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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

Heavenly Father, for Your marvelous grace that enables us to live victoriously, we thank You. Thank You for strength during life's monotony and emergencies. Help us to express our gratitude by promoting Your work in our world.

Lord, guide our lawmakers with Your higher wisdom. Empower them to walk the path that surrenders to Your will. Replace their fear with faith, their confusion with clarity, and their error with truth. Let love prevail over hate, justice triumph over greed, and harmony defeat discord. Make them willing to listen both to You and to each other. O God, give them tough faith for troubled times.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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, October 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you very much, Mr. President.

### SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for an hour. The time will be equally divided and controlled. The Republicans have the first half. We have the second half. Following morning business, Senators MIKULSKI and SHELBY, as managers of the bill, will resume consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Last night, I indicated we would work and complete this bill, either tonight or in the morning—and by “in the morning,” I mean after midnight. We are going to work until we complete this bill, if, in fact, it is ever going to be completed. I am not filing cloture on the legislation. We have a finite number of amendments, and we are going to work through these amendments.

As I indicated last night, we have had good cooperation from the minority on our appropriations bills, and I hope that continues. I am confident it will. But if anyone who is mischievous

thinks they will stop us from voting tonight, we will have votes. I do not need to be voting on these matters of this bill. If people think they can stop us from voting, we will have votes. Even if we have to instruct the Sergeant at Arms or do whatever is necessary, we are going to have votes tonight, unless this bill moves forward more quickly than some have said.

We need to complete this legislation. We have things that are so very important. The President yesterday said he wants appropriations bills. We cannot do the appropriations bills unless we have cooperation from Democrats and Republicans. Right now, we have 29 amendments that are here that Republicans want to deal with. There are eight Democratic amendments. We want to get this bill done. We need to do Labor-HHS, and, hopefully, by that time we can have something ready to send to the President—any one of the six bills we would have passed. I think it is important we get this process done. The President said he wants to veto a bill. We will send him one he wants to veto if, in fact, that is what he wants to do. Hopefully, that may not be the case. But if it is, that is where we have to start with him. So there are going to be votes. There probably will be votes before our 12:30 mandated recess time.

There are other items we need to work on. For example, one reason we need to finish this bill and the Labor-HHS bill is the manager of the farm bill is HARKIN from Iowa, and we have to have him free so he can do the markup of the farm bill next week—a very important piece of legislation. In the Democratic caucus—I do not know of the Republican caucus—more than half of the Democrats are vitally interested in the farm bill because it affects their States. We have to do a farm bill. We have not done one in 5 years. I think it would be negligent on our part to leave here without doing a farm bill.

There are many important issues. There are people who want to change

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



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the standard farm bill we have done in years past. This is what legislating is all about. It is extremely important we work toward completing this legislation. So that is why we have the press we are having now.

I would also say, after we finish this week, we only have 4 weeks left until Thanksgiving, and then we have 2 weeks we will be out for Thanksgiving, and then, if we come back, we are going to have only 3 weeks before Christmas. We have a lot to do. I will not go through the list of what we are obligated to do, but it is a lot of stuff. I hope everyone would understand that and be thoughtful and considerate of others.

We may have to work some late nights. We may have to work some weekends. We have been very fortunate this whole year. We talked about working weekends a lot, and we have not had to do it except on a couple of occasions. The reason we have not had to do it more is because of the press of the weekend coming upon us we get our work done. That may be the case this week. I hope so. But if not, everyone should understand, if they have obligations at home, they better have some alternatives or consider missing some votes.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now 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 time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes within our allotment of morning business.

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

#### FEDERAL GOVERNMENT SPENDING

Mr. CORNYN. Mr. President, I have, as the saying goes, some good news and some bad news. The good news is the budget deficit has dropped in the last year from 1.9 percent of the gross domestic product of this Nation down to 1.2 percent—a historic low level for the budget deficit. But as Members of the Senate know, the budget deficit is just a year-to-year statement of what the financial obligations are of the Federal Government. The figure that is the bad news is the debt; that is, the bills, if you will, owed by the American people to finance the cost of Government. The bad news is on September 27—a short time ago—this Congress voted to increase the debt ceiling for the United States of America from \$8.965 trillion to \$9.82 trillion.

