

weapons cache, and secured valuable intelligence.

Sergeant Hester's actions were cited as having "saved the lives of numerous convoy members." For her bravery, she was awarded the Silver Star medal on June 16, 2006.

Sergeant Hester's courage, dedication, and sacrifice on behalf of her country and her fellow soldiers make her a hero and a role model that every young Kentuckian can emulate. I am proud that a woman of such character and determination hails from the Bluegrass State, and I know the entire Senate joins me in thanking her for her service in defense of America and America's ideals.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS RICHARD J. HENKES

Mrs. LINCOLN. Mr. President, it is my honor to pay tribute to the life of SFC Richard J. Henkes, a brave soldier who gave his life in support of Operation Iraqi Freedom. Sergeant Henkes will be remembered as a courageous soul, a proud father, and an inspiration to those who knew him best. The 200 people who gathered at his memorial service are a testament to the number of lives he touched. They are lives that he continues to touch through the legacy he leaves behind.

Sergeant Henkes wrestled and ran track in high school, but his true passion was snowboarding. He shared this passion with his 6-year-old daughter, Isabel, as well as with his 17-year-old niece, Cassidy, who fondly remembers the caring uncle who was always there to pick her up when she would fall. Above all, Sergeant Henkes was a compassionate, outgoing, and fun-loving guy with a great sense of humor. It was this compassion for others and desire to make a difference that drove him to carry on his family's rich history of military service, dating back to World War I.

Stationed out of Fort Lewis, WA, Sergeant Henkes served with C Company, 2nd Battalion, 3rd Infantry Regiment, 2nd Infantry Division. In Iraq, he was recently placed in command of his platoon—a challenge that he embraced. Tragically, Sergeant Henkes died on September 3 from injuries sustained from a roadside bomb in Mosul, Iraq. People say he knew of the dangers of war, but he believed his mission would make a difference in the lives of countless people and that it was worth the sacrifice. Mourners paid tribute to Sergeant Henkes in the Woodburn, OR, National Guard Armory on September 11. At the ceremony, he was posthumously awarded the Bronze Star and Purple Heart service medals by his battalion.

We grieve the loss of another soldier who made the ultimate sacrifice to defend the freedoms we all cherish. Sergeant Henkes leaves behind a legacy that will live on through the people he inspired and the young daughter who will grow up knowing that her father

lived to make a difference in the world. My thoughts and prayers are with his daughter Isabel, his parents, Chris and Jim Stanton of Ashdown, AR, and Richard and Karen Henkes of Woodburn, OR, and to all those who knew and loved him.

Mr. SUNUNU. Mr. President, I rise today in support of S. 3549, the Foreign Investment and National Security Act. S. 3549 reforms the Committee on Foreign Investment in the United States, which is more commonly known as CFIUS. CFIUS is the entity of our Federal Government charged with reviewing any type of foreign investment in the United States, and reviews all corporate transactions involving foreign-owned companies. Its top priority has always been to protect America's national security interests, and that must remain its main focus. However, this foremost concern can and must be addressed without jeopardizing foreign investment in our country—a critical economic engine.

This CFIUS reform bill represents an effort by the Senate to ensure that the national security interests of the United States are protected in the context of foreign investment in U.S. industries. As a member of the Banking Committee, I supported this effort as a necessary way to restore the confidence of the American people in the CFIUS process, and I commend Chairman SHELBY and Ranking Member SARBANES and my colleagues on the committee for their work to date on this legislation. Though I supported Senate passage of the bill in an effort to keep this important legislation moving through the legislative process, I want to highlight two provisions in the bill with which I have significant concerns because they will have a chilling effect on foreign investment.

First, the provision that potentially extends the initial 30-day review period to a 60-day period would place all foreign investors, including those of our closest allies, at a competitive disadvantage. Under current law, most transactions, foreign and domestic, require an antitrust review under the Hart-Scott-Rodino Act which takes a minimum of thirty days. However, the foreign investor is also, appropriately, required to undergo a 30-day CFIUS review, which may occur concurrently with the HSR review. This process allows a thorough review without putting one type of investor at a disadvantage to another. S. 3549, however, would potentially expand the 30-day CFIUS review to 60 days, creating a much longer delay and one that is disconnected from the HSR-mandated time table. This would create a substantial competitive disadvantage. Our government ought to be able to quickly identify and clarify the national security implications of a given transaction certainly within the 30 days prescribed under current law.

