for coverage at least as good as Members of Congress get, for all Americans for the $2.3 trillion that is spent annually, and, according to the Lewin Group, you would reduce health care spending by almost $1.5 trillion over the next decade.

Here is a bit of how the Healthy Americans Act works. Our country has about 300 million people, as I have mentioned. I don't alter the basic structure of care for Medicare, the military, and the small Government programs. The reforms I make to the Medicare program keep the basic structure of Medicare as is, but we do tackle the two biggest challenges facing the program.

The first is we are seeing a huge increase—a huge increase—in chronic illness. These are folks with heart and stroke and diabetes, a variety of problems that are chronic in nature. In fact, the estimate is about 5 percent of those on Medicare use up about 60 percent of the Medicare expenses. So we create efficiencies for how to better manage the chronic care that this large group of people incur. I think it will help generate savings for the long term. As we do that, we attack the underlying reason so many Americans need chronic care; that is, prevention has been given short shrift. So under our legislation, we create incentives for parents to enroll children and their family in preventive programs. They get lower premiums if they do. With respect to Medicare specifically, for the first time we authorize the Government to lower Medicare Part B premiums, the outpatient premiums, so that if seniors lower their blood pressure, lower their cholesterol, and engage in sensible, preventive medicine, they would experience lower premiums.

So we make improvements to Medicare, and Government programs clearly can be refined. But I am of the view that in the area of Medicare and the VA and some of the smaller Government health care programs, we basically ought to focus on keeping the basic structure as it is and making improvements as I have outlined in the chronic care and prevention care within that basic structure. So if you do that, if you set aside Medicare and the VA, you are left with about 250 million people. About 170 million of those folks get their coverage through employer-based health care. About 48 million are uninsured. They are often without any coverage at all. They may have some very modest coverage—charity care—and then we have folks in the individual market and Medicaid.

So let me describe what we do for folks in that area where there are 250 million people, folks who aren't covered by Medicare or the VA. If a citizen does have employer coverage, the employer is required by law to cash out the worker. We do it in a way so that with the very first paychecks, the first paychecks issued under the Healthy Americans Act, the worker will win and the employer will win.

Let's say, hypothetically, in Arkansas or Oregon, you have a worker who has a salary of $50,000, and the employer is purchasing $12,000 worth of health care benefits for them as well. Under the legislation, the employer is required by law to give the worker $62,000 in compensation—salary plus the value of their health care benefits. Then, we adjust the workers' tax bracket so they don't pay any additional tax on the additional compensation. That is important because, for all practical purposes, Senator BENNETT and I have legislated the biggest pay raise in the country's history by putting that extra cash in the workers' pockets. So when the worker sees it—we spent a lot of time talking about it—the worker says: That is pretty cool getting all this extra money. What is the catch? There has to be a catch if I am getting all this extra compensation. There is a catch. The worker, under the Healthy Americans Act, has to buy a basic health insurance policy, including prevention, outpatient, inpatient, and catastrophic—a basic policy. The first thing the worker is going to say is: How in the world do I do that? How am I going to be able to buy my own coverage? So we set up something called Health Help to make it easy for people, and people could do it online, to purchase their own coverage. We fixed the private marketplace to make it easier. Private insurance companies can't cherry-pick. They can't take just the healthy people and send sick folks over to Government programs more fragile than they are. There is community rating. People go into big pools so you can spread the cost of the risk. There is guaranteed issue so you can't be turned down. We also prevent people from being hammered because they have a preexisting illness.

So that is the way it works for folks who now have coverage, about 170 million of them. In the case of the worker I described in Oregon and Arkansas, $50,000 in salary, $12,000 in health care, $62,000 in compensation, if they can use that to go out, say, and buy a basic health insurance policy for $11,500 rather than the $12,000 they are now getting for health care, they can be on their way to Oregon for a great fishing trip in Central Oregon, because that is exactly what we are trying to do, is to create marketplace incentives for folks to try to hold their costs down. If the employer doesn't offer the coverage, employers make a contribution on the basis of their revenue per employee.

We had three groups of employers we worked on with this: large employers, medium-sized employers, and small employers, and when we launched the whole effort, there were representatives from each of those three employer groups. So it is a bipartisan bill: Senator BENNETT, a Republican, and myself, a Democrat. It is bipartisan, and it has the support of business and labor organizations.

Where does the money come from to pay for the Healthy Americans Act? We can make substantial savings by redirecting the Tax Code away from the system today which disproportionately favors the most affluent and rewards inefficiency. We steer it more to the middle class and the working poor. There are substantial administrative savings. According to the Lewin Group, this consulting group for private insurance, we have the administrative costs down to under 5 percent. That means we are going to systematically drive out a lot of what is being spent on marketing and underwriting and various kinds of inefficiency, which is clearly unneeded. We make substantial savings in what is called the disproportionate share of funding that now goes to the hospitals when they have to pick up the bills for those who are uninsured. It makes so much more sense. Instead of a poor person who has no coverage going to a hospital emergency room in Arkansas or Oregon or Utah, it makes so much more sense to use the scarce dollars so that person can afford a private insurance policy. It would be targeted at outpatient care and inpatient care and prevention rather than frittering away so much of our scarce resources for hospital emergency room services.