Now a “trillion” is more money than any of us can possibly imagine, but let me break it down to what it means for every man, woman, and child in America. It means today, every man, woman, and child in America owes \$30,000 of the Federal debt—the cost of the Federal Government doing business.

So instead of passing on to our children and grandchildren the kind of prosperity and opportunity to start on a level playing field and to reach their God-given potential to achieve their dreams, we are burdening our children and grandchildren today, if we do not do anything about it, with a minimum of \$30,000 of debt.

The fact of the matter is, it is actually worse than that. As to Social Security, we understand from the Social Security trust fund, they will be running red ink by the year 2017, unless we do something about that. In other words, as to the Social Security taxes that are deducted from your paycheck and mine and everybody’s in America to help pay our share of Social Security, the money that has to be paid out will exceed the amount of money coming in as a result of those Social Security taxes by 2017, if we do not do anything about it.

In addition, Medicare is even in worse shape. By 2013, the amount of money coming in to pay for Medicare for seniors will be exceeded by the outflow of funds. So instead of being in the black and being able to sustain itself, both Social Security and Medicare are on the road to insolvency and worse.

Just when you think the story, the financial picture, could not be any worse, there comes the revelation that actually Congress is spending the current surplus for Social Security, for Medicare, for Civil Service Retirement, and the Transportation trust fund, spending money that is a surplus now and issuing debt to be paid by our children and grandchildren—in other words, funding out of the Civil Service Retirement Fund, Medicare, Social Security, and the Transportation trust fund, taking money out of that to pay the current bills of the Federal Government.

This is a dire financial circumstance that only the Federal Government could ignore. No family, no business, no one in America could run their finances this way and get by with it, except for the Federal Government because the Federal Government can continue to issue debt to borrow from surpluses in one fund to pay for bills in another. Frankly, this is a train wreck we are beginning to see in slow motion taking place right before our eyes and will be played out over the next few years, unless we act in a more fiscally responsible way right now.

The President has vetoed the State Children’s Health Insurance Program, and I want to talk about that in a minute. Thursday, I believe the House will vote on whether to override that veto and there has been a lot of mis-

conceptions about that and I wish to clarify that with my remarks.

But I want to suggest to you that before Congress votes to expand current programs, even successful programs, beyond their original scope, such as the SCHIP program, which has been enormously successful, targeted at low-income kids whose families earn too much to qualify for Medicaid but not enough to buy private health insurance—before we expand that, not by 40 percent, which I support, but by 140 percent, to cover adults in 14 States, and with a combination of waivers that can be issued by the executive branch of Government to potentially cover people up to 400 percent of the poverty level, displacing private health insurance and taking individuals who currently have health insurance and replacing it with Government—read “taxpayer”—subsidized free health care for people, families making up to \$82,000 a year—before Congress should attempt to expand programs in this sort of irresponsible manner, in my view, we ought to take a look at the programs that have been rated by the Federal Government in terms of their effectiveness and look at opportunities for cost savings there.

I think the American people do not resent paying their fair share of taxes for efficient Government and for a consensus role in what Government should be doing as opposed to the private sector. What they have a right to resent is the fact the Federal Government wastes their money and grows Government at the expense of the private sector in ways that crowd out the private sector.

I would like to suggest to my colleagues they look at a Web site called Expectmore.org. This is a Government Web site that, through the Office of Management and Budget, rates various Federal programs and agencies. What they have concluded—the Office of Management and Budget—is that out of 1,016 programs they have evaluated, 22 percent—almost a quarter of them—have been rated as ineffective or, perhaps even worse, we cannot tell whether they are working as intended—22 percent.

Only 18 percent have been rated as effective; 31 percent, moderately effective; and 29 percent, adequate. This is a miserable scorecard for the Federal Government in terms of the taxpayers’ dollars actually delivering the kind of services we should expect Government to deliver, efficient use and respectful use of the taxpayers’ dollars.

