

or admission as a lawful permanent resident on another basis under the INA.

Subparagraph (F): provides for the removal from the United States, of any alien subject to the five-year limitation if the alien violates the provisions of this paragraph, or if the alien is found to be removable or inadmissible under applicable provisions of the INA.

Subparagraph (G): provides the Attorney General with the authority to grant a waiver of the five-year limitation in certain extraordinary situations where the Attorney General finds that the alien would suffer exceptional and extremely unusual hardship were such conditions not waived. The benefits of this provision would be unavailable to a person who has violated the terms and conditions of his or her permanent resident status, such as an alien who has engaged in the unauthorized employment.

Subparagraph (H): provides for the expiration of limitations after five years.

Subparagraph (I): provides for not more than two five-year extensions, as necessary, of the employment-based immigrant visa programs of this paragraph, with respect to workers in legitimate businesses in the tourism industry. This provision is designed to ensure that there be a sufficient number of workers available to fill positions in the tourism industry after the transition period ends. The subparagraph also permits a single five-year extension for legitimate businesses in other industries. The provisions are explained more fully under the discussion of Committee Amendments.

Subsection (e): provides further detail regarding nonimmigrant investor visas.

Subsection (f): provides further detail regarding persons lawfully admitted into the CNMI under local law.

Subsection (g): provides travel restrictions for certain applicants for asylum.

Subsection (h): deals with the effect of these provisions on other law.

Subsection (i): provides that no time spent by an alien in the CNMI in violation of CNMI law would count toward admission and is self-explanatory.

Subsection (j): provides a one-time grandfather for certain long-term employees and is more fully discussed in the section of the Report describing the Committee Amendment.

Section 2, subsection (b): provides for three conforming amendments to the INA.

Section 2, subsection (c): provides for technical assistance to specifically charge the Secretary of Commerce to provide technical assistance to encourage growth and diversification of the local economy and the Secretary of Labor to provide assistance to recruit, train, and hire persons authorized to work in the U.S.

Section 2, subsection (d): provides administrative authority for the Departments of Justice and Labor to implement the statute.

Section 2, subsection (e): provides for a report to Congress.

Section 2, subsection (f): limits the number of alien workers present in the CNMI prior to the transition program effective date.

Section 2, subsection (g): authorizes appropriations.

CONDEMNING DRIVE HUNTS

Mr. LAUTENBERG. Mr. President, I rise today to discuss the inhumane and unnecessary annual slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin, by Japan's drive fishery.

Drive hunts are run by fishers who use scare tactics to herd, chase, and corral the animals into shallow waters where they are trapped and then killed or hauled off live to be sold into captivity. The overexploitation of these highly social and intelligent animals for decades has resulted in the serious decline, and in some cases, the commercial extinction, of these species.

On April 7, 2005, I introduced Senate Resolution 99 to help end this inhumane and unnecessary practice and urged participating countries to stop the brutal treatment of these animals. Fishers have killed small cetaceans along the coastlines of Japan for centuries with no regard for the humanness or sustainability of the hunt. Currently, up to 20,000 small cetaceans of several species are killed in Japanese drive and harpoon hunts each year. In the last two decades, more than 400,000 have been slaughtered in Japan alone.

The cruelty endured by dolphins and whales caught in drive hunts is immense. Aboard motorized boats, drive hunt fishers loudly bang metal pipes over the side of their boats to disorient the animals and drive them toward shore where they are trapped by nets and stabbed with long knives, usually just behind the blowhole or across the throat. Many of the animals eventually die from blood loss and hemorrhagic shock or their spinal cord is severed.

Today, the Humane Society of the United States/Humane Society International, Animal Welfare Institute, and Whale and Dolphin Conservation Society are joining with concerned citizens throughout this country and around the world to gather in peaceful demonstrations to express their concern for the welfare of these animals. I, too, join them in condemning these brutal and senseless hunts.

TRIBUTE TO JUDGE JAMES DEANDA

Mr. LEAHY. Mr. President, this afternoon I would like to take a moment to mark the passing of a great American—Judge James DeAnda. Judge DeAnda died of cancer on September 7, 2006, at the age of 81. He was appointed to the Federal bench by President Jimmy Carter in 1979 and served as judge on the U.S. District Court for the Southern District of Texas until his retirement in 1992. Before his distinguished tenure as a Federal trial judge, James DeAnda was a tireless civil rights advocate with what has become known as a “voracious appetite for justice.”