This legislation does that. The insurance companies compete not on the basis of cherry-picking but on the basis of price, benefit, and quality. Finally, we make care for the poor much more efficient and humane. Right now, if you are poor in America, you have to go out and try to squeeze yourself into one of perhaps 30 boxes in order to be able to get care as someone who is low

income. I think that is degrading and inefficient. We can do better.

Under the Healthy Americans Act, we say care for those individuals is automatic. They would get covered automatically. Once they are signed up, they are in forever. I know there are many who are saying that fixing health care is not possible in this Congress. I already mentioned the good work of Senator ROCKEFELLER, Senator HATCH, Senator BAUCUS, and Senator GRASSLEY on the children's health program. I will be with them all the way. They have done very good work. The fact that so many kids don't have decent health care is morally wrong and Congress ought to address it. I am going to do everything I can to help them.

I think this Congress ought to go farther. I don't think we got an election certificate to sit around and wait for another Presidential campaign to get going. Fortunately, under the leadership of Senators CONRAD and GREGG, the Senate Budget Committee will get going tomorrow, looking at a variety of options to fix health care. We are going to start with the Healthy Americans Act, but certainly a lot of colleagues have good ideas, and many are bipartisan. Certainly, Senators FEINGOLD and GRAHAM have good ideas. The American people don't want us to wait for 2 more years. They are not going to be tricked into comprehensive reform. The subject is too personal. They want to know what the benefits are going to be, what their costs are going to be; but they are ready. They know the current system cannot be sustained given our rapidly aging population, the huge increase in chronic illness, the disadvantages the employers face, and the tough global markets.

The American people know the current system cannot be sustained. They understand it is broken and we are going to show them there is a better way, a bipartisan way. The hearing that will begin tomorrow, and the bill Senator BENNETT and I have, will be the first bipartisan proposal to overhaul American health care in 15 years. I don't think we ought to wait 2 more years. That is not what we got an election certificate to do. Let's pass the SCHIP legislation. One of the key sponsors is on the floor this afternoon. Let us move on to address a new direction in American health care to finally make it possible for all of our citizens to get under the tent for basic, affordable, quality health coverage.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I rise to speak about the Employee Free Choice Act. Before that, I compliment the Senator from Oregon for the outstanding leadership he provided on this issue. Every American deserves access to affordable health insurance. This is the 21st century. He has worked in a bipartisan way to get important perspectives on the table, and I will add my voice to that discussion. I applaud his leadership on this issue. It is something we have to get done. Time is passing us by and we have it in our capacity to do it. The Senator from Oregon has provided important leadership.

Again, I rise to voice my opposition to the Employee Free Choice Act. It is kind of a misnomer. There is not a lot of free choice in what has been labeled the Employee Free Choice Act.

It is an awesome privilege for those of us who serve in the Senate to have this magnificent Capitol as a workplace. Its massive dome and perfect symmetry have been an inspiration to generations. Its most vital feature is something none of us have seen: its sturdy foundation, which lies beneath this building. Our democracy has a foundation as well: It is the ability of our citizens to cast their votes freely, fairly, and secretly, without anyone looking over their shoulder.

Certainly, that is the expectation when we walk into the booth to vote on election day. All of us have our place in this Senate based on the right of individuals to step forward and cast a secret ballot, which is one of the fundamental underpinnings of democracy. We pull the curtain, mark our ballot in private, and rely on our own personal conscience and convictions, free from any outside pressures.

For more than 200 years, the secret ballot has been one of the most fundamental principles of American democracy. As the great revolutionary figure Thomas Paine wrote:

> The right to vote is the right upon which all other rights depend.

That same principle has held true for American workers who have had the right to a secret ballot when it comes to unionization for the last 60 years.

I believe in a worker's right to union representation. I served for 8 years as mayor of St. Paul and I worked closely with unions to ensure that their right to organize was protected. But I also strongly believe in a worker's right to a secret ballot election. I will fight to protect that right—a right that the vast majority of Americans and union members support.

This fundamental belief in a worker's right to a secret ballot election has long been upheld by the courts. Throughout the years, the courts have spoken of the importance of secret ballot elections. The DC Circuit Court of Appeals said it best in a 1991 case that the ''freedom of choice is a matter at the very center of our national labor relations policy, and a secret election is the preferred method of gauging choice.''

Although the secret ballot process has served workers and unions well, the right to a secret ballot election is now under serious threat.

Already passed by the House, the Employee Free Choice Act would take away a worker's right to a private vote for union representation. Simply put, the passage of this legislation would deny American workers the choice to freely and privately choose whether to join a union by replacing the secret ballot process with a card-check process. So we would be telling our workers that instead of having the right to a federally supervised election by secret ballot, that gets tossed aside and we now use a card-check process—somebody coming up and saying, ''do you want to sign this?''

What is fascinating—and I have been involved in this business for 5 years as a Senator, 8 years as a mayor, and in the attorney general office for 19 years. I worked on a lot of issues—I hear a lot of discussion by my colleagues about some of the concerns impacting American workers today, the challenges we face in dealing with globalization and the pressures of working people. We should deal with those, but this is not the answer. This is not the answer to the issues and concerns being raised. Taking away the right to a secret ballot is not the answer.

