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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who is above all, You are the source of our joy. Continue to lead our lawmakers on the right road. Enter their hearts and enlighten their minds so that they become instruments of Your glory. Strengthen them to take up their daily cross with willing hearts and open hands. May they abandon all of life's petty concerns and embrace Your loving providence. Make them exemplary models of merciful service. May the matter-of-fact orientation of this scientific age never blind them to the glory, the wonder, and the mystery of life.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a

Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, this morning, following any time used by the two leaders, the Senate will resume consideration of the two motions to proceed to H.R. 800 and S. 1639. Debate time will extend until 11:30 this morning. That time will be equally divided and controlled between Senators KENNEDY and ENZI or their designees. At 11:30, the two leaders will control 10 minutes each, with the Republican leader controlling the time from 11:30 to 11:40 and the majority leader controlling the time from 11:40 to 11:50. Therefore, if the leaders use the time available to them, the first vote will occur about 11:50. The first vote will be on the motion to invoke cloture on the motion to proceed to H.R. 800, the Employee Free Choice Act. Regardless of the outcome of that vote, even if cloture is invoked on that motion, the Senate will then proceed to vote on the motion to proceed to S. 1639, the immigration bill. Following the second vote, the Senate will then recess until 2:15 in order to permit the respective party conference meetings.

The schedule is difficult. Last week, we worked things out so we didn't have to be in on the weekend, and that was because the cloture vote did not succeed and we saved some 30 hours. Had that succeeded, we would have had to work into the weekend.

IRAQ

Mr. REID. Madam President, yesterday the U.S. Conference of Mayors highlighted the toll of the Iraq war, the toll it is taking on our health, safety, and well-being here at home, by voting for a resolution to bring the war to a responsible end. Stanford, CT, Mayor Dan Malloy said the war has drained desperately needed funds from classrooms and municipal services. David Cicilline, Mayor of Providence, RI, said:

Continued U.S. military presence in Iraq is resulting in the tragic loss of American lives and wounding of American soldiers . . . reducing federal funds for needed domestic investments in education, health care, public safety, homeland security and more.

The mayors understand this as much as any other political body in the country. They are the ones who are seeing that desperately needed funds are not going to projects they believe are so important to their constituents, the people who live within those cities, because the money is going at the rate of \$10 billion a month to Iraq. I appreciate the Conference of Mayors for taking the important stand they did.

Finally, last evening, just before the Senate went out, RICHARD LUGAR, former chairman of the Agriculture Committee, the Foreign Relations Committee, and ranking member on the Foreign Relations Committee today, made a very important speech, one of the most important speeches we have had in the Senate in a long time. He is a soft-spoken man and doesn't really talk a lot. He is a Rhodes scholar, a brilliant man, an academic with experience, prior to coming here, as

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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mayor of one of the major cities in America. I appreciate what he did last night, what he said last night. On foreign policy, he has the credentials to speak.

Yesterday, he gave voice to the growing sentiment among his Republican colleagues that we must change course in Iraq and change now—not in September but now. Senator LUGAR said:

Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I recommend and suggest to all Senators, Democrats and Republicans, that they read the brilliant speech given by DICK LUGAR last night. It was very good. It was, I am sure, prepared by him, every word. I understand it is not easy to speak out against the war. I can vouch for that. I also recognize how difficult it is for Republicans to speak out against the war. It has been hard enough for this Democrat to speak out against the war. Senator LUGAR's comments and those of a handful of other Republicans who share his view—to this point, two have said so publicly—takes real courage. Courage is the only way we will change course in Iraq.

Some floor speeches go unnoticed. Most floor speeches go unnoticed. Senator RICHARD LUGAR's speech last night is not one of them. When this war comes to an end—and it will come to an end—and the history books are written—and they will be written—Senator LUGAR's words yesterday could be remembered as a turning point in this intractable civil war in Iraq. But that will depend on whether more Republicans take the stand Senator LUGAR took, a courageous stand, last night.