Before we talk about growing any program—even the SCHIP program—by 140 percent to cover adults and people in the upper middle class with free taxpayer-subsidized health insurance, should we not try to eliminate some of these ineffective programs that have been inconclusive in terms of the evaluation?

As it turns out, I have introduced legislation, along with some of my colleagues, designed to do this, building

on the successful sunset commission programs in Texas and elsewhere, which periodically—say every 10 years or so—take an agency and evaluate it and make the agency justify its continued existence, start with a zero-base budget and justify each and every dollar they use in order to perform that function, in order to make sure it actually is effective.

In my State of Texas, the sunset commission has been responsible for eliminating a number of different programs and saving taxpayers a lot of money. We can do the same thing for the Federal Government in Washington if Congress would merely have the will.

Another idea, another proposal I have made, along with some colleagues, is modeled off of the enormously successful Base Realignment and Closing Commission, the BRAC Commission. This, as my colleagues know, is a way for Congress to make sure we eliminate unneeded and unnecessary military installations. When trying to do it on an individualized basis, is very hard because there is always a constituency for maintaining a military base someplace, even if it is not needed by the military. But the BRAC situation is an independent commission that collects recommendations for all of the unneeded bases and presents it to Congress for an up-or-down vote. No cherry picking, no putting some in and taking some out. We have to vote on all of them up or down. That BRAC Commission has been enormously successful in eliminating unnecessary, unneeded, and costly military installations. We need to do the same for the Federal Government. Before we spend any more of the Federal taxpayer dollars, I think we need to show the taxpayers we are being good stewards of the money they faithfully pay to the Federal Government for their tax obligation.

In addition to not taking care of this growing crisis I have described, Congress continues not to keep its fiscal house in order. It is common knowledge that we have not passed a single appropriations bill for the current fiscal year, and we are operating on a continuing resolution that Congress passed because we have not been able to take care of the simple matter of paying the bills—again, something no family or business could get away with. But the Federal Government is guilty of fiscal mismanagement, once again, by failing to pass a single appropriations bill and sending it to the President.

What this is leading up to, as we all know—and this is no secret—is likely pulling together all of the various appropriations bills, all 12 of them, or some combination of them, into an omnibus appropriation, which somebody told me the other day is Latin for “watch your wallet.” We are going to have a huge game of chicken between the President of the United States, who wields the veto pen, and the Congress over how much excessive spending Con-

gress is going to be able to pass against the President’s stated intention to veto excessive spending.

Again, this is not for the benefit of the American people; it is, rather, for partisan political benefit—a big game of chicken and potential Government shutdown because Congress isn’t taking care of its business and its fiscal house is in a state of disarray. The American people are enormously skeptical, and they have every right to be given what I have described a moment ago. What they want us to do is quit the partisan game playing and trying to score points, and simply work things out in the best interests of the American people, being respectful of their tax dollars and not wasting 1 penny more than we must.

This is especially true in the SCHIP program, the State Children’s Health Insurance Program, which I described. It is currently, again, on a continuing resolution. It is currently in effect and not in any danger whatsoever of coming to an end. There is bipartisan support for the continuation of this successful program, if it is intended and does affect children of low incomes, up to 200 percent of poverty. There is not a political consensus; indeed, there are those who object—and I am one—to a radical expansion of this program to cover adults in 14 States and to go up to, along with the Presidential waiver, 400 percent of the poverty level for a family of four making \$82,000 a year. At that level, for every two people added, one of them will get Government-subsidized health care by dropping their private health insurance—an unhealthy development, to say the least.

Here again, Congress is up to its old tricks. It relies on an unsustainable funding stream, a regressive tax that hits low-income Americans the hardest, and a budget gimmick that will demand that either Americans’ taxes be raised by 2012 to continue the program or children will be dropped from the program.