Under the card-check process, there is no ballot, no voting booth, no ballot box, and no privacy for the worker's choice. Rather than a ballot, there is a union authorization card. Rather than the safe confines of the voting booth, the worker is surrounded by union members, and employers, as he or she considers the union authorization card. Rather than the privacy afforded by the secret ballot process, a worker's decision is publicly known.

The reality is that unions also fully appreciate the importance of secret ballot elections. For instance, when it comes to union decertification—in other words, when workers want to terminate union representation—the unions believe in secret ballot elections, which the AFL–CIO has characterized as ''the surest means for avoiding decisions which are the result of group pressures and not individual decision.''

I want to protect individual decisions. In the Senate, we should protect the sanctity of individuals' decisions, and we should protect the sanctity of federally supervised secret ballot elections. Certainly, if they are good enough for decertification, they should be good enough for union organizing.

I come to this debate with a strong and successful record of working with unions and fighting for American workers, including increasing the minimum wage and supporting collective bargaining rights for public safety workers. Again, I was mayor of St. Paul for 8 years, and during that time we settled every contract at the bargaining table. I am also proud of the support I have received over the years from the police unions, fire unions, building trade unions. That support is very important to me and I remain fully committed to the collective bargaining process.

The legislation pending before this body hurts workers, and it is on that basis that I cannot support it.

As we soon celebrate the July 4 holiday, we should honor our Nation's freedoms and liberties by ensuring that a worker's fundamental rights to a secret ballot election is protected. We should do so out of respect for our Nation's founding principles, so workers can make important choices about their workplaces and livelihoods without fear of repercussions for expressing their honest opinions. That is the simple fairness on which our whole system has rested.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, the proponents of this measure have tried to make the case that unions are good and that they deliver higher wages, benefits and overall prosperity for their members. Whether that is true or not is not the issue we are debating here today.

In fact, I am struck by the irony of the proponents' argument. If unions are so valuable to working Americans, unions should not have any difficulty winning an NLRB-supervised representation election. What do good unions have to fear from secret ballot elections?

Whether unions are good for workers is beside the point. This debate is about the method by which workers are allowed to choose a union.

If workers want to have a union in their workplace, they should be able to freely vote for one. But, workers cannot make this decision freely with either the employer or the union looking over their shoulders.

Card check is a recipe for legalized harassment and intimidation. The Senate should not allow this measure to pass.

Mr. President, I want to speak against cloture on the so-called Employee Free Choice Act, because it promotes neither freedom nor choice for employees when it comes to union representation. Rather, the card-check certification, the binding interest arbitration, and the penalty sanctions of the so-called Employee Free Choice Act would deprive employees of their freedom and choice in union representation that the National Labor Relations Act guarantees them and that the National Labor Relations Board secures for them.

The supporters of the so-called Employee Free Choice Act claim that the current system is broken and that the so-called Employee Free Choice Act will correct the deficiencies of the current system. However, they are misguided, because there is no free choice when an employee is bound by signatures on union authorization cards instead of votes in a secret ballot election made after an employee can learn about the advantages and disadvantages of union representation.

There is no free choice when a Government-appointed arbitrator decides the terms of a union contract that is binding for at least two years and employees are denied the right to vote on whether to accept the union contract. In other words, it's mandatory arbitration on both the employees and the company.

Contrary to the claims of the supporters of H.R. 800, the National Labor Relations Act is effective in providing for and protecting the free choice of employees in union representation. In fact, current statistics from the National Labor Relations Board demonstrate that the system does work.

In a recently released study of statistics for 2006, the win rate of unions in secret ballot elections supervised by the National Labor Relations Board has increased for the tenth consecutive year. That is correct—unions have a rising in secret ballot elections over the span of the last 10 years.

For example, in 2006, the union win rate was 61.5 percent of all representation elections, which was up from 61.4 percent in 2005. Since 1996, unions have won more than 50 percent of all NLRB-supervised elections in each year. Thus, secret ballot elections supervised by the National Labor Relations Board are effective and time-honored avenues for employees to express their free choice on union representation.

More significantly, unions are winning well over 50 percent of these secret ballot elections. Yet the supporters of this bill, H.R. 800, now want to cast aside this effective system and give unions the ability to increase membership and dues by a forced card check system and a guarantee of a Government-imposed initial union contract.

Additional proof that the National Labor Relations Board is conducting union representation elections in an efficient and timely manner is found in reports from the Board itself. For 2006, the median time between the filing of a union's election petition and the election was just 39 days. In addition, 94.2 percent of all initial union representation elections were held within 56 days from the time the union filed its election petition.

In short, the system is not broken. Rather, the system works, and it works in favor of unions in over 50 percent of these secret ballot elections. If there is a breakdown as unions claim, then it may be that it is with unions and their appeal and message to the working men and women of this country. The reason unions are fighting for passage of the so-called Employee Free Choice Act is that they are fighting to maintain their political relevance. According to the Bureau of Labor Statistics of the U.S. Department of Labor, unions' membership of the private sector workforce in this country is only 7.4 percent today. This is down from 7.8 percent in 2005. It is a continuation of the decline in union membership from 20.1 percent in 1983.

