

of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

**SEC. \_\_\_\_ . EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.**

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting “has 1 or more qualifying children and” before “is not married.”

(2) Section 3507(c)(2)(C) of such Code is amended by striking “the employee” and inserting “an employee with 1 or more qualifying children”.

(3) Section 3507(f) of such Code is amended by striking “who have 1 or more qualifying children and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SA 108.** Mr. SESSIONS proposed an amendment to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_ . STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the costs and barriers to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

**SA 109.** Mr. REID proposed an amendment to the concurrent resolution H. Con. Res. 38, providing for a joint session of Congress to receive a message from the President, as follows:

On page 1, line 3 strike “Wednesday” and insert Tuesday.

**SA 110.** Mr. VITTER (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.**

Section 3506 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended by adding at the end the following:

“(j) SMALL BUSINESSES.—

“(1) SMALL BUSINESS CONCERN.—In this subsection, the term ‘small business concern’ means a business concern that meets the requirements of section 3(a) of the Small Busi-

ness Act (15 U.S.C. 632(a)) and the regulations promulgated under that section.

“(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of that agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

“(A) the violation has the potential to cause serious harm to the public interest;

“(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

“(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

“(D) the violation was not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

“(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

“(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

“(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the small business owner of notification of the violation in writing.

“(B) CONSIDERATIONS.—In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

“(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

“(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

“(iii) whether the small business concern has obtained a significant economic benefit from the violation.

“(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not provide the small business concern with 24 hours to correct the violation under subparagraph (A), the head of that agency shall notify Congress regarding that determination not later than the date that is 60 days after the date that the civil fine is imposed by that agency.

“(4) LIMITED TO FIRST-TIME VIOLATIONS.—

“(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if that small business concern previously violated any requirement regarding collection of information by that agency.

“(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.”.

**Privileges of the Floor**

Mr. BAUCUS. Mr. President, I ask unanimous consent the following fel-

lows, interns, and detailees of the staff of the Committee on Finance be allowed on the Senate floor for duration of debate on the minimum wage bill: Mary Baker, Tom Louthan, Sarah Shepherd, David Ashner, Gretchen Hector, Molly Keenan, Sarah Butler, and Ryan Majerus.

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

Mr. GREGG. Mr. President, I ask unanimous consent that Selma Mittal be granted the privileges of the floor during consideration of H.R. 2 and votes that may occur in relationship thereto.

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

**ORDER FOR PRINTING OF S. 1**

Mr. REID. I ask unanimous consent that S. 1, as passed by the Senate, be printed.

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

**DISCHARGE AND REFERRAL—S. 69**

Mr. REID. I ask unanimous consent that S. 69 be discharged from the Committee on the Judiciary and be referred to the Committee on Commerce, Science, and Transportation.

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

**JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 38.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 38) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the concurrent resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The amendment (No. 109) was agreed to, as follows:

**AMENDMENT NO. 109**

On page 1, line 3 strike “Wednesday” and insert “Tuesday”.

The concurrent resolution (H. Con. Res. 38), as amended, was agreed to.

**PROGRAM**

Mr. REID. Mr. President, cloture has been filed today on the line-item veto offered by Senator GREGG. I filed a cloture motion on the underlying bill,

which is a straight minimum wage with no small business set-asides on it.

Today, we have had 4 amendments laid down, and there has been good debate. Tomorrow, we can have our party caucuses at 12:30. We may vote in the morning. There are four amendments pending. We have the Enzi amendment, and the HELP Committee majority is working with him to see if there can be a couple of changes made and, if so, we can vote on that.

Mr. McCONNELL. Mr. President, let me just say, with regard to the cloture motion just filed by the distinguished majority leader, that if cloture were to be invoked on the underlying bill, the opportunity to pass what has developed into a bipartisan minimum wage proposal, including both an increase in the minimum wage and tax provisions, which are important for the small businesses that tend to hire people who work at the minimum wage, would be lost. So certainly it is my hope that cloture will not be invoked on Wednesday on the underlying bill so that we could continue in the bipartisan spirit in which we have begun this session of Congress and move forward on a bill that in all likelihood will receive, at the end of the process, a very large bipartisan vote of support, and that is a combination of the minimum wage increase and the small business tax provision.