I have a prediction to make. There is, as Ronald Reagan said, no such thing as a “temporary” Government program from the Federal Government. I believe he said that a temporary Government program in Washington is the closest thing we have to eternal life here on Earth. I think he has been proven right.

What I would hope that the leadership—Majority Leader REID and Speaker PELOSI—would do is sit down with Republicans and with the President and try to work out our differences. As I said, everybody supports continuation of this program. I am willing to predict, without equivocation, that this program will continue; it will continue to help poor children—and it should—on a bipartisan basis. We should not have a game of chicken where, as Leader REID said and Speaker PELOSI said—Senate Majority Leader REID said this:

If the President says let’s sit down and talk about it, it is something that is not going to happen.

He said that in Congress Daily on September 28, 2007. Later, he said on that same day:

We have compromised all we are going to compromise.

What we see here is more political theater and partisan point scoring, as opposed to working together to try to find ways to resolve this impasse. We can do it. It is strictly a matter of political will and, frankly, I think it is what the American people want us to do. They are sick and tired of Congress being dysfunctional when it comes to meeting the very clear needs of the American people. I have described some of them. But at least we can try to work out this SCHIP impasse in a way that is fiscally responsible and meets the intended goals of this important Children’s Health Insurance Program.

Today, a Gallup poll reported, for what it is worth, in USA Today that 52 percent agreed with President Bush that most benefits should go to children and families earning less than 200 percent of the Federal poverty level, about \$41,000 for a family of four. Only 40 percent in the Gallup poll reported today in the USA Today said benefits should go to families earning up to \$62,000. As I said, there is a provision for a waiver that can go up even higher if, for example, President Clinton is in the White House after the next election.

The Gallup poll says 55 percent of those polled are very or somewhat concerned that the program would create an incentive for families to drop their private health insurance.

At a time when the American people are taxed at huge levels, you can see that this chart says “living essentials squeezed by Federal taxes.” The American wage earner has to work 120 days a year to pay all their State, local, and Federal taxes, while they work 62 days a year to pay housing, 52 days a year for health care, 30 days for their food, and 30 days for their transportation. But, again, it is 120 days to pay Uncle Sam and State and local taxes.

Should we not be taking care of our finances in a way that does not pass a huge IOU down to our children and grandchildren that we will never repay? Should we not quit robbing from the surpluses of Social Security and Medicare today rather than using that money to finance other programs? Should we not be eliminating ineffective programs or those programs that have been rated as inconclusive in terms of whether they are actually effective? Should we not take a more restrained approach to the growth of Government programs, including programs that have worked, such as SCHIP?

Instead of a 140-percent increase and transforming it into something that bears very little similarity to what Congress originally intended when they

started this program, should we not take a more restrained and careful approach?

Rather than drawing lines in the sand and threatening the termination of benefits of their health care to poor kids, shouldn't the majority leader, the Speaker of the House, the President of the United States, and the folks on the Republican side of the aisle sit down and try to work it out?

As I said, everybody in Congress supports this program, virtually without exception. The only difference is between those who believe this is an irresponsible, radical expansion of the program beyond recognition, and one that others have offered—including me—is a reauthorization of the program designed to meet its original target, and that is poor and low-income kids.

I hope the leadership will listen and make a sincere attempt to try to meet in the middle on this. The children of this country will benefit, and I think the American people will be enormously relieved.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Texas for leading the national dialog on health care. I think Americans expect us to address this issue and not just fight about it, as the Senator from Texas has said.

This national discussion is bringing us to some agreement, at least. I think all of us have decided in Congress—or at least most of us—that every American should have access to a health insurance policy they can afford and own and keep. Where we disagree is how we get to that point. I think the disagreement in this body goes to how we do that. Do we do it more like Canada did, where we say, OK, everybody needs to have insurance, so let's let the Government take it over; let's have Government-run health care?

Some are saying the Canadian system works fine, until you talk to doctors and patients from Canada and find out that every year the waiting lines get longer, every year the program gets more expensive, and every year the health care is of less quality. So now the people in Canada who have the means come to the United States to get health care.

