because it is very important for the Judiciary Committee to get to the bottom of what has happened with the request for eight U.S. attorneys to resign. There is a cloud over U.S. attorneys, and I think it has had a distinctly chilling effect on all 93 U.S. attorneys, not knowing what will come next.

It is generally agreed that the President of the United States has the authority, standing, right to discharge U.S. attorneys for no reason at all. When President Clinton took office, in one fell swoop he replaced 93 U.S. attorneys and no one raised any question. But I think not if U.S. attorneys have been asked to resign and have been replaced for an improper reason, for a bad reason. Suggestion has been made that the U.S. attorney in San Diego, Ms. Lam, was replaced because she was hot on the trail of political operatives who may have been connected to former Congressman Duke Cunningham, who is now serving an 8-year sentence; or the allegation has been made—it has not been substantiated but it has been made—that New Mexican U.S. Attorney Iglesias was replaced for failure to prosecute a vote fraud case. An extended article in the New York Times a week ago Sunday gave extensive analysis, which might lead to the conclusion that there was justification for Mr. Iglesias's resignation, or perhaps there was not. But that is up to the Judiciary Committee to make a determination.

So it is unfortunate that you have a situation where witnesses are not coming forward. It is my hope we would not rush to judgment on this matter, that we would avoid conclusory statements, and that instead we would wait until we find out what the facts are. If these U.S. attorneys were asked to resign for improper reasons, I will be among the first to say so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is true Ms. Goodling's attorney has said that she will take the fifth amendment. Now, as both a former defense attorney and a former prosecutor, I respect the right under our Constitution for anybody to take the fifth so they won't say something that might incriminate them and bring about criminal charges against them from their own statements. But it is a little bit odd that in a letter from Ms. Goodling's attorney, he speaks that she does not want to face the fate of Mr. Libby, or words to that effect. Scooter Libby was convicted of perjury. He was convicted of obstruction of justice. While I realize many believe he is going to be pardoned, those are the reasons he was convicted.

I would have assumed that Ms. Goodling—who has been a very high-ranking member of the Department of Justice, would come in and tell the truth. If she takes the fifth amendment, that's a more difficult thing. We won't hear from her. If she feels that what she has to tell us would subject her to criminal prosecution, well, that raises some serious questions. We hope that others will testify and that they will testify honestly. We'll continue to ask people. But it is very, very difficult to get the facts when you have key members of the Bush-Cheney administration taking the fifth.

Mr. President, have the yeas and nays been ordered on this?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. If I have any further time, I yield it back and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of George H. Wu, of California, to be a U.S. District Judge for the Central District of California. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

NOT VOTING—5

Biden	Enzi	McCain
Brownback	Johnson	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1591

Mr. REID. Mr. President, I ask unanimous consent that the vote with respect to the Cochran amendment No. 643 occur at 5 p.m. today; the time from 3:45 to 5 p.m. be for debate with respect to that amendment, with the time equally divided and controlled between the two leaders or their designees; that no amendments be in order to the amendment or the language proposed to be stricken; that the last 10 minutes prior to the vote be equally divided and controlled between the two leaders, with the majority leader controlling the last 5 minutes.

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

TONY SNOW

Mr. REID. Mr. President, on a matter of concern and seriousness, in my office this morning I had a newspaper clipping regarding Tony Snow. He had a tumor removed and the cancer had not returned, and I wrote a letter and signed it. A few minutes later, my secretary brought in a news clipping that Tony Snow's cancer has returned. I have known Tony Snow long before he became the spokesperson for the White House. My relations with him have always been superb. To me he has always been very fair. I have great respect for him and his family.

I want the record to reflect that I speak for everyone on this side of the aisle of our real concern. He has been a tremendously good representative for the President. He does an outstanding job dealing with some of the most serious issues any person could face. He has done a wonderful job. I hope and pray that Tony Snow will again be able to whip the cancer he has already whipped once. With the good thoughts and prayers from everyone in this body and the many friends he has in Washington and around the world, it will go a long way toward healing this man who certainly deserves it.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me join the majority leader in expressing our best wishes, hopes, and prayers for Tony Snow's speedy recovery. He has been a spectacular press secretary to the President. He enjoys widespread respect and admiration. We wish him well for a speedy recovery.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007—Continued

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I send to the desk an updated version of an amendment I filed earlier today to H.R. 1591.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to cooperate with my friend and colleague. If the Senator would give us a few moments to go over that for the leadership to work that out. I do not do it as a matter of personal privilege but as speaking for our leader on this side. So if the Senator would withhold for a half an hour or so.