So I encourage my colleagues on this side of the aisle to, in the spirit of bipartisanship, defeat that so we can continue to deal with the substitute that I think will enjoy broad bipartisan support.

Mr. REID. Mr. President, during the next couple of days, until we vote on the two cloture matters, if cloture is not invoked on the matter relating to Senator JUDD GREGG, then that matter, it is my understanding, would be withdrawn and we would go to cloture on the underlying bill. If that is, of course, passed, it would be just as Senator McCONNELL said—it would eliminate the matters the Finance Committee placed on the bill. If it is not invoked, we are right back where we started from and would work off the substitute.

Mr. President, I hope Senators would look at and offer whatever amendments they want on this matter. There is going to come a time, because we have so much other business to do and, besides, there is ample opportunity to file amendments on this bill, that I will be required to file cloture. It would be great if I didn't have to. We could agree on a finite list of amendments, dispose of those amendments, and move to final passage of the bill.

Next week sometime it is likely, as I explained to the distinguished Republican leader, we are going to have to go to the Iraq resolution or resolutions reported out of the Foreign Relations Committee. What the Republican leader and I have talked about doing—and we don't know if that is doable in the Senate—is to limit the votes that

would be on that issue, whether we have a couple competing resolutions or one resolution. Whatever we do, we will try to work something out to the satisfaction of the body.

Mr. McCONNELL. Mr. President, briefly, five amendments have been pending, three have been filed. I will have a better sense, I say to my friend, the majority leader, after lunch tomorrow how many amendments my side will be interested in filing. I certainly share the majority leader's view, provided cloture is not invoked on Wednesday, that we would work with the majority leader in the hopes of winding up this bill at the earliest possible time.

#### ORDERS FOR TUESDAY, JANUARY 23, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, January 23; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under control of the Republicans and the second half under the control of the majority; that following morning business, the Senate then resume consideration of H.R. 2, the minimum wage bill; that on Tuesday, the Senate recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference luncheons.

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

#### PROGRAM

Mr. REID. Mr. President, we began, as we have just spoken about, a very good debate today on minimum wage. Senator GREGG offered his line-item veto amendment. We had very stimulating debate on that matter from both sides. I filed cloture on that amendment. The cloture vote will occur on Wednesday, unless we decide to move it up earlier.

Also, today I filed cloture on the underlying bill. The Republican leader and I discussed that at some length. If cloture is not invoked on the Gregg amendment, then we will go immediately to a cloture vote on the underlying bill.

#### ORDER OF PROCEDURE

I ask unanimous consent that the live quorum, with respect to these two cloture motions, be waived.

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

Mr. REID. Mr. President, I ask unanimous consent that Senators have until 2:30 p.m. tomorrow, Tuesday, to file first-degree amendments.

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

Mr. REID. Mr. President, does the Republican leader have anything further?

Mr. McCONNELL. No. I say to my friend, as I indicated, we have several amendments pending. We will know a little more tomorrow how many amendments will be offered.

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senator WARNER, the Senate stand adjourned under the previous order.

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

Mr. REID. 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.

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

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

#### RESOLUTION ON THE NEW STRATEGY IN IRAQ

Mr. WARNER. Mr. President, I first thank the Presiding Officer for addressing the Senate earlier this evening with regard to the proposed resolution which you and our distinguished colleague from Maine, Senator COLLINS, have been working on now for several days and throughout the weekend, placing it into the RECORD for all Senators to have an opportunity to study it.

I ask unanimous consent that it be printed in the RECORD following my statement.

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

(See Exhibit 1.)

Mr. WARNER. Mr. President, as I said when I was joined by you and Senator COLLINS in our brief press conference this afternoon, the resolution we currently anticipate will not be filed formally at the desk until the State of the Union is completed tomorrow and the Senate Foreign Relations Committee works its will on a resolution which is pending before it, authored by the chairman, Senator BIDEN, and Senator HAGEL of Nebraska and other Senators who have joined in that resolution. As that resolution works its way through the Foreign Relations Committee, we, the three of us who have worked on this resolution, will take an examination of what is sent to the floor for purposes of floor consideration, and at that time I anticipate we could indicate to the Senate a desire that our resolution be considered as a substitute resolution and therefore an alternative to the resolution that will be reported out from the Foreign Relations Committee.