Thus, the so-called Employee Free Choice Act is not as important and imperative as organized labor has claimed because it does not protect the free choice of employees in union representation. It has nothing to do with leveling the playing field in a globally competitive market. Rather, the so-called Employee Free Choice Act is a quintessential political power play. It is about changing the law by turning your back on one of the hallmarks of a democratic society—a secret ballot election—and by supplanting the collective bargaining process with a federally mandated union contract. With these changes in the law, it will be easier for unions to increase membership by forced card check and to increase their financial dues to sprinkle around so that unions can maintain their political influence which is disproportionate to their shrinking membership.

I encourage my colleagues to stand up for working men and women by opposing this ill-advised legislation.

Mr. President, I think it is time that somebody stood up to defend the hard-working career employees of the National Labor Relations Board, NLRB, who are under attack from organized labor and who are being demeaned by this legislation, this so-called Employee Free Choice Act.

As I said, in 1978, during the labor law reform debate, the NLRB is one of the finest and most efficient organizations in the Federal Government, and its lawyers serve the public interest by representing the Nation's employees—not unions or employers but employees. They are among the best lawyers in Government or, for that matter, anywhere in the private sector, anywhere in private practice law firms, and their representation of employees is free of charge. Although I certainly do not always agree with the NLRB or its decisions, I have consistently defended the agency over the 31 years I have been in the Senate.

NLRB lawyers in Washington and throughout the country in regional and subregional offices are among the most dedicated protectors of employee rights—apparently even more so than unions if one considers the unions' position on H.R. 800 denying secret ballot rights of employees and depriving employees of a vote on wages and terms and employment conditions resulting from a federally imposed union contract.

If H.R. 800 were to pass, NLRB lawyers would have to become, in effect, handwriting analysts, making sure employee signatures on union-solicited authorization cards are not forged or fraudulent. The proud record of the agency and its lawyers in conducting secret ballot elections for union representation and in protecting the rights of employees in the election process would be history. The voting booth, the ballot box, the American flag, the NLRB agent standing guard to make sure the election is conducted without intimidation or coercion by unions or employers—all that would be thrown out and replaced with one role: simply counting union authorization cards submitted by union organizers.

With that, of course, would potentially come the loss of career NLRB jobs, since how many handwriting experts does the NLRB have or need? They deserve better treatment from organized labor, as do the employees the NLRB seeks to protect.

Lost also under H.R. 800 would be the significance for employees of walking into the voting booth to cast a private vote for or against a union. After all, under the card check system in H.R. 800, employees do not get to vote against union representation even though they will be bound by principles of majority rule and exclusive representation.

Let's get that clear. If 50 percent of the employees plus one sign cards, the other 49.9 percent are disenfranchised. If they don't want a union, that is tough; they are automatically unionized. That is not right. Under the card check system in H.R. 800, employees do not get to vote against union representation even though they will be bound by principles of majority rule and exclusive representation. Their vote, if one can call it that, is not signing a card, assuming they are even asked to sign a card, which is far different from having the opportunity of saying no.

Under the current NLRB secret ballot election process, all employees designated as an appropriate unit get to vote, even though some may not exercise that right. Under the card check system in H.R. 800, apparently all a union organizer has to do is define a unit of employees appropriate for collective bargaining—for example, a group of employees who share a community of interest—and then solicit authorization cards from a majority of employees in that unit. Once the organizers reach signatures from 50 percent plus one, all they do is then take the signed cards to the NLRB for certification, regardless of what the other 50 percent of the employees really feel about the process.

As under current law, of course, the NLRB may make a determination that the unit is an appropriate unit for bargaining, although not necessarily the appropriate unit. However, under the card check process of H.R. 800, the other 49 percent of the employees may not even know until after the fact that they were part of a petitioned-for-bargaining unit since they would never have been given an opportunity to vote or even asked to sign union authorization cards. At least under the current system, they are notified that they are part of a petitioned-for-bargaining unit and given the opportunity to vote for or against the union in a secret ballot election.

There are many victims of H.R. 800—employees, employers, the NLRB and its career employees and, most importantly, sound national labor public policy. The only winners under H.R. 800 would be the union leaders and those who slavishly do their bidding in exchange for political support.

Of course, I believe those who vote against cloture on the motion to proceed to H.R. 800 will be the true political winners since we will have joined the majority of Americans for protecting the rights of employees through a secret ballot election and against fear, coercion, and intimidation by union organizers to have employees sign union authorization cards. We will have stood by employees and not the union bosses. By defeating cloture on this radical legislation, we will have prevented the economic catastrophe of having federally appointed arbitrators impose wages, benefits, and terms of employment.

Ultimately, the employees will be the winners by stopping this antiemployee legislation.

Mr. President, 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, the debate we are having in the Senate on the Employee Free Choice Act is about workers' rights. It is about the plight of the American worker. It is about workers being able to organize. And my guess is that the Senator from Illinois, the Presiding Officer, perhaps even the Senator from Utah, was in the Chamber of the House some years ago when a man from Poland came to speak to us. I want to recount that today because I want to recount how strongly our country felt then and how much we admired the man from Poland who spoke to a joint session of Congress and what it means symbolically for workers to be able to organize.

It was interesting to watch from afar an organization called Solidarity in Poland, a group of workers organized under the banner of Solidarity. Well, one day, in a joint session of Congress, we heard from a foreign leader.