I would have to object to it. I do not personally object to it. I object for the leadership until it has an opportunity to examine the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. LUGAR. Mr. President, may I raise a question. Will the distinguished Senator be able to respond that I have submitted the amendment, in other words, that I would not have to reappear to resubmit the amendment at that time or is the Senator in a position to give us that assurance?

Mr. President, I have already submitted the amendment, and I am submitting an updated version of the amendment.

Mr. KENNEDY. Mr. President, is the Senator trying to perfect his own amendment?

Mr. LUGAR. Yes, and I am attempting to file the amendment. It was requested I appear in person to do so.

Mr. KENNEDY. Mr. President, if the Senator is requesting to alter his amendment, I have no objection to him doing so.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 680

(Purpose: To provide for an increase in the Federal minimum wage, and for other purposes)

Mr. KENNEDY. Mr. President, amendment No. 680 is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, the pending amendment is set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 680.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. KENNEDY. Mr. President, for the benefit of the Members, as they remember, we passed the substance of this legislation, I believe, 97 to 3. That is what is effectively the substance of this legislation. The House of Representatives has passed its own minimum wage. Because of the parliamentary complexities, we were unable to get this issue resolved. The House has included a minimum wage provision in their proposal.

We offer this proposal, which is an expression of the Senate. It has broad bipartisan support—Republican and Democrat. This will mean both pieces of legislation—the supplemental—will have the minimum wage, and then the conferees will be able to make their judgment. But out of it will come an increase in the minimum wage. So it is in that spirit. I am delighted to debate the minimum wage, but I think we had a good debate. We had, I think, close to 7 days' debate on it in the last few weeks, so I do not think that is necessary.

That is the current situation. That is the reason that legislation is pending at this time. I very much appreciate the cooperation of the floor managers in letting us get this at least up before the Senate at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment—is the distinguished Senator from North Carolina intending to manage this legislation?

Mr. BURR. Mr. President, the Senator from North Carolina is not intending to manage this side. Our manager is not here right now. I would ask the Senator from Oregon if he would withhold setting the current amendment aside. If he wishes to talk on an amendment, feel free to, but at this time I would have to object to setting aside the pending amendment.

Mr. WYDEN. Mr. President, I would be happy to do that.

AMENDMENT NO. 709

Mr. President, I ask unanimous consent to speak on the bipartisan amendment I will be offering as soon as we have a manager on the other side to conduct business.

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

The Senator is recognized.

Mr. WYDEN. Mr. President, in a few minutes I will offer a bipartisan amendment to address the great needs of rural communities across this country. It is an amendment I will offer on behalf of myself, the distinguished Senate majority leader, the chairman of the Senate Finance Committee, the chairman of the Senate Energy Committee; my colleague from Oregon, Senator SMITH; Senator CRAIG of Idaho, Senator DOMENICI, and a large additional group of Senators of both political parties who wish to see reauthorized the Secure Rural Schools and Community Self-Determination Act which is also known as the County Payments Program.

Mr. President and colleagues, without this amendment, there is a very real prospect small counties in the rural West are going to fall into the Pacific Ocean. These small counties are now standing on the abyss because without county payments funding, they simply are not going to be able to pay for critical services such as law enforcement and rural education.

In Oregon, the sheriff of Grants Pass told me without county payments funding, he may have to call out the National Guard to protect public safety. The county commissioners of Curry County report that without county payments funding, they may have no choice but to dissolve their county altogether. Local officials in Coos County, just at the prospect of losing county payments funds, have already released prisoners from their jails. Local communities in many other States face similar hardships.

Some Senators may not yet be fully aware of what the county payments law is about, so I am going to give a brief explanation of how the program has come to be.

County payments are not welfare, but they are a more than 100-year-old Federal obligation that goes back to the creation of the Federal forest system. The deal was if Federal policy prevented local communities from maximizing their revenues from their forests, the Federal Government would provide a partial payment to these local communities so they could pay for essential services such as law enforcement and schools.

As environmental values changed in the 1990s, and these payments grew even smaller, Senator CRAIG of Idaho and I wrote the Secure Rural Schools and Community Self-Determination Act. That law compensated these rural communities for part of what they needed to pay for essential services. The act has worked extraordinarily well and expired at the end of last year.

In this amendment, our large bipartisan coalition—and I read only a number of the Senators from both political parties who are sponsoring this amendment—our large group seeks to put in place a new updated lifeline to small rural counties. County payments would be extended for 5 years and a new formula put in place to provide greater funding to more than 80 percent of the counties in our country. The formula is based on the current funding formula for county payments and the acreage of U.S. Forest Service and eligible Bureau of Land Management lands, along with a mechanism to focus support on those communities where there is greatest economic need.

In addition to the County Payments Program, this amendment also assists States with a similar program, the Payment in Lieu of Taxes Program. This is a program which compensates States for the loss of tax revenue from