

They form an important part of the State's tax base. The restaurants and those folks employed there are active in the community. They sponsor the local youth teams and support schools and neighborhood projects. Restaurants are where Little Leaguers celebrate victories, families celebrate special occasions, and tourists spend good money, as in my State of Minnesota. This is a way of life which is increasingly under threat. Minnesota is one of seven States that do not have tip credit. My hospitality industry is at a competitive disadvantage with respect to those States which surround us which allow for tip credit. Those in the hospitality industry in our border areas are in competition with other States.

Minnesota has a minimum wage of \$6.15 an hour. That is a good thing, but it is not the case in our neighboring States. I think if we look at the other chart, for instance, Wisconsin has an even higher minimum wage. Ours is \$6.15 an hour, with a tip credit of \$4.17. In Wisconsin, an employer pays a minimum hourly cash wage of \$2.33 and can apply \$4.17 of their employees' tips toward meeting the minimum wage of \$6.50. The employers in Wisconsin, Iowa, South Dakota, and North Dakota in the hospitality industry can pay employees less. There is a lower cost of doing business, which puts my employers at a competitive disadvantage. We are at risk of losing jobs in these areas.

As I have always said, the best welfare program is a job program and a housing program. Consider dining out in the border town of Moorhead, MN. Just across the river in Fargo, ND, there are more than 50 national chains, and there is only 1 in Moorhead.

Operating on an unfair playing field with North Dakota and Wisconsin, hospitality establishments have to make tough decisions, such as raising prices, cutting the workforce, reducing employee hours or, worse, shutting down in the State. Peggy Rasmussen, the owner of Countryside Café in Hamel, is seriously considering closing down her business because of this tip credit issue. When businesses such as Peggy's shut down, their workers are left behind and so, too, are our communities.

This is a fundamental question of fairness. Forty-three States have tip credit. All of Minnesota's neighbors have tip credit. Minnesota does not.

I wish to make it clear that any change in the tip credit law is not going to result in a lowering of this wage for Minnesotans. Anything we do needs to be prospective. I want to defend our restaurant employees. This is what they are making. Over time, we can equalize some of the disadvantage. We can do it in a way that doesn't support a tip credit that would lessen a worker's minimum wage.

As we increase the minimum wage, which I have consistently said is the right thing to do, let's also ensure that States such as Minnesota can operate on a more level playing field with the rest of the 43 States that have the tip

credit. Without the tip credit, Minnesota's hospitality businesses and workers will continue to be hurt.

Throughout my time in the Senate, I have sought to improve the living standards of America's hard-working families. Increasing the minimum wage is one way to do so. I look forward to voting with my colleagues from both sides of the aisle to increase the minimum wage.

It is my hope that the minimum wage proposal will also allow for tip credit, which is critical to the future of Minnesota's businesses and workers, which is, in the end, about fairness and, most importantly, about keeping jobs in the States that need them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### HONORING THE PUBLIC SERVICE OF TED TOTMAN

Mr. GRASSLEY. Madam President, I rise to pay tribute to a staff person, Ted Totman, who will retire this week after 23 years of public service as a professional staff member in the U.S. Senate. I didn't know it back then, but when Ted took a job for me in 1983 on the Subcommittee on Aging of the Committee on Labor and Human Resources, I had hired someone who would be one of my closest, most trusted, and longest serving advisers.

Ted was a professional staff member for the Subcommittee on Aging from May 1983 to February 1985. He was staff director during my chairmanship of that subcommittee from April 1985 to January 1987. Ted played a major role in developing and passing the 1984 Older Americans Act amendments and was a forward-looking, successful advocate for more attention to Alzheimer's disease, including expanding the number of Alzheimer's disease research centers, increasing funding for Alzheimer's disease research, and increasing funding for the care of people with Alzheimer's disease. Ted also worked to help obtain funding for two statistical centers on aging in the Census Bureau.

For the next 10 years, from January 1987 to January 1997, Ted served as a legislative assistant in my office, where he was responsible for Medicare, Medicaid, Social Security retirement and disability policy, private pensions, and veterans issues. He was the leading staff member in the Congress for rural health initiatives. He worked to call attention to regional disparities in Medicare provider reimbursement which disadvantage rural providers, requested and achieved a major Office of Technology Assessment study on the problems of delivering health care in rural areas, and supported the Medicare Dependent Hospital Program and the EACH/RPCH hospital program. Ted's staff leadership helped to secure landmark amendments in the 1995 Finance Committee reconciliation bill to ensure geographic equity in Medicare

managed care and to reform Medicare's reimbursement for nonphysician primary care providers. In addition, Ted spent countless hours helping Iowans navigate the Federal health care programs.