The reason we have had such good health care in the United States for most of our history is that it has been done by private doctors working with patients, hospitals that are independent of Government; our free enterprise system has worked to a great degree.

Government programs, such as Medicare and the program we are talking about today, such as the children's health plan, have helped those in need to buy health insurance and have access to health care. But for the most part, Americans have resisted Government-run health care.

We do know in the early nineties there was an attempt to move totally

to Government health care. When that failed, we were able to see that the advocates of Government-run health care believed the best way to get to Government health care was to do it one step at a time with the children first because it is very hard to vote against expanding health care for children.

Certainly, all children should have health care. They should have health insurance. But the fact is, every American should have health insurance, and it is not good enough just to expand a Government program from covering poor kids to covering middle-class kids.

We do not need to mistake the fact that this is moving us toward Government health care. If my Democratic colleagues get their way on this children's health bill, over 70 percent of the children in this country are going to have Government health care. What happens to them once they become adults we have not discussed. We need to help every American own a health insurance policy.

What Republicans want to do is continue this children's health plan, to add additional funding to cover inflation and additional children. We have some good proposals. One of them, by Senator MARTINEZ, would continue the program as it is but also offer tax credits to children and families who are 200 and 300 percent of poverty so they can buy their own insurance, believing that the best thing we can do for families in this country is to help them have insurance they can afford, own, and keep.

There are other Republican proposals that we will be talking about that include tax credits for every family who buys their own insurance. It would also allow employers to give money to individuals to help buy their insurance. We do not do that now. Employers are not allowed to contribute to an individual's health plan.

We also have proposals that would allow individuals to shop for health insurance all over the country. A lot of folks don't know that we don't allow that now. You can only shop in your own State.

There is a proposal that would allow people who put tax-free money in a health savings account to use that money to buy their own health insurance plan. It is pretty amazing that as a Congress, we will not allow people to use their own health savings account to pay for health insurance premiums. And there are proposals to allow small businesses to come together to buy health insurance that is less expensive than when they buy it individually.

There is a lot we can do as a Congress that does not cost taxpayers any money but would make it easier for individuals to have health insurance they can afford, own, and keep.

I hope this debate will continue to open this issue in a way that Americans can really understand. The goal is that everyone has affordable health insurance, good health insurance. The goal is not to turn more and more of

our health care and health insurance over to the Government because we know that won't work, we know it is not efficient, and we know the children we are trying to help are eventually going to have to pay the debt we put on their heads by paying for something we cannot afford.

The fact is, we can get better health insurance, better health care for less money, if we do it with private health insurance just by helping individuals buy health insurance they can afford, own, and keep.

We started the national discussion on health care. I hope as we look at this debate, specifically children's health care, that we will see it as part of a larger issue and decide today that it is not good enough just to get a few more children insured.

Every American needs a health insurance policy, and we can do it, first of all, by taking down the barriers that Congress has put in front of individuals when they are trying to buy their own insurance, but we can also look at those in need. Whether it is tax credits or tax deductions, we can help every American have a health insurance policy they can afford, that they can keep from job to job and throughout their life. We can have better health care, and it is better for our future.

I thank you, Mr. President, for the opportunity to speak. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

#### EXTENSION OF MORNING BUSINESS

Mr. ISAKSON. Mr. President, I ask unanimous consent that the time for morning business be extended by 5 minutes for each side.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 5 minutes, and that following my presentation, Senator CHAMBLISS from Georgia have the remaining 5 minutes.

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

#### WATER MANAGEMENT

Mr. ISAKSON. Mr. President, we pass lots of laws in the Congress of the United States, and from time to time there is a byproduct of the passage of some of those laws. It is called the law of unintended consequences. Such is the case with the Endangered Species Act.

In my State of Georgia, we are in a level 4, 100-year drought. As many as 7 million citizens in my State are looking at the possibility of there being no drinking water in less than 120 days. Our State has imposed restrictions of every kind. Landscapers are out of business, car washes are threatened, and there is no outdoor watering.