Born in Houston, TX, James DeAnda was the son of Mexican immigrants. He attended Texas A&M University and served in the U.S. Marines during World War II before graduating from the University of Texas Law School in 1950, when there were only a handful of Hispanic law students. James DeAnda returned to Houston after graduation, but he had difficulty finding work because White law firms refused to hire a

Hispanic lawyer. Not one to be discouraged, James DeAnda joined another Hispanic lawyer to form a legal practice dedicated to representing Hispanic Americans.

In one of his earliest cases, James DeAnda was a member of the four-person legal team behind *Hernandez v. Texas*, 1954, the first case tried by Mexican American attorneys before the U.S. Supreme Court. In *Hernandez*, the Supreme Court overturned the murder conviction of a Hispanic man by an all-White jury and for the first time gave Hispanics status as a distinct legal classification deserving of special protection under the Constitution. This case represented a watershed moment in our civil rights history because it opened the door to voting rights, education, and employment challenges by Hispanic Americans. James DeAnda himself used this newly attained classification to fight the segregation of Hispanic children within public schools. He was involved in a number of cases including *Cisneros v. Corpus Christi Independent School District*, 1970, in which the Supreme Court extended for the first time *Brown v. the Board of Education* to Hispanics.

In 1968, James DeAnda helped found the Mexican American Legal Defense and Educational Fund, MALDEF. As one of our Nation's leading Latino advocacy organizations, MALDEF played a crucial role in Judiciary Committee hearings on reauthorization of the Voting Rights Act this year. Several MALDEF leaders testified before the Senate and House committees about the continued importance of the Voting Rights Act in ensuring equal access and fair representation for minority voters. MALDEF conducted extensive studies showing the unavailability of translated voting materials and language assistance to Spanish-speaking voters, despite the legal requirement that they be provided and clearly demonstrated the need for reauthorization of the Voting Rights Act.

Judge James DeAnda inspired generations of civil rights advocates. The continuing work of the organization he helped to found, MALDEF, serves as an enduring legacy to this great American. Our thoughts and prayers go out to his family.

GOLD STAR MOTHERS

Mr. ALLARD. Mr. President, 70 years ago, Congress passed a resolution proclaiming that the last Sunday in September be designated as Gold Star Mother's Day. As we approach the last Sunday in September, I would like to take this opportunity to recognize the Gold Star Mothers throughout the country and particularly those in the State of Colorado.

I hope that we will all take time this Sunday, September 24, to honor these mothers and fathers who have so bravely endured the loss of a son or daughter killed while serving in the Armed Forces. Colorado has lost many young

men and women to combat since the horrendous attacks of 9/11. One day is not long enough for us to ever fully honor those parents who have had to suffer the unimaginable pain of losing a child, but we will try.

Across the State of Colorado and the rest of the Nation, many of these mothers have come together not only for support but also to volunteer their time serving veterans and families of soldiers, encouraging patriotism and national pride, and honoring their children through service and allegiance to the United States. Through their volunteer efforts, they keep alive the memory and spirit of those whose lives were lost in the war. They continue to inspire compassion, strength, and faithfulness for all Americans.

To mark this weekend, the Blue Star Mothers of Colorado will be hosting Colorado's first annual Gold Star Mother's Day Weekend. There will be several events throughout the weekend celebrating the lives of those soldiers who so courageously gave the ultimate sacrifice for their Nation. Unfortunately I will not be able to attend the ceremony myself, but my wife Joan and I want to send our thoughts and prayers to those who will be attending the event.

Words truly cannot express America's gratitude for our Armed Forces and their service and sacrifice to this Nation. Those who have fallen have served a cause greater than themselves and deserve special honor. To their mothers and fathers, you too deserve special honor as you continue to carry on the patriotic duties and legacy that your son or daughter sadly could not. I thank you for your courage and for your service to the United States of America.

Over the last 3 years, our Nation has been locked in a terrible struggle against radical extremists across the Middle East. And I will readily admit that this fight is one that we did not anticipate. But I do know that every life given in the name of freedom has not been given in vain.

While they continually experience many dangerous challenges, our men and women of our Armed Forces continue making strides in Iraq and Afghanistan. We have fought a terrible enemy that has no regard for human life.

Yet despite our challenges, we have seen tremendous progress, especially towards helping to create partners in our fight against terrorism worldwide. Indeed, much of our success depends on the men and women in the new democratic governments formed in Iraq and Afghanistan, and they are stepping up to the challenge. In Iraq, people from all walks of life—Sunnis, Shia, and Kurds—have participated in multiple elections and referendums across the country for the first time in Iraq's history.