I look forward to working with Senator LUGAR—and hope and believe a growing number of Republicans—to put his words into action by delivering a responsible end to the war that the American people demand and the American people deserve.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED

COMPREHENSIVE IMMIGRATION REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume en bloc the motions to proceed to H.R. 800 and S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organi-

zations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

Motion to proceed to the consideration of S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 will be equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Wyoming, Mr. ENZI, or their designees, with the time from 11:30 to 11:40 reserved for the Republican leader and the time from 11:40 to 11:50 for the majority leader.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

Mr. GREGG. Mr. President, if the Senator will respond to an inquiry, would it be possible to have an order set up so that we could know when we are going? If I could get Senator KENNEDY's attention, would it be possible that Senator ALEXANDER be recognized and I be recognized, both for 5 minutes, at some point after Senator SPECTER, on Senator ENZI's time? Is that possible?

Mr. KENNEDY. That is agreeable. We will try to accommodate the time. Senator SPECTER wanted 15 minutes; others are 5 minutes. But we will be glad to accommodate, so if he goes for 15, you can go for 5.

Mr. GREGG. Senator ALEXANDER can be recognized for 5 and then I can be recognized for 5.

Mr. KENNEDY. That would be fine.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished chairman for yielding time. I have sought recognition to speak on the legislation entitled the "Employee Free Choice Act." I have had numerous contacts on this bill, both for it and against it, very impassioned contacts. People feel very strongly about it. The unions contend they very desperately need it. The employers say it would be an abdication of their rights to a secret ballot. I believe there are a great many important issues which need to be considered on this matter, and that is why I will vote, when the roll is called, to impose cloture so that we may consider the issue. I emphasize that on a procedural motion to invoke cloture—that is, to cut off debate—it is procedural only and that my purpose in seeking to discuss the matter is so that we may consider a great many very important and complex issues. I express no conclusion on the underlying merits in voting procedurally to consider the issue.

In my limited time available, I will seek to summarize. I begin with a note that the National Labor Relations Act does not specify that there should be a secret ballot or a card check but says only that the employee representative will represent in collective bargaining where that representative has been "designated or selected" for that pur-

pose. The courts have held that the secret ballot is preferable but not exclusive.

In the case captioned "Linden Lumber Division v. National Labor Relations Board," the Supreme Court held that "an employer has no right to a secret ballot where the employer has so poisoned the environment through unfair labor practices that a fair election is not possible."

The analysis is, what is the status with respect to the way elections are held today? The unions contend that there is an imbalance, that there is not a level playing field, and say that has been responsible in whole or in part for the steady decline in union membership.

In 1954, 34.8 percent of the American workers belonged to unions. That number decreased in 1973 to 23.5 percent and in 1984 to 18.8 percent; in 2004, to 12.5 percent; and in 2006, to 12 percent. In taking a look at the practices by the National Labor Relations Board, the delays are interminable and unacceptable. By the time the NLRB and the legal process has worked through, the delays are so long that there is no longer a meaningful election. That applies both to employers and to unions, that the delays have been interminable.

In the course of my extended statement, I cite a number of cases. In Goya Foods, the time lapse was 6 years; Fieldcrest Cannon, 5 years; Smithfield—two cases—12 and 7 years; Wallace International, 6 years; Homer Bronson, 5 years.

In the course of my written statement, I have cited a number of cases showing improper tactics by unions, showing improper tactics by employers. In the limited time I have, I can only cite a couple of these matters, but these are illustrative.

In the Goya Foods case, workers at a factory in Florida voted for the union to represent them in collective bargaining. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain.

In February of 2001, the administrative law judge found the company had illegally fired the employees and had refused to bargain. But it was not until August of 2006 that the board in Washington, DC, adopted those findings, ordered reinstatement of the employees with backpay, and required Goya to bargain in good faith—a delay of some 5 years.

In the Fieldcrest Cannon case, workers at a factory in North Carolina sought an election to vote on union representation. To discourage its employees from voting for the union, the company fired 10 employees who had vocally supported the union. The employer threatened reprisal against other employees who had voted for the union and threatened that immigrant