In January 1997, I became, because of seniority, chairman of the Senate Special Committee on Aging. I asked Ted to be staff director. For the next 3 years, Ted led the committee's work that focused on preparing for the retirement of the baby boom generation and rural health issues. The committee staff developed legislation on aging policy issues, including Medicare, Social Security retirement, and private pensions, most of which was referred to the Committee on Finance, where I was also a member. Legislative initiatives included bills on Medicare dependent hospitals, consumer protections for participants in Medicare managed-care plans, and the program of all-inclusive care for the elderly, and that comes under the acronym we all recognize as the PACE Program. Staff developed and helped enact the Balanced Budget Act in 1997, provisions that provided greater reimbursement equity to managed-care plans that operated in rural communities. As staff director, Ted also led the pursuit of an active oversight and investigative agenda, including a pivotal review of the quality of care in nursing homes and the management of the oversight of quality of care in the nursing homes by the Health Care Financing Administration. Let me say for the distinguished Presiding Officer, the previous administration helped us very much get that through so that we now are adequately enforcing oversight of nursing homes, as one example.

Ted helped to raise the profile of many issues of importance not only to older Americans but to our society as a whole.

In January of 2001, I became chairman of the Senate Committee on Finance, and Ted was there again to provide valuable leadership. When I asked him to stay on, at a time he was thinking of retiring, as deputy staff director, he was an integral part of the success of the committee's work during the next 6 years and oversaw staff work on major initiatives, including the Medicare Modernization Act of 2003, the health provisions of the Deficit Reduction Act, the PRIDE Act, and the authorization of the Safe and Stable Families legislation.

Once again, Ted helped to ensure an active oversight program that focused on fraud and abuse in the health care system, problems in the process by which the Food and Drug Administration approves medications and devices, the quality of care in nursing homes, and the management by the Centers for Medicare and Medicaid Services of the survey and certification system for nursing homes. That was an ongoing issue back, as I referred to, when I was chairman of the Committee on Aging.

Ted's work on the staff of the Finance Committee is so highly respected that the members signed a resolution expressing gratitude and respect for Ted's service and dedication.

In addition to his 23 years of service in the U.S. Senate, Ted worked for 5 years for the U.S. Department of Health and Human Services and served 2 years in the military.

In the Senate, Ted's policy acumen and understanding of the complexities of the legislative process, insight into the executive branch of Government, political wit, as well as his strong work ethic and intellectual honesty and his evenhandedness and personal generosity have made him remarkably effective and universally regarded.

Ted is a true public servant who was committed in his work to the people of Iowa and of this great country. I am grateful for his loyalty and applaud his legacy of accomplishment. Ted has made a positive difference in the lives of so many Grassley staff members, and his daily presence will be greatly missed by all of us. We wish Ted well and look forward to continuing our friendship with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I see my neighbor from across beautiful Lake Champlain, the State of New York, here. If the managers of the bill have no objection, I will speak for 4 or 5 minutes about a matter that has just come up. There has been a lot of interest in it.

I ask unanimous consent to speak for up to 7 minutes as in morning business.

Mr. BENNETT. I have no objection if we can add to that that following the presentation of the Senator from Vermont, I will be recognized.

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

Without objection, it is so ordered.

#### THE FISA PROGRAM

Mr. LEAHY. Madam President, earlier today, I spoke with the Attorney General of the United States. He is going to be testifying before the Senate Judiciary Committee tomorrow morning. We anticipate it will be for much of the day. He wished to inform me, as he did Senator SPECTER, of some changes in the so-called FISA Program. I have been very critical of the administration's actions through the National Security Agency—their wiretapping of Americans, wiretapping of people throughout the country, and apparently doing so without obtaining any warrants.

Interestingly enough, the information about this spying on Americans came not from our administration reporting it either through the Intelligence Committee or the Judiciary Committee or the appropriate committees involved; it came out because, like so many other things we find out about, we read about it first in the newspaper.

