

want to join a union right now, and the reasons why are clear: Union workers earn 30 percent more than nonunion workers; union workers are 62 percent more likely to have employer-provided health coverage; and union workers are 400 percent more likely to have access to pension plans.

For millions of workers, access to fair wages and decent benefits is being denied because the current process for forming unions has become flawed. In my State, we are lucky to have some great companies and honest employers that, to a large extent, treat their workers with the respect and dignity they deserve. But there are those companies across this country that don't play by the rules, where workers considering unionization face intimidation and termination from employers.

According to national labor data, workers are illegally fired in one-quarter of all union organizing campaigns, including one in five active union supporters. When workers are systematically denied rights to fair wages and benefits, we all lose, and we need to take action.

In my last job, I was a county attorney in the largest county in Minnesota. For 8 years, I managed an office of nearly 400 unionized employees. I always believed they should be treated with the same level of respect they showed the people we represented, the victims of crime, the people who needed someone there to stand up for them. This bill creates that kind of respect.

This bill will create a process that will be fair and will even the playing field. This bill will help workers. The Employee Free Choice Act places the decision to form a union where it belongs—it places it in the hands of America's workers.

I urge my colleagues to support this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WEST VIRGINIA, WILD AND WONDERFUL

Mr. BYRD. Mr. President, today is West Virginia's birthday. Established on June 20, 1863, West Virginia became the 35th star in our national constellation, taking her place between Kansas,

which joined the Union on January 29, 1861, and Nevada, which joined on October 31, 1864. I am pleased to offer West Virginia happy birthday wishes and to take the opportunity to share a bit about my State with the rest of the country.

I urge anyone who has not visited West Virginia to do so, to see and experience for themselves the great natural beauty, the friendly people, the exquisite art, recreation, and cultural sites and events that fill our mountain home.

As a State, West Virginia is a youthful 144 years old. As a unique piece of geography, of course, West Virginia is, of course, much older. The Appalachian Mountains that define West Virginia's geography today are but the worn remains of a once-high alpine plateau similar to Tibet, rising some 10,000 to 18,000 feet high, flanked on the south and on the east by the Allegheny Mountain Range, which may have once exceeded today's Himalaya Mountains in height.

Of course, that was a long time ago, perhaps 250 million years ago, when the great wedge of coastal sediments deposited during the earlier Devonian and Carboniferous periods were thrust up toward the heavens.

Today, a bit of that alpine experience can be found in Tucker County and in Randolph County, in an area known as Dolly Sods. Filled with upland bogs, beaver ponds, and flat rocky plains, Dolly Sods is a bit of northern Canada transplanted into West Virginia, complete with beautiful fall color and harsh winter weather.

The rock that forms West Virginia's mountains, that is seamed with the State's famous coal deposits, was laid down some 320 to 286 million years ago, when West Virginia was part of a vast complex of coastal swamplands. In this endless tropical forest of primitive ferns and towering, primitive trees formed layer after layer of peat, compressed into coal seams that average 3 feet thick but which can reach 25 feet in thickness.

When one learns that 12 inches of coal requires approximately 10,000 years of continuous peat accumulation to form, one sees a very different picture of West Virginia. The reminders of this different world can still be found in the coal, in the form of lacy, ferny fossil leaves and stems, the last farewell of a lost world.

In other rock layers, there is evidence of West Virginia's earlier days as well, in the sea creatures forever preserved and now exposed far inland and at elevations well above the sea level that they knew in life.

In the New River Gorge, visitors have the opportunity to view rock sequences from those early years, 320 to 330 million years ago. Visitors can also see a more recent phenomenon in the form of the New River Gorge Bridge, the longest single-arch steel bridge in the world, rising some 876 feet above the water below. Beautiful natural stone

works of art may also be seen in the Smoke Hole area and Seneca Rocks in Grant and Pendleton Counties and in many other locations around the State.

West Virginia's natural beauty, as well as its wonderful outdoor activities, can be found in each of West Virginia's 55 counties. From hot air ballooning or soaring to spelunking, from rock climbing to kayaking, hiking, horseback riding, or off-roading, one can be as energetic as one likes. You can also fish, ride a tube down a river, sit around a campfire, or sip lemonade in a rocking chair while you rest and recharge.