My home county of Cobb, in the last 14 days, has reduced, through conservation, water consumption by 20 percent.

I personally commend commission chairman Sam Owens and the entire North Georgia Water Planning District for everything they are doing. But in the absence of rain, there is nothing we can do.

Why does this affect the Endangered Species Act? Very simply because a court case was filed a few years ago under the Endangered Species Act asking for the management of the Chattahoochee River basin to be controlled so as to protect sturgeon. The judge in that case finally ruled as much and developed the judge's own interim operating plan for the Chattahoochee River. That plan means the Corps of Engineers makes releases to keep the flow in the Chattahoochee River where the sturgeon exist at a level sufficient to sustain the sturgeon. The problem is the level is insufficient to sustain human life in North Georgia if it continues.

This morning, just a few minutes ago, on behalf of myself and Senator CHAMBLISS, I introduced an amendment to the Endangered Species Act to deal with this law of unintended consequences. It very simply says the following: The head of the Army Corps of Engineers or the Governor of a State, within which a region lies where there is a drought that threatens the health, safety, and welfare of the people in that region, may suspend the course and effect of the Endangered Species Act until that endangerment has passed.

It is a simple request. We are at a place in time in our country and in a region, my home region, the State I represent, where the health, safety, and welfare of my people are threatened. They are threatened by an act this Congress passed that had no intention to threaten them. If we have the power to do that, we also have the power to make the exception to see to it that their drinking water is safe and their livelihood is safe and at hand.

This is a critical, critical emergency. It is time sensitive. I urge each Member of the Senate to follow this simple amendment and this simple proposal and think about what they might do if it was their State, if it was their people. It is time we gave the Army Corps the latitude and the Governors of the States the authority to protect our people.

I stood in this Chamber 3 years ago and raised my right hand and agreed to defend the Constitution of the United States and protect the domestic tranquility from enemies foreign and domestic. Today I stand recognizing there is a domestic enemy, and that enemy is the Endangered Species Act which controls the Chattahoochee River and limits access to drinking water and safe water for the people of north Georgia. I urge Members of the Senate to join myself and Senator CHAMBLISS in this critical and important amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in support of this legislation. Georgia is in a critical time in the history of our State. Atlanta, GA, is a great place to live, a great place to work, a great place to visit, but we are in a crisis. The water supply system for metropolitan Atlanta depends on two basins, Lake Altoona and Lake Lanier. Lake Altoona and Lake Lanier are fed by nature, by rainfall that every year, thus far in the history of those basins, has filled those basins since they were built decades ago.

Unfortunately, during the month of August, we received very little moisture. But at the time we were receiving very little moisture, we had more 100-degree day temperatures than we have ever had in the history of Atlanta. A combination of natural forces has put us in this situation of crisis, but there is also an unnatural source that has helped produce this crisis, and the legislation that Senator ISAKSON has proposed, along with my cosponsorship, seeks to address this critical problem and seeks to help find a solution to this problem for the short term.

Georgia's lakes are low and continue to decline as the Army Corps of Engineers releases water to protect a handful of sturgeons and mussels in the Appalachian Bay in the State of Florida. Understandably, folks who have had mandatory water restrictions for months in our State, who are watching these lakes slowly decrease, are wondering where the common sense in Washington has gone. They are calling my office and asking: How can our Government care more about mussels and sturgeons than human beings? Obviously, that is not the case. But water continues to be released, and estimates are that Lake Lanier, Atlanta's main source of water, will be empty—and I repeat, will be empty—by January 2008 if the Corps does not stop releasing so much water or if we do not get rainfall. That is less than 3 months away.

It is clear that we are in a crisis. We need to do something to ensure we are not cutting off the drinking supply to 7 million people in the metropolitan Atlanta area. This legislation does something very simple and practical to address this crisis in the short term. It says, if the Secretary of the Army, in consultation with the Governor of a State, determines that a drought is in effect in a region in which there is a Federal river basin that is managed by the Corps of Engineers, and the drought threatens the health, safety, and welfare of the human population in that region, the Secretary of the Army can temporarily suspend provisions of the Endangered Species Act until such time as the drought is over and the health, safety, and welfare of humans is no longer at risk.

