

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.