The joint session is full of pageantry. The House and the Senate are gathered together in the Chamber of the House, and the Doorkeeper announces the Supreme Court, then announces the Cabinet Secretaries, then the Senate Members, and then everyone is in the Chamber. And usually they announce the President of the United States as he comes to give a State of the Union Address, or perhaps, on rare occasions, a special message. On even rarer occasions, they will announce a foreign leader.

On this day, the Doorkeeper of the House of Representatives announced Lech Walesa from Poland, and this rather short, chubby man came forward, with a handlebar mustache. He came to the dais in the House of Representatives. The applause began and continued and continued and continued. This man, Lech Walesa from Poland, began speaking, and he gave an enormously powerful speech. Here is what he said.

He reminded us that it had been 10 years prior to that time, on a Saturday morning in a shipyard in Gdansk, Poland, that this man had been fired as an electrician in that shipyard. He was leading a strike of Polish workers in that shipyard against the Communist government.

He recounted that on that Saturday he was seized by the Communist secret police and beaten, and he was beaten badly. He was taken over to the side of the shipyard and was hoisted on top of and thrown over the barbed-wire fence, and he lay on the ground face down, bleeding, outside of that shipyard wondering what to do next.

What should this man, this unemployed electrician who had now just been beaten by the Communist secret police and thrown over the barbed-wire fence at the shipyard in Gdansk, Poland, what should he do next? He lay face down on the ground wondering.

The history books tell us what he did next. He pulled himself up off the dirt, brushed himself off, and climbed back over the fence into the same shipyard to continue leading the strike. And 10 years later, he was announced at the back door of the House of Representatives as the President of the country of Poland. This man, Lech Walesa, was not an intellectual, not a soldier, not a businessman, and not a diplomat. He was an unemployed electrician leading an organization called Solidarity, which is an organization about working people.

These workers risked everything in pursuit of one central idea—that people ought to be free to choose their own destiny. And because of Solidarity and because of the work they did, they threw off the yoke of communism, the heavy boot of communism that existed in Poland, and Poland became free. Then it happened in Czechoslovakia, and then Romania, and East Germany. They lit the fuse that caused the explosion that got rid of communism in Eastern Europe.

Here is what Lech Walesa said about what happened inside that shipyard and the years following. He said: You know, we didn't have any guns—the Communist government in Poland had all the guns. We didn't have any bullets—the Communist government had all the bullets. We were a bunch of workers armed with an idea that people ought to be free to choose their own destiny.

And he said: My friends, ideas are more powerful than guns.

This country loved Solidarity. Ronald Reagan, the American people, the Congress—we embraced these workers of Poland—Lech Walesa and the courageous workers who followed him, workers organizing under a banner called Solidarity. The ability to form labor organizations, the development of what those organizations mean to people, was key to defeating communism and to the cause of freedom. Think of what labor meant to Eastern Europe. It was

the spark. Yes, workers organizing represented the spark that defeated communism in Eastern Europe. These were ordinary people with extraordinary courage, uncommon valor.

When Lech Walesa spoke from the dais in the House of Representatives 10 years after he was beaten in that shipyard, 10 years after laying face down in the dirt wondering what to do next, he showed up at the door of our legislative Chamber as the President of this country saying: Ideas are more powerful than guns.

Now, fast-forward to today, a time when workers in this country all too often are left behind, especially workers who are working hourly jobs. Workers who are going to work wondering whether they will have a job tomorrow because their employers are becoming bigger and stronger and more powerful. Employers that have decided that the bottom line is what is important and that they can actually increase their profits by moving jobs overseas. So, they think, we will just tell our workers: You know what. You are just like wrenches. We can use you and throw you away, and we will move the job to Sri Lanka, to Bangladesh, to India, or to China. So American workers are told: You don't matter much.

I have been on the Senate floor 100 times talking about all of these companies that have decided they want all the benefits America has to offer, but they don't want to hire Americans. They want to produce their products elsewhere, where they can pay pennies an hour. What has happened in recent years to the American workers is downward pressure on their income, fewer retirement benefits, fewer health care benefits, the threat of seeing their jobs moved overseas. One might ask, if labor organizing is so effective, why is this occurring in this country? Why can't workers get together to represent the countervailing power against big companies so workers get their fair share of the income?

The answer is the deck is stacked against them at this point. That is why there is legislation on the floor of the Senate today being considered to try to see if we can't give people the opportunities to organize effectively once again.

Do you know that in nearly one-half of the cases in this country, 2 years after workers have already voted to form a union they still don't have a contract because the employer refuses to bargain with the union—2 years after the employees voted to form a union and they have not yet been able to form a union. Let me say that again. In almost one-half the cases where they have already decided to vote to form a union, 2 years later workers do not have a contract. Why would that be the case? Because there are a dozen ways for employers to fight it and prevent it. This legislation is legislation that says let's try to even up the score a little bit, provide some balance, provide some opportunity for workers to get together to organize.

The evidence is pretty overwhelming. The income of workers who have the capability of organizing is significantly different. Cashiers at grocery stores and other stores earn 46 percent more if they are union than if they are nonunion. Union food preparation workers earn nearly 50 percent more than nonunion workers. Union maids and housekeepers earn 31 percent more than their nonunion counterparts. Union workers are twice as likely to have employer-sponsored health benefits and pensions at work. They are four times more likely to have a secure defined benefit pension plan than nonunion workers. Those facts are pretty clear—they are the benefits of workers being able to organize.

