

. . . the alien may make up to three attempts . . . but must satisfy the requirement prior to the expiration of the second extension of Z visa status.

As the bill is written, there is no real English requirement until 12 to 14 years down the road, and it is not as strong.

I don't know why we are so concerned about that. Is it a pandering? Is it some attempt to please people who are here illegally? Good policy, I submit, the right policy—both for the United States and for those here receiving amnesty—would be to encourage them to learn English sooner rather than later. How long does it take? Twelve years is too long, and I think that is a mistake in the bill.

Mr. President, I see my colleague, Senator KYL here. I will be pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. KYL and Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

Mr. SESSIONS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEDBETTER DECISION

Mr. KENNEDY. Mr. President, I urge my colleagues on both sides of the aisle to join in correcting the Supreme Court's decision last week in *Ledbetter v. Goodyear Tire & Rubber Company*. That decision has undermined a core protection of title VII of the Civil Rights Act of 1964, the landmark law against job discrimination based on gender, race, national origin, and religion. Title VII has made America a stronger, fairer, and better land. It embodies principles at the heart of our society—fairness and justice for all.

Americans believe in fair treatment, equal pay, and an honest chance at success in the workplace. These values have made our country a beacon of hope and opportunity around the world. The *Ledbetter* decision undermined these bedrock principles by imposing unrealistically short time limits for employees seeking redress for wage discrimination.

In the case before the Supreme Court, a jury had found that Goodyear Tire and Rubber Company had discriminated against Lily Ledbetter by downgrading her evaluations because she was a woman in a traditionally male job. Year after year, the company used these unfair evaluations to pay her less than her male coworkers who held the same job. The jury was outraged by Goodyear's misconduct and awarded back to Ms. Ledbetter to correct this basic injustice and hold the company accountable.

The Supreme Court ruled against her, holding that she had waited too long to file her lawsuit. It ruled that she should have filed her lawsuit within a short time after Goodyear first decided to pay her less than her male colleagues. Never mind that she didn't know at the outset that male workers were paid more. Never mind that the company discriminated against her for decades and that the discrimination continued with each new paycheck she received.

Requiring employees to file pay discrimination claims within a short time after the employer decides to discriminate makes no sense. Pay discrimination is different from other discriminatory actions because workers generally don't know what their colleagues earn. It is not a case of being told "you're fired" or "you didn't get the job" when workers at least knows they have been denied a job benefit. With pay discrimination, the paycheck comes in the mail, and workers usually have no idea if they are being paid fairly. Common sense and basic fairness require that they should be able to file a complaint within a reasonable time after getting a discriminatory paycheck instead of having to file the complaint soon after the company first decides to short-change them for discriminatory reasons.

The Court's decision in the *Ledbetter* case is not only unfair, it sets up a perverse incentive for workers to file lawsuits before they have investigated whether pay decisions are actually based on discrimination. Under the decision, workers who wait to get all the information before filing a complaint of discrimination could be out of time. As a result, the decision will create unnecessary litigation as workers rush to beat the clock on their equal pay claims.

The Supreme Court's decision also breaks faith with the Civil Rights Act of 1991, which was enacted with overwhelming bipartisan support—a vote of 93 to 5 in the Senate and 381 to 38 in the House. The 1991 act had corrected this same problem in the context of seniority, overturning the Court's decision in a separate case. At the time, there was no need to clarify title VII for pay discrimination claims since the courts were interpreting title VII correctly. Obviously, Congress needs to act again to ensure that the law adequately protects workers against pay discrimination.

It is unacceptable that victims of discrimination are unable to file a lawsuit against ongoing discrimination. Yet that is what happened to Lily Ledbetter. I hope that all of us, on both sides of the aisle, can join in correcting this obvious wrong.

Unfortunately, in recent years, the Supreme Court also has undermined other bipartisan civil rights laws in ways Congress never intended. It has limited the Age Discrimination in Employment Act, made it harder to protect children who are harassed in our

schools, and eliminated individuals' right to challenge practices that have a discriminatory impact on their access to public services. Congress needs to correct these problems as well.

Let's not allow what happened to Lily Ledbetter to happen to any other victims of discrimination. As Justice Ginsburg wrote in her powerful dissent, the Court's decision is "totally at odds with the robust protection against employment discrimination Congress intended Title VII to secure." I urge my colleagues, Republicans and Democrats alike, to restore the law as it was before the *Ledbetter* decision, so that victims of ongoing pay discrimination have a reasonable time to file their claims. The Lily Ledbetters of our Nation deserve no less.

HONORING OUR ARMED FORCES

STAFF SERGEANT JAY EDWARD MARTIN

Mr. CARDIN. Mr. President, on May 16, 2007, I attended SSG Jay Edward Martin's funeral. A soldier born and raised in Baltimore, MD, Sergeant Martin lost his life in service to our country. He was 29 years old. I rise today to pay tribute to his life and his sacrifice.

Sergeant Martin and two others were killed Sunday, April 29, when an improvised explosive device detonated near their vehicle during combat operations in Baghdad.

Sergeant Martin was not new to the military. After joining the Army in November 1997, he served for nearly 2 years in Germany and Bosnia. He was then stationed at Fort Irwin in California as an Army recruiter. But as a recruiter, Sergeant Martin grew restless and chose to go to Baghdad. A childhood friend remembers Jay's explanation: "I'm supposed to be fighting for my country; I can't sit in an office." An experienced soldier, Sergeant Martin knew the risks and challenges he would face, and this knowledge makes his decision to serve all the more admirable.

Sergeant Martin had been scheduled for a 2-week break from Iraq in April. But in a selfless move—one that Jay's family describes as typical of his generous spirit—he allowed a fellow soldier whose wife just had a baby to take his place.

Jay is remembered by those who knew him for his determination, bravery, and devotion to service. Jay displayed remarkable leadership, focus, and determination even as he suffered setbacks in his young life. Jay's mother died when he was only 8 years old, but Jay remained focused on his dream of becoming a pilot and joining the military. An aunt, Lori Martin-Graham, recalls that he would talk about military service for hours with her husband, who had served in the Navy.

Sergeant Martin spoke fervently about the importance of college and attended Embry-Riddle Aeronautical University in Daytona Beach, FL. He