Remarkably, after democratic elections in Afghanistan, women are holding positions of power in local and na-

tional governments, something that was impossible under the Taliban's rule. The sovereign governments are working with regional and international partners in achieving united democracies—an achievement only allowed through our fighting men and women in combat.

Many remarkable achievements have been made through the sacrifices of the men and women in the military, but perhaps the most important of all is what has not occurred in our own country. Since we took military action against these Islamic extremists and brought the fight to them, we have not seen an attack on American soil. The sacrifices that the sons and daughters of our Gold Star Mothers have made and continue to make are protecting us here on our shores.

Unfortunately, we have seen that even after the death of terrorist leaders like Abu Musab al-Zarqawi that the forces of the Islamic extremists vow that they will continue to wage war on American civilians. Our success against this type of enemy is only ensured by the brave men and women of our Armed Forces. They provide the safety and security to our nation, and we are truly grateful for what they have done. While the cost has been high, the cost of doing nothing would be even greater. These words provide little comfort to the families that have lost loved ones. But we will always remember those who have lost their lives in support of our freedom, and thank them for their sacrifice. I ask unanimous consent for the list of fallen heroes from Colorado be printed in the RECORD.

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

PFC Travis W. Anderson
 PFC Shawn M. Atkins
 SGT Daniel A. Bader
 SGT Douglas E. Bascom
 SGT Thomas F. Broomhead
 Petty Officer 2nd Class Danny P. Dietz
 LCpl Mark E. Engel
 SGT Christopher M. Falkel
 PFC George R. Geer
 LCpl Evenor C. Herrera
 CPL Benjamin D. Hoeffner
 SGT Theodore S. Holder II
 MAG Douglas A. La Bouff
 SSG Mark A. Lawton
 SPC Derrick J. Lutters
 PFC Tyler R. MacKenzie
 LCpl Chad B. Maynard
 SGT Dimitri Muscat
 SGT Larry W. Pankey Jr.
 SSG Michael C. Parrott
 PFC Chance R. Phelps
 PFC Ryan E. Reed
 SFC Randall S. Rehn
 SSG Gavin B. Reinke
 SGT Luis R. Reyes
 PFC Andrew G. Riedel
 CAPT Russell B. Rippetoe
 PFC Henry C. Risner
 SFC Daniel A. Romero
 LCpl Gregory P. Rund
 SSG Barry Sanford
 SSG Michael B. Shackelford
 CPL Christopher F. Sitton
 LCpl Thomas J. Slocum
 LCpl Jeremy P. Tamburello
 SSG Justin L. Vasquez

2LT John S. Vaughan
 CAPT Ian P. Weikel
 SPC Dana N. Wilson
 SGT Michael E. Yashinski

Mr. ALLARD. Mr. President, in remembering their lives, we also honor them and celebrate the joy that they have brought to their families. To the Gold Star and Blue Star mothers and fathers, I salute you, and thank you for your service to this nation.

NATIONAL SCHOOL BACKPACK AWARENESS DAY

Mr. MENENDEZ. Mr. President, I rise in recognition of the fifth annual National School Backpack Awareness Day, September 20, 2006. Today, the American Occupational Therapy Association, AOTA, in collaboration with more than 350 occupational therapy practitioners across the country will be educating thousands of children and their families about how to stay healthy and succeed in school, especially how to prevent backpack related injuries. These organizations are taking real steps towards protecting our children during their most formative years.

Occupational therapists and occupational therapy assistants play an incredibly important role in our local communities. Occupational therapy practitioners work directly with students, parents, and teachers to modify educational environments so that all students can achieve academic success. They often develop plans to improve function and productivity, so as to maximize independence within the academic environment. Their knowledge about how children can stay healthy and succeed in school is invaluable. Today's effort to protect them from backpack injuries is much needed, and I know it will have a positive impact on thousands of families.

Many children enjoy picking out a backpack at the start of the school year, usually based on a certain color or design, but if worn incorrectly or if too heavy, there is a serious potential for injury. In light of this concern, today at schools, stores, hospitals, and shopping malls all over the Nation, children's backpacks will be "weighed-in." This will ensure that children are not carrying more than 15 percent of their bodyweight on their back. According to U.S. and international studies, children using overloaded and improperly worn backpacks experience neck, shoulder and back pain. Furthermore, children wearing backpacks improperly suffer from compromised breathing and increased fatigue at significantly higher rates than students wearing their backpacks properly and with appropriate loads. In our great State of New Jersey, these "weigh-ins" are being conducted at nine locations throughout the State. By the end of the day, children all over America will be healthier and equipped with information about how to properly load and carry a backpack.