The legislation we have before us is legislation that says we think the right of people to organize is very important.

I have talked at length on the floor about these issues as well. I spoke about James Filer many times. James Filer died, I said, of lead poisoning. He was shot 54 times, I guess that is lead poisoning. In Ludlow, CO, shot 54 times. Do you know why James Filer was shot 54 times? Because he believed people who were sent down underground to dig for coal, to mine for coal, ought to be able to have two things: No. 1, work in a safe workplace and, No. 2, be paid a fair wage. Because James Filer spent his life working for that, believing that workers who go underground ought to get a fair day's pay and ought to work in a safe mine, he was killed.

I could give you other names of those who have fought for workers' rights, risked their lives fighting for workers' rights. This country has been better and moved forward as a result of workers being able to organize.

Yes, we need entrepreneurs, we need capitalists, we need investors, we need incentives—we need all the things that come together in this society to succeed. But we need workers. Workers are not disposable. The American worker is not disposable. Workers represent one of the significant building blocks of progress in this country.

In recent years, what has happened to us is we have decided American workers should compete against a different standard. The standard is someone in China working for 30 cents an hour. If you can't compete against that, tough luck, you lose your job.

I will not go through all the stories. I could stand here for hours telling stories, company after company, about that. But the fact is, American workers have struggled. The struggle in this country has taken place for a century, to lift our standards up: Safe workplace, child labor laws, wage-and-hour laws, minimum wages, the right to organize. For a century, we went through that process and we lifted America up and expanded the middle class dramatically. That has been the success of this great country.

Now we are seeing, brick by brick, that foundation being taken apart. This legislation is one piece of the remedy. It says, if we care about and stand for and believe in the right of workers to organize, then that right has to be a right we expect to be available to workers, rather than a right that is abrogated by employers who do not want to have anything to do with workers who organize.

The stories are endless about the bad things that happen to workers who try to organize. One in five active union supporters is illegally fired during union-organizing campaigns—20 percent are fired. In 78 percent of the elections, employers require supervisors to deliver anti-union messages to the workers whose jobs they pay and control. In 51 percent of the elections, employers force workers to attend closed-door, anti-union meetings, and they threaten to close the workplace if employees vote for union representation.

These are a few of the one-sided election rules that tilt the playing field in favor of the management of the company. The worker hardly stands a chance. That is what is happening.

For all of the hyperbole that is trying to scare people about it, this legislation is very simple, and it is very democratic. If the majority of employees in a workplace sign up to decide they want to organize as a workplace, then this country ought to respect that. That is why we need legislation.

I started by talking about Lech Walesa and Solidarity. It is not only foreign workers who organize whom we should respect. We should respect the right of workers in this country who organize as well.

I would like to hear someone on the floor of the Senate stand up—I have not heard that yet—but stand up and say Circuit City is a wonderful example of where we ought to head in this country. Circuit City announced one day, in a newspaper account, that they decided to get rid of some 3,400 of their workers. Their CEO apparently authorized that announcement to be made. The CEO was making $10 million a year and 3,400 workers were to get fired because they were making $11 an hour, and that was too much money to be paying American workers. So Circuit City said—again with a CEO and other executives making millions of dollars a year—we will fire 3,400 people and rehire people at $8 an hour and save money.

I suppose you can save money that way. I am not sure that is a particularly good message to American workers: Come work here, get some experience here and by the time you get some experience, we think we can find somebody who will work for less money than you. That's the message: we prefer to have inexperienced workers rather than experienced workers, we think $11 an hour is too much for you and your family. What kind of a message is that? I didn't hear anybody talk about that much. It was one big yawn around here with that sort of thing.

That kind of approach, that I think devalues the workforce in this country,

is something I think we ought to care about. The underlying legislation we are talking about is something we ought to care about as well because it stands up for American workers. It says, in this country, we live free. If you want to organize, you have a right to organize and the rules ought to be fair. The deck ought not be stacked against you. That is why we have legislation being considered today and I am pleased to support it.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator BOND be given the floor immediately after my remarks and I be granted up to 5 minutes.

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

Mr. HATCH. Mr. President, I listened very carefully to my friend from North Dakota. He is a friend and very fine man and good Senator, but I have been a little bit amazed at some of the things he said. First, I have only been here 31 years, but I was one of those who did a lot to help Lech Walesa. My dearest friend in the labor movement happened to be the international vice president of the AFL–CIO, Irving Brown. Irving Brown headed our tripartite representation at the International Labor Organization in Geneva, Switzerland. He was probably the most respected labor leader in the world. He took on the Soviets and their phony trade union organization that was trying to take over the French docks and he beat them. He risked his life every day of his life for free trade unionism, internationally.

When he died I was, as far as I could see, the only Republican invited to his memorial service. He went into Paris at the end of the Second World War—before the end of the Second World War—through the underground, and stayed there and helped topple the Nazis and then stayed there and defeated the Communists who tried to take over the French docks. If they had been able to do that, they would have had a worldwide trade union that would have been anything but in the best interests of the workers. He was the one who came up with the idea for the National Endowment for Democracy, and I worked very hard to get that enacted here and also was one of the first members of the board of directors of the National Endowment for Democracy.