The second provision with which I have concern would require repeated and detailed notifications about ongo-

ing transactions to many Members of Congress and State Governors. Such notifications would only politicize transactions, do little to resolve national security concerns and undermine the CFIUS process.

This bill makes a strong attempt to strike the appropriate balance between national security, sound economic policy, and appropriate oversight. The two provisions I have highlighted upset this balance, but because I support this overall effort, I look forward to continued collaboration with Senators SHELBY and SARBANES and the other members of the Banking Committee as we address these issues in conference with the House.

NOMINATION OF FRANCISCO AUGUSTO BESOSA

Mr. BAUCUS. Mr. President, I would have voted in support of the nomination of Francisco Augusto Besosa to the U.S. District Court for the District of Puerto Rico. However, I was on my way back from Montana and was unable to make it to the Senate floor before the vote ended.

Mr. Besosa is well qualified for the position and will be a good addition to the court.

Francisco Augusto "Frank" Besosa is partner and head of the litigation department of Adsuar Muniz Goyco Besosa, P.S.C. in San Juan, Puerto Rico. After graduating from Brown University in 1971, he served 5 years in active military service in military intelligence. He was honorably discharged from Inactive Reserve from the U.S. Army with the rank of captain in 1977. He earned a J.D. from Georgetown University Law Center in 1979. After law school, Mr. Besosa returned to Puerto Rico and joined the law firm of O'Neill & Borges.

With the exception of 3 years in the 1980s as an assistant U.S. attorney, Mr. Besosa has spent his entire legal career in private practice in several firms conducting civil and commercial litigation in Puerto Rico. His work has focused on banking and bankruptcy; securities regulation; admiralty; insurance; torts including personal injury, medical malpractice, and product liability; telecommunications and intellectual property both at the trial and appellate level.

Mr. Besosa is a member of numerous bars including the Puerto Rico Bar Association, the Federal Bar Association, American Bar Association, District of Columbia Bar Association, U.S. Court of Appeals for the First Circuit and the Federal Circuit, and the Hispanic National Bar Association. He has held a variety of leadership positions in the Federal Bar Association Puerto Rico Chapter including director, president-elect, vice president, secretary and treasurer.

The ABA has recommended Mr. Besosa for the position with a unanimous "well qualified" rating.

Given his qualifications and experience, Mr. Besosa is a good fit for the

U.S. District Court for the District of Puerto Rico. I would have supported his nomination.

Mr. COLEMAN. Mr. President, I rise today to discuss the Secure Fence Act of 2006 and the issue of securing our northern border. Without question, securing the border is our most vital need in dealing with illegal immigrants and as it stands, our borders lay vulnerable to not only an influx of illegal immigrants but also transportation of dangerous materials. The facts are clear—each year over 1 million unauthorized aliens are interdicted entering the country mostly on the southwest border. Testimony by the Border Patrol union chief places the estimate of illegal entrants not interdicted by Border Patrol to be two times those actually caught. Simply put, the Border Patrol is overwhelmed by the sheer volume of the traffic and it is time to take action.

The Secure Fence Act of 2006 requires the Secretary of Homeland Security to take all appropriate actions to achieve operational control over all U.S. international land and maritime borders within 18 months of its enactment. Additionally, the bill authorizes 700 miles of double-layered fencing at specified locations along the almost 2,000-mile southwest U.S. international border with Mexico.

This bill also takes the right approach in terms of northern border security. The legislation requires the Department of Homeland Security to conduct a study on the feasibility of a state-of-the-art infrastructure security system along the northern international land and maritime border of the United States. The study shall include the necessity of implementing such a system, the feasibility of implementing such a system and the economic impact implementing such a system will have along the northern border.

In my home state of Minnesota, we share 547 miles of border with Canada and 458 of those miles are a water boundary. I want to make it clear to my constituents and our Canadian friends that this legislation should not be used to justify construction of a wall along the northern border but to take an inventory of the systems that are working and not working and ensure that we put in place the most effective approach. We are going to measure twice before building once.

The United States and Canada share a long history of working together on issues of mutual concern. Both countries share a common border and common objectives: to ensure that the border is open for business, but closed to crime. The Canada-United States Smart Border Declaration and Action Plan and programs such as the Security and Prosperity Partnership and the Integrated Border Enforcement Teams are great examples of cooperative initiatives that have proven successful.