West Virginia is not simply for nature lovers, however. The State is full of festivals that celebrate virtually every foodstuff, musical form, and artistic discipline known to mankind. Musical events that range from bluegrass music to symphonies to garage bands, and shopping and sightseeing to please all tastes and interests.

West Virginia is famous, famous for her quilts, pottery, and handmade crafts, but there is also plenty of modern work alongside the homespun favorites.

From rustic campsites to the luxury of the Greenbrier, West Virginia has something for everybody, something for everyone. It could easily take a lifetime to experience everything there is to see and to do. By then, of course, time and nature will have changed a few more things and created new things to see and do.

So as West Virginia celebrates, I hope that you may be inspired to pay a visit. I hope all Senators may be inspired to pay a visit. You "ain't" seen nothing yet like it. The daylilies are blooming in great orange rafts of blossoms above the waves of green leaves, welcoming the day. Butterflies and songbirds delight the eye with color like the ribbons on a birthday present. Cool breezes are blowing, the mocking bird is singing, rivers are tumbling between the mountains, singing birthday songs. And tonight the stars will dance for you as West Virginia celebrates.

I close with a poem about West Virginia, by West Virginian Louise McNeill, from her book titled, "Hill Daughter: New and Selected Poems." Louise McNeill was born in 1911 in Pocahontas County and became West Virginia's Poet Laureate in 1979.

WEST VIRGINIA

Where the mountain river flows
And the rhododendron grows
Is the land of all the lands
That I touch with tender hands;
Loved and treasured, earth and star,
By my father's father far—
Deep-earth, black-earth, of-the-time
From the ancient oceans' time.
Plow-land, fern-land, woodland, shade,
Grave-land where my kin are laid,
West Virginia's hills to bless—
Leafy songs of wilderness;
Dear land, near land, here at home—
Where the rocks are honeycomb,
And the rhododendrons . . .
Where the mountain river runs.

HONORING CHARLESTON'S HEROES

Mr. DEMINT. Mr. President, I rise today to speak about some real heroes

and their real sacrifices this week. Late Monday, a horrible blaze in Charleston, SC, claimed the lives of nine local firefighters. Details are still being investigated, but what we know now is these heroes died trying to save lives. We fear most were caught under a collapsed roof in the quick-spreading flames.

My heart goes out to the families, friends, and coworkers of these firefighters. These were courageous public servants. We will miss them dearly. They paid the ultimate sacrifice in the line of duty. In the aftermath, our State's low country must deal with the shock and sorrow of these losses. Our job as citizens is to never forget what they did and to try to turn the shock and sorrow into solemn remembrance and a commitment to help their families.

I also want to mention two other Charleston leaders who are struggling with this situation on the ground: Fire Chief Rusty Thomas, and city of Charleston Mayor Joe Riley. According to news reports, Chief Thomas stayed up Monday night meeting with many of the families of the victims. He was on the scene all night.

The police chief, Greg Mullen, said:

Chief Thomas is a true leader.

I could not agree more. Mayor Riley is no stranger when it comes to dealing with disaster. His leadership during the trying aftermath of Hurricane Hugo was instrumental in our quick recovery. His leadership will greatly aid the Charleston Fire Department now as they attempt to move forward.

Firefighters represent the best our country has to offer. I will never forget these hometown heroes and the tremendous sacrifice they made this week. For the families of those who lost loved ones in Charleston, our words are feeble comfort for them, but we will always honor the memory and sacrifice of these heroic public servants of South Carolina.

For the families and friends of firefighters who remain on the job today, we pray for them as the Psalmist did, that God would be their "refuge and strength, a very present help in time of trouble."

Mr. ROCKEFELLER. Mr. President, today is a special day: one which is special to me and the nearly 2 million residents of the State of West Virginia. On this day in 1863 West Virginia entered the Union as the 35th State.

West Virginia is America. West Virginia is a place where people are proud of who they are and not what they have. It is a place where neighbor helping neighbor means something. Where community, faith, and family are not taken for granted.