I think he would have been horrified with what this bill does, taking away the right of workers to have a secret ballot election and replacing it with the ability of 50 percent of the workers plus one, who sign cards, mandating a union for every other employee. The fact of the matter is, doing away with secret ballot elections is anything but Democratic.

I have to say I am amazed they are trying to sell this to the American public. I don't think they can. They can't sell it to the union members out there, roughly 70 percent of whom are against doing away with secret ballot elections—and for good reason. Once they start down that road, then you can have Government interference and a whole bunch of other interferences that will take away people's freedoms and rights.

This bill is a disgrace. Even worse is the mandatory arbitration this bill imposes on employers and employees for up to 2 years if they do not agree within 90 days of collective bargaining, which usually always takes longer, and 30 days of mediation. Then the Federal Government can step in and determine the wages, terms, and conditions of employment.

That is a ridiculous approach. That is even more dangerous than the card-check part of this. I can tell you this, as one who helped Lech Walesa, who met with him in Gdansk, who had dinner with him over in Gdansk, and also with Father Jankowski, who was the Catholic priest who held mass on the docks with guns trained upon his back, all I can say is I do not think their belief in free trade unionism consisted of having a card check system. A system that would bind 100 percent of employees to a union when only 50 percent plus 1 decided to unionize through a coerced and nontransparent signing of a card.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to H.R. 800, the misleadingly named Employee Free Choice Act or card-check bill. As Americans, we cast secret ballots when we vote for the President, Congress, Governors, mayors, and city council members. Yet this bill would take away that essential right within the workplace.

It reminds me of the story from my home country, Audrain County, Missouri, often called the ''heart of little Dixie'' in Missouri, because it was settled by Democrats. The folklore has it that in the 1864 election, when President Lincoln was running for reelection and everybody had to stand up on the courthouse steps and announce for whom they were voting, one brave or foolhardy soul got up and said he wanted to cast a vote for Abraham Lincoln. To show you how kind and generous and hospitable the people of Audrain County were, they gave him a full 24 hours to get out of town. While I cannot document that story with the names of the specific individuals involved, that is an example of why a secret ballot is important.

A secret ballot allows people to exercise a free choice without fear of coercion from either side, either management or fellow workers who support management or fellow workers who support a union and union organizers.

Rather than enhancing and enabling secret ballots within the workplace, this bill would eliminate that choice. Under the so-called card-check bill, an employer would no longer carry the right to demand a secret ballot election in order to certify a union as the employee's bargaining unit. The reauthorization of the National Labor Relations Act of 1947, the original benchmark for secret ballot union elections, was enacted to safeguard the rights of workers and the companies they worked for, to promote collective bargaining, and to restrain certain private sector labor and management practices, which could pose a threat to the general welfare of workers, to business, and to our Nation's economy.

Now, as we all know, NLRA allows for an exception to the rule of a secret ballot election. If an employer is willing to accept union authorization cards that have been signed from a majority of the employees represented, the organized union becomes the bargaining unit for that specific group of workers.

Therefore, as you see under existing law, there are exceptions which allow for authorization cards to be accepted. But to remove completely the ability of workers to have a confidential and private vote on whether they choose to become a part of a union is utterly objectionable and goes against all of the principles we hold so dear in this democracy.

I feel that this ill-advised legislation will replace a federally supervised secret ballot election process with a system that would open the door for harassment, intimidation, coercion, forgery, and fraud. If enacted, this bill would permit union organizers to gain signatures from workers wherever they feel free to do so. Therefore, as a result, a worker could see an organizer choose to show up at the place where he or she eats, at their residence, or at a family outing just to obtain a signature for representation.

Might I say also my constituents, who are small businesses, who know their employees on a first-name basis, are violently opposed to this kind of working operation. The small businesses are the dynamic engine that keeps this economy growing. They are creating the jobs, they are the ones that grow. If they thought they could have a union imposed upon them by card check, without going through a secret ballot, it would kill the ability of those small businesses to grow and hire more workers.

In fiscal year 2005, the National Labor Relations Board conducted 2,745 elections. It is interesting to note that 1,504 secret ballot elections were won by organized labor. Therefore, the total percentage of elections won by labor unions was 55 percent.

In 2004, organized unions won 51 percent out of 2,826 total elections conducted that year. During the Clinton administration in 1994, organized labor won only 44 percent of the total secret ballot elections.

According to a polling report conducted in January of this year, out of

the many individuals who were asked whether they would prefer an authorization card over secret ballot, 89 percent of those polled overwhelmingly chose the secret ballot.

As you see from the numbers, employees who have a real free choice of confidentially deciding whether to become part of the union have freely been able to employ their given right for union representation if they choose. In the last few years, under the secret ballot election, a majority of workers have decided to join a union. If a majority of prospective union employees does not wish to join, then they have a right, by secret ballot, to decline.

If labor unions are continuously increasing their election win margin each fiscal year, why prefer to use a system that threatens the protective rights of the confidential vote for each employee? Why not leave the ultimate decision to the employees where support for the secret ballot continues to remain strong?

The answer to that question may be in the fact that while secret ballot elections recently produced a victory of 55 percent in 2005, it does not match the success of a 90-percent win rate that the card-check system produces.

