

It is clear to me that in order to rebuild economic security for the middle class in America, we must first rebuild strong and vibrant unions; and to rebuild strong unions, we must first reduce the unfair barriers to union organizing. A recent study by the Institute for America's Future confirms this by comparing organizing campaigns in the United States and Canada. The study found that more worker-friendly certification rules resulted in increased union participation.

But, of course, this is all just common sense. If you reduce the barriers to workers joining unions, more workers will join. What does that mean? Well, as the study made clear, by passing this Employee Free Choice Act, by making it easier for workers to band together, more than 3½ million Americans would be able to secure health coverage, more than 3 million Americans would have access to employer-based pensions.

Middle-class families in this country have an increasingly difficult time making ends meet. More than 47 million lack health insurance, that is including 251,000 Iowans, and even those who get it find it covers less and less. This should not be happening in America. When productivity rises, everyone should see a fair share of the gain. But in the past several years, increasing productivity has gone hand in hand with a growing wage gap.

According to the nonpartisan Congressional Research Service: Adjusted for inflation, average worker pay rose 8 percent from 1995 to 2005; but median CEO pay at the 350 largest firms rose 150 percent over the same period.

In my home State of Iowa, real median household income fell by 3.4 percent between 1995 and 2005, at the same time productivity increased. So workers are working and becoming more productive, but they are not getting any of their fair share.

By passing the Employee Free Choice Act, by giving workers a seat at the table, we can start to reverse this negative trend. Union participation in the workplace means everybody wins. When employees have a voice, not just to ask for better wages and benefits but to make suggestions on how to do things better, employers benefit also.

Union employees take pride in their work and they work to get more training. They are happy to help find other efficiencies in the operation because they know if they do they get a share of the savings.

Unfortunately, the scaremongers out there are trying to tell us that the Employee Free Choice Act takes away employee rights to a secret ballot. Nothing can be further from the truth. This bill does not establish a new election process. It merely requires employers to honor the employee choice.

Right now a company gets to decide whether it will recognize a majority signup vote. Well, why should just the company get to decide that? Why should employees not get to decide

that? That is what this bill does. It levels the playing field. It says the employees get to decide as well as the company.

If the employees want to use the National Labor Relations Board process, they can do that also. But we know from hard experience—the best teacher, hard experience—that process can be threatening and intimidating to many employees.

So in addition to making it easier to form a union in the first place, the Employee Free Choice Act provides for arbitration for the first contract. I know from personal experience how a company can bust a union and cause major hardships for their employees.

My brother, Frank, was a member of the UAW for 23 years. He worked at a plant called Delavan in West Des Moines, IA, for 23 years, a proud union member. He had a good job as a machinist, operating machines, made parts for the military, had good pay, good benefits, a good pension.

In 23 years he had only missed 5 days of work. In 23 years the union never went on strike, never had a work stoppage. But then Mr. Delavan, the owner, decided to sell the plant. And he sold it to a group of investors. One of those investors bragged openly—it was in the Des Moines Register—if you want to see how to bust a union, come to Delavan, we will show you how. He openly bragged about it.

What happened? Well, the investors took over. When the union contract came up, the company put forward conditions with which no union could ever agree. So what was the union forced to do? To go out on strike. For the first time ever in 23 years they went out on strike.

Well, then what did the company do? They brought in replacement workers. Then what happened? There was a long bitter strike. I remember it well. After 1 year, as allowed by labor law, they had a decertification vote. Who votes to decertify? Well, the replacement workers. So they voted them out. They did not want to lose their jobs. So they voted to decertify.

So after 23 years, my brother Frank was out of a job. He lost his union job with excellent pay, vacation, pension. Now, I ask you, what does a 54-year-old deaf man—and my brother was deaf. He is disabled. What does a 54-year-old deaf man do when he loses that kind of a job? I will tell you what he did. The only job he could get was as a janitor working in a store at night in a shopping mall—minimum wage, no union, no pension, no benefits, nothing.

This is a real-life story, folks. That happened to my family. Not only did it just destroy my brother's livelihood, it broke his spirit. That is what happens when unions are weakened and destroyed, jeopardizing our middle-class way of life. That is what is happening today, my friends, to tens of millions of workers all over this country.

I will close with this, from a December 2005 letter by 11 Nobel Peace Prize winners:

Even the wealthiest nation in the world, the United States of America, fails to adequately protect workers' rights to form unions and bargain collectively. Millions of U.S. workers lack any legal protection to form unions, and thousands are discriminated against every year for trying to exercise these rights.

It is time to level the playing field and to give them a truly fair process.

CERTIFICATE OF APPOINTMENT AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of Senator JOHN BARRASSO of the State of Wyoming. Without objection, it will be placed on file and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

OFFICE OF THE GOVERNOR,
The State of Wyoming.

CERTIFICATE OF APPOINTMENT

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES: This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Wyoming, I, Dave Freudenthal, the Governor of said State, do hereby appoint John Barrasso a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Senator Craig Thomas, is filled by election as provided by law.

Witness: His Excellency our Governor Dave Freudenthal, and our Seal hereto affixed at Cheyenne, Wyoming, this 22nd day of June, in the year of our Lord 2007.

By the Governor:

DAVE FREUDENTHAL,
Governor.
MAX MAXFIELD,
Secretary of State.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. The Senator will present himself at the desk. The Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator, escorted by Mr. ENZI and Mr. Wallop, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, let me say briefly a warm welcome to the new Senator from Wyoming, Senator BARRASSO. He has big shoes to fill with our departed colleague Craig Thomas. I am sure he is up to it. Given the average age of this institution, it is certainly good to have another physician in the Senate. An orthopedic surgeon may be particularly useful. I had a chance to meet with the new Senator this morning. He is a bright, capable

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

I yield the floor.

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

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

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

IMMIGRATION REFORM

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

It has been suggested this bill is better than rounding up 12 million undocumented immigrants, so the only

option is to confer upon them the greatest gift America can give a human being, which is American citizenship. The American people can see through that argument in a heartbeat. There are plainly other options available, somewhere in the middle between those two extremes.

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

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

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

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

Naturally, this bill does purport to require a background check. But instead of providing a reasonable timeframe for these reviews, an impossible

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

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

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

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