We have larger issues to address in the long term. Updating the water control manuals by which the Corps of Engineers operates the river basins in Georgia and getting the Governors of

our neighboring States together to apportion the water among the States for the long term are critical issues that have to be addressed.

As resources get scarce, these things become more difficult to accomplish. Unfortunately, the people of Georgia cannot wait. They need immediate relief, and swift passage of this legislation will certainly help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the majority has time now under morning business.

The ACTING PRESIDENT pro tempore. Thirty-five minutes.

Mr. DURBIN. I ask for 10 minutes of that time, and I ask to be notified when I have completed 4 minutes.

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

#### HEALTH INSURANCE

Mr. DURBIN. Mr. President, I wish to discuss two issues this morning that I believe are important not only to Members of the Senate but everybody across America.

You cannot go home and visit your home State and talk to real families and real businessmen and real workers without coming back feeling that the No. 1 issue on their minds, after the war in Iraq, is health care. Time and again people tell us stories from their own lives, troubling, challenging stories about trying to find the best health care and pay for it. They are concerned about the cost of health insurance. The cost of health insurance goes up every single year and covers less each year. That is the real family squeeze in America.

It isn't just from families we hear these stories. We will learn the same thing with businesses. Howard Schultz is a fellow I respect very much. He is a pretty prosperous man in America. A lot of us buy his products with frequency. Howard Schultz of Brooklyn, NY, now living in Seattle, is the owner of Starbucks. When he started a little company selling coffee, I don't know if he had any idea that someday he would have 14,000 stores across America. But he knew if he started a company, there was one thing he was going to do. He was going to guarantee everybody who worked in a Starbucks store had health insurance because he had a personal experience after his father lost health insurance after being laid off from a job, and he decided as a business leader that he would take care of that issue.

So if you pay an extra 50 cents to a buck for that double, double skim latte, you are subsidizing the health insurance of the person making the coffee for you. I think it is a pretty good deal. It is a deal I am willing to make regularly and do most mornings.

Howard Schultz said to me and Members of the Senate: I cannot keep up with the cost of health insurance. The

cost keeps going up. I can't raise the cost of a cup of coffee to keep up with this. You have to do something.

He told us this 2 years ago. I saw him recently. Same challenge, same issue—his business is trying to do the moral, conscientious thing to cover its employees, even part-time employees, and is having a tough time.

Large corporations, like General Motors, finally struck a deal with United Auto Workers, and the biggest problem, the biggest challenge in their negotiation is what to do with the health insurance of employees and retirees.

So when you hear this over and over again, you think to yourself: Well, what is Congress going to do? And the answer is: Virtually nothing. There is no leadership in Washington. And it has to start in the White House when it comes to health care reform, with one exception—an important exception.

Ten years ago, we said: With 40 million uninsured Americans—15 million being kids—it is time we provide health insurance for those uninsured children in America. It was a Republican Congress, but Democrats supported it. That bipartisan bill passed; it was signed by the President and went into effect.

In a span of 10 years, we moved from covering zero children to 6.6 million children, who were given help through their families to buy health insurance from private insurance companies. Mr. President, 6.6 million out of 15 million were covered—a bipartisan proposal that worked.

Now that law is about to expire. It is called the Children's Health Insurance Program. So we decided we needed to not only keep this program going, but we needed to expand it from 6.6 million kids to 10 million—or 10.5 million kids. Let's keep moving until every kid in America, every child has health insurance. Well, we put together another bipartisan proposal, brought together some very conservative Republican Senators, such as CHUCK GRASSLEY of Iowa, ORRIN HATCH of Utah, and many others, and said: Let's work out something in a cooperative way that extends this program responsibly. And we did it. We ended up with an increase in the Federal tobacco tax and the revenues dedicated to covering more children with health insurance. I like that because more expensive tobacco products means fewer kids will buy them. I like to keep tobacco out of the hands of kids until they become adults and can make a responsible decision about a product that can lead to addiction and disease and death. So I like the trade-off here from a public health viewpoint.