Many small businesses back home in Missouri have come to me and expressed concern with this bill, from machinists to mechanics to food distributors, and many other small companies. They have all voiced their resistance, distrust, and strong opposition to this bill.

We must understand that over 93 percent of our Nation's businesses have fewer than 100 employees. This bill would place a heavy burden on the livelihood of these small businesses, since they are the least likely to have experience in labor negotiations or have experienced legal counsel to represent them. They have to work on a first-name basis with their employees. They know what their challenges are. They know who they are, and they are in the best position to be able to help their workers. But they don't want to have the threat of a nonsecret ballot imposing a union on them.

Passage of the bill will mean that unions could unfairly target considerably smaller businesses, more than before, given that the amount of resources necessary to organize a business would be significantly less. Prohibiting a secret ballot for the purposes of assisting organized labor with efforts to bolster membership is not the remedy needed to ensure every worker's right to a safe, confidential, union election, where their God-given rights to a secret ballot, which we hold dear in the United States, would be denied.

I urge my colleagues not to permit this bill to go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Madam President, I thank my able colleague from Missouri. He is one of our most valuable and able members in the Senate. I value his thoughts on that and share his thoughts, actually.

I want to move off of that and some of the comments that Senator DORGAN had about working Americans and what they are facing today.

I remember addressing this point last year in the debate on immigration. I think it was at night when not many people were on the floor. Senator KENNEDY was here. I raised the question of what was happening to wages of working Americans as a result of large-scale immigration, and quoted professors and experts who had demonstrated that where those areas—where immigration reached its highest levels, wages had gone down for workers; they hadn't gone up.

Now we are told that businesses cannot get workers, and we are told we are at full employment, but apparently something is awry if wages are not going up in many areas.

I want to mention to you what we have with regard to the immigration bill that is coming before us. We will have cloture vote on it in the morning. This is what I want to say to my colleagues. The legislation promises that it will bring legality to the system. They say we have an illegal system and we have got a comprehensive plan to fix it.

What does our own Congressional Budget Office say? They just did an analysis of it. The Congressional Budget Office looked at the legislation that is proposed. They made an opinion about how much it would cost the U.S. Treasury. It was about $30 billion over the next 10 years; not for the cost of enforcement, just the cost of additional social and welfare benefits provided to those who are here illegally, who will be made legal.

They made that analysis, and they also made one more analysis that is so stunning and so remarkable that I remain baffled that my colleagues have not picked up on it. What the Congressional Budget Office, our own budget office—a budget office that answers to the House, answers to the Senate, answers to the majority leader, HARRY REID, answers to the Speaker, NANCY PELOSI—the Congressional Budget Office concluded that net illegal immigration, after the passage of this bill, would only be reduced 13 percent.

Now what kind of reform is that, I ask my colleagues? I submit to you this is not a reform. A fix that is supposed to bring legality to a system that only reduces illegality by 13 percent. Last year we arrested 1 million people entering our country illegally. These are huge numbers. I would have thought we would want to see an 80 or 90 percent reduction of illegality at our border. This is a bill that by our own evaluation does not bode well.

There is another factor that many of my colleagues probably do not know, have never understood. My staff has worked very hard to account for the actual flow of legal immigration into the country. In the next 20 years, this country, if this bill is passed, will see a doubling of the legal permanent residents in America. That is the number of people who are given a green card. That is the next step to citizenship. Anybody with legal permanent residence can move on to citizenship. It will double the number of legal permanent residents, which is what we call green card holders.

So we are not going to have any reduction in illegality, and we are going to have a major increase—a doubling of legal immigration. I am worried about that. We have been talking here about this debate about card check and unions. What it is about is wages and fairness for American workers, is it not?

Mr. Tonelson testified at one of our hearings before the Senate Judiciary Committee. This was a hearing I requested and asked for. We were able to get him, and he testified about areas in construction, in meat packing, in restaurant work, where there was high level of immigration from 2000 to 2005. Wages went down. You bring into this country more wheat, the price of wheat will go down. You bring into our country more cotton, the price will go down. Bring in more iron ore, the price of iron ore will go down. You bring in more labor, the price of American labor will go down. That is a fact.

I support a legitimate guest worker program. I believe we do have certain needs in certain industries and situations such as Hurricane Katrina where the need was so dramatic on the gulf coast. I know there are needs for some guest workers, temporary workers. I am prepared to help write legislation which would meet that need. I believe in immigration into America in general. I am not asking that we slash the amount of legal immigration into the country. But I doubt most Americans, when they hear about the great group I affectionately call the ''masters of the universe'' who met in secret and wrote this bill, had any understanding that their promise of comprehensive reform of the illegal immigration system we have today—and that is a fair way to describe it—they had no idea this bill would only reduce illegal immigration by 13 percent. I don't believe they had any idea it would double the numbers who were coming in legally.

That brings me to my point. The longer this legislation has been out for review, the less the public has liked it. I can see why. If you remember, Senator REID first called the bill up. He actually called up the old bill that the House wouldn't even look at last year. He let it sit for about a week and then plopped down, on a Tuesday, an entirely new bill, over 700 legislative pages, and wanted us to vote on it by Friday of that week. Why? That is what they attempted to do. We pushed back and said: No, this is a big issue;