Apparently, the administration has decided not to continue this warrantless spying program on Americans, but instead to seek approval for all wiretaps from the Foreign Intelligence Surveillance Court. I say this based on the letter sent to us. This is public; this is not a classified matter. The law has required for years that they do it this way.

I welcome the President's decision not to reauthorize the NSA's warrantless spying program because, as I have pointed out for some time, and as other Senators on both sides of the aisle have pointed out, the program was, at very best, of doubtful legality.

Since this program was first revealed, I have urged this administration to inform Congress of what the Government is doing and to comply with the checks and balances Congress wrote into law in the Foreign Intelligence Surveillance Act.

We know we must engage in all surveillance necessary to prevent acts of terrorism, but we can and we should do it in ways that protect the basic rights of all Americans, including the right to privacy.

The issue has never been whether to monitor suspected terrorists—everybody agrees with that; all Americans do. The question is whether we can do it legally and with proper checks and balances to prevent abuses. Providing efficient but meaningful court review is a major step toward addressing those concerns.

I continue to urge the President to fully inform Congress and the American people about the contours of the Foreign Intelligence Surveillance Court order authorizing the surveillance program and of the program itself. Only with meaningful oversight can we assure the balance necessary to achieve security with liberty.

I ask unanimous consent that a copy of a letter from the Attorney General, dated January 17, addressed to me and Senator SPECTER, which indicates copies to numerous other people, be printed in the RECORD.

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

THE ATTORNEY GENERAL,  
Washington, DC, January 17, 2007.

Hon. PATRICK LEAHY,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,  
Ranking Minority Member, Committee on the  
Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: I am writing to inform you that on January 10, 2007, a Judge of the Foreign Intelligence Surveillance Court issued orders authorizing the Government to target for collection international communications into or out of the United States where there is probable cause to believe that one of the communicants is a member or agent of al Qaeda or an associated terrorist organization. As a result of these orders, any electronic surveillance that was occurring as part of the Terrorist Surveillance Program will now be conducted subject to the approval of the Foreign Intelligence Surveillance Court.

In the spring of 2005—well before the first press account disclosing the existence of the Terrorist Surveillance Program—the Administration began exploring options for seeking such FISA Court Approval. Any court authorization had to ensure that the Intelligence Community would have the speed and agility necessary to protect the Nation from al Qaeda—the very speed and agility that was offered by the Terrorist Surveillance Program. These orders are innovative, they are complex, and it took considerable time and work for the Government to develop the approach that was proposed to the Court and for the Judge on the FISC to consider and approve these orders.

The President is committed to using all lawful tools to protect our Nation from the terrorist threat, including making maximum use of the authorities provided by FISA and taking full advantage of developments in the law. Although, as we have previously explained, the Terrorist Surveillance Program fully complies with the law, the orders the Government has obtained will allow the necessary speed and agility while providing substantial advantages. Accordingly, under these circumstances, the President has determined not to reauthorize the Terrorist Surveillance Program when the current authorization expires.

The Intelligence Committees have been briefed on the highly classified details of these orders. In addition, I have directed Steve Bradbury, Acting Assistant Attorney General for the Office of Legal Counsel, and Ken Wainstein, Assistant Attorney General for National Security, to provide a classified briefing to you on the details of these orders.

Sincerely,

ALBERTO R. GONZALES,  
Attorney General.

Mr. LEAHY. Madam President, I was a prosecutor for 8 years. I enjoyed being a prosecutor. But I also was well aware that we acted within checks and balances. Courts had their role, prosecutors had their role, defense attorneys had their role. It only worked when everybody did what they were supposed to, including the executive.

I was also a prosecutor and on the board of the National District Attorneys Association at the time of COINTELPRO, a program of spying on Americans who disagreed with the war in Vietnam, and even, we found out later, spying on Martin Luther King because he was speaking so radically as to suggest that we might actually want equality between people, no matter what their color might be, in this country.

Our Government was spying on people who objected to war. Our Government was spying on people who wanted integration in America. I don't want us to go back to that point.

I shudder to think what might have happened if J. Edgar Hoover had had all the electronic capabilities we have today. The only way we stop this—it makes no difference if we have a Democratic or Republican administration—the only way we stop it is with the checks and balances we have built in.

FISA and the Foreign Intelligence Surveillance Court came about because of illegal spying on Americans who were not committing any unlawful act, but were simply questioning what their Government was doing. Many of us