The area now known as West Virginia was originally settled thousands of years ago by Native Americans. The 17th and 18th centuries saw the first pioneering European settlers who came across the Appalachians looking for an expansive new homestead. The 19th century saw America's darkest hour in the Civil War. But, it was in this con-

flict that Western Virginia separated from Virginia standing on its own, faithful the Union, and earning statehood. From that day to today, West Virginia has been an important part of America.

Our coal powers America. Our steel built America's cities from the ground up. Our timber built America's homes. Our chemical industry has improved the quality of life for all Americans. And yet today, it is another resource, West Virginia's most precious one, this is driving a new generation of West Virginians. West Virginia is home to some of the most pristine natural beauty in our Nation. Visitors from around the country—around the world—come to take in the majestic mountain vistas, explore our forests, celebrate our Appalachian heritage, fish, ski, and hit the links, and most importantly spread time with our people.

So, just who are these people? They have stout hearts, courage, and an unfaltering determination. These qualities are particularly evident in West Virginia veterans like Chester Merriman, the youngest person to serve in World War I at just 14 years of age, or Hershel "Woody" Williams, who received a Congressional Medal of Honor in World War II for his heroism during the Battle for Iwo Jima, epitomize how West Virginians have proudly served their country no matter when—from the Civil War to today's conflicts in Iraq and Afghanistan. Today, there are more than 200,000 veterans living in the State giving West Virginia the highest per capita of any State in the country.

I could go on and on and say the same thing about West Virginia's coal miners, steel workers, loggers, and chemical plant workers all of whom are truly the hardest working, finest people you ever spend time with. I know because I have.

West Virginia is my home and I am proud of that. I feel genuinely blessed to have been able to serve the people of West Virginia for as long as I have. West Virginia Day has always been a day resonating deeply inside of me and my fellow West Virginians. Happy 144th Birthday West Virginia! I ask that you, my distinguished colleagues join us in our celebration.

EMPLOYEE FREE CHOICE ACT

Mr. LEVIN. Mr. President, I am pleased to cosponsor the Employee Free Choice Act sponsored by Senator KENNEDY. Unions helped build our country. They have led the fight for critical worker safety and worker rights protections that all Americans now enjoy. They help raise wages for low- and middle-wage workers and can help close the gap from rising income inequalities.

Being a part of a union pays off for workers. For example, union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion

food preparation workers. And union maids and housekeepers earn 31 percent more than nonunion maids and housekeepers. Overall, median weekly earnings for union workers are \$191 higher than those of nonunion workers, and this difference is even more significant for minority groups.

Union workers are also almost twice as likely to receive employer-sponsored health benefits and more than four times more likely to have a secure, defined-benefit pension plan than non-union workers.

The rate of unionization in America is declining and with it workers' income. In 1973, 42.4 percent of workers in Michigan were in unions. By 2006, that number had fallen to just 19.7 percent of workers. As union membership declines, so has Michigan's real median household income, which fell 14.9 percent between 1999 and 2005.

The problem is not a lack of interest from workers. Fifty-three percent of U.S. workers state they would join a union if they could and 62 percent believe they would be worse off if unions did not exist.

The problem is the difficulties that are presented to those who seek to unionize a shop or industry. The current system does not adequately protect the workers that unionization campaigns are supposed to help and support. Workers are fired in 25 percent of private-sector union organizing campaigns. Seventy-eight percent of employers require that supervisors deliver antiunion messages to their employees. One-third of workers who unionize their workplace never even get a contract.

We have a duty to make sure that workers who want to join unions and unionize their workplace can do so, and that's what the Employee Free Choice Act will do.

The most significant provision in the bill allows for a union shop to be created through a process called a majority sign-up. Majority sign-up has been used for at least the past 70 years. In 2004, for example, about five times as many workers joined the AFL-CIO through a majority sign-up than those who were able to unionize through the National Labor Relations Board process. A majority sign up process results in less employer pressure and fewer delays than NLRB elections.

Currently, however, employers do not have to recognize employees that have a majority sign-up as a union, although many responsible companies, including Cingular and Kaiser Permanente, do. This bill would change that—if a majority of workers signs authorizations designating a union as their bargaining representative, then that union would be recognized as such.

Opponents of this bill have spread a great deal of misinformation about this provision. Many people believe the bill would take away an employee's right to a "secret ballot" union election. That is not true. This bill would still allow individuals the right to an NLRB