I am fully confident this strong relationship and commitment to border se-

curity will continue as it is one of the cornerstones to securing our northern border.

NATIONAL EMPLOY OLDER WORKERS WEEK

Mr. KOHL. Mr. President, I rise today to recognize National Employ Older Workers Week, a time to celebrate the many older workers who are redefining retirement and the employers that welcome their talents.

Many older Americans do not see retirement as just a period of leisure; they continue to contribute to our nation's businesses, communities, and economy. And some employers, facing a shortage of skilled and experienced workers, have recognized the value of older workers by changing their policies to attract and retain them.

One of those employers is Mercy Health System, which is based in Wisconsin and has 63 health care facilities across Wisconsin and Illinois. AARP recently ranked Mercy Health System the top employer for older workers in the country. Mercy Health System attracts and retains older workers by providing flexible work options, like its Work-to-Retire Program, which offers reduced and seasonal work schedules while maintaining health benefits.

Yet too few employers have followed Mercy Health System's lead in creating better work options for older Americans. While most older workers want to work past traditional retirement age, many do not want to work a traditional full-time schedule. Today, only about one-third of older workers have flexible work schedules. Even when employers offer flexible work options like part-time work schedules, most do not also offer benefits: only 22 percent of part-time workers have access to health benefits.

So while older workers and some employers have begun to reinvent retirement, we have a long way to go. That is why I authored the Older Worker Opportunity Act, which aims to expand opportunities for older Americans to work longer if they so choose. The centerpiece of this legislation is a tax credit for employers that offer flexible, reduced, or seasonal work schedules to older workers while maintaining their health and pension benefits. Such a credit would reward employers like Mercy Health System who are doing the right thing, while encouraging other employers to follow their lead. Greater workplace flexibility would not only benefit older Americans, but would also reduce employer costs by increasing productivity and job retention.

Just this week, the National Committee to Preserve Social Security and Medicare endorsed the Older Worker Opportunity Act. In its letter of support, president and CEO Barbara Kennelly offered that the bill "could help pave the way for significant increases in older worker employment." I agree, and I am proud to have them join our

other supporters, including the National Council on Aging, the National Older Worker Career Center, Watson Wyatt Worldwide, the Committee for Economic Development, the Association of Jewish Family and Children's Agencies, and United Jewish Communities. With their backing, this bill will continue to gain steam.

During National Employ Older Workers Week, we also celebrate the Senior Community Service Employment Program—SCSEP—which has provided community service and job training to low-income seniors for 40 years. As our baby boomers age and seniors become a growing share of the population, we must strengthen SCSEP so that all eligible seniors get the help they need. Many of us were concerned when the Administration proposed a major overhaul of this program, which would have been disruptive to both grantees and participants. I am hopeful that the Older Americans Act reauthorization bill will preserve the basic structure of the program and build on its success.

I urge Congress to pass the OAA reauthorization as soon as possible so that seniors in need of SCSEP services have the tools to stay active in the workforce and their communities. But beyond reauthorization, we must also boost SCSEP's funding, which is currently only enough to serve less than one percent of the eligible population. As a member of the Appropriations Committee, I will continue to press for additional funding so that all older Americans who want or need to work longer have the opportunity to do so.

As older Americans live longer and healthier lives, most have the ability and desire to remain active. Some want to maintain physical and mental health, some need to improve their financial security, and some want to continue to contribute to society. Whatever the reason, it's time to change the way we think about retirement. Older Americans are a valuable asset to our nation's businesses, communities, and economy, and we must tap their reservoir of experience and talents. Our seniors deserve it, and our economic future may well depend on it.

CHILD AND FAMILY SERVICES IMPROVEMENT ACT

Mr. GRASSLEY. Mr. President, yesterday, the House of Representatives passed the Senate amendment to S. 3525, which represents the bipartisan and bicameral agreement on the Child and Family Services Improvement Act of 2006.

I was pleased to have introduced the Senate amendment with my friend and partner on the Senate Finance Committee, Senator MAX BAUCUS. Senator BAUCUS and I were joined by Senator ORRIN G. HATCH, and Senator JOHN D. ROCKEFELLER, Jr. and Senator OLYMPIA J. SNOWE. All of these members have a long history of support for important programs to improve the well-being of children.