We passed that bill extending the Children's Health Insurance Program—over 10 million to be covered—with 69 votes in the Senate. That is pretty good here. We have these death-defying struggles and end up passing amendments by one or two votes, but we passed this by a big margin and then sent it over to the House, and they

passed it. It was then sent to the President of the United States, where he had his chance to extend children's health insurance, and he vetoed the bill. He said no. He said it is socialized medicine, too much government involved in it.

Well, I disagree with the President. First, this is insurance from private health insurance companies; it is not Government insurance. Secondly, this isn't socialism. What we are talking about is helping working families. The poorest families in America and their children are already taken care of. We have Medicaid in every State in the Union. The poorest kids have that. They have that Government health insurance protection. And the kids of families where mom and dad get benefits are already covered. It is the kids who fall in between, the kids of mothers and fathers who go to work every day and have no health insurance, those are the kids we are trying to help. So this isn't about poor people; this is about middle-income working families who don't have health insurance at work.

What if you had to go out tomorrow and buy a health insurance plan for your family. Assume your employer doesn't offer any benefits. What are you going to pay? Well, if you happen to have a pretty healthy family and you don't want a lot of coverage and you have a big deductible and a big copay, you may get by for \$600 a month. But if there is a complication there—a sick child, your wife has had some problems, you have had some problems—you know what happens to those premiums. Pretty soon, they are \$800 a month, \$1,000 a month, and people who are making regular, middle-class incomes in America cannot afford them. That is the reality. So when someone in the White House says we shouldn't be helping families making \$60,000 a year to pay these health insurance premiums, I think they are really out of touch with reality.

This morning, two of my colleagues, Senator CORNYN of Texas and Senator DEMINT of South Carolina, came to the floor to talk about health care. Good. We need more conversation. But we also need their support. They didn't support the passage of the Children's Health Insurance Program. I wish they had. We really need to make this a broader, bigger, bipartisan issue.

In just 2 days, the House of Representatives will try to override the President's veto. I don't know if they will make it. They need 15 Republican Congressmen to switch over to override the President's veto to extend the Children's Health Insurance Program. Maybe they can't do it. If they fail, it means, at the end of the day, this program will cover fewer children in America. Is that our goal? I think our goal should be the other way. We need to reach a point where everybody in America has the peace of mind of health insurance.

I am lucky. As a Member of the Senate and a Congressman, I get to enroll,

as other colleagues do, in the Federal Employees Health Benefits Program. This is a great deal. For 8 million Federal employees and their families, we get to choose open enrollment every year—in my case, for my wife and myself, from nine different private health insurance plans offered in my home State of Illinois. Nine choices. It is like shopping for a car, my friends: if I don't like last year's model, I am trading in for a new model. I can go to a new company. Now, this is something most Americans would dream of, to have that kind of opportunity. It is available to me as a Federal employee.

Shouldn't every American have that peace of mind? Shouldn't we all understand that if you go to work every day, and you love your family, that you ought to be able to provide them the protection of health insurance? For 47 million Americans, the answer is no, they do not have it. For 9 million kids out of that 47 million across America, they have no health insurance.

A child without health insurance is a child without a regular doctor, a child without regular checkups, a child who may not get the immunizations they need. That is what kids face when they do not have a medical home, or a health insurance policy. I need not tell you what happens when a medical disaster strikes a family like that. It becomes overwhelming. It can bankrupt a family that thinks it is in a pretty comfortable situation.

So I urge my colleagues in the Senate and in the House, on both sides of the aisle, to get together. There has to be some common ground here. I thought children's health insurance was a great place to start. I hope the House will override President Bush's veto. I think the President is out of touch with working families in America and the reality of the challenge they face with health insurance. So I hope that we can override his veto, that we can extend this program and cover many children today who don't have protection.

#### NOMINATION OF STEVEN BRADBURY

Mr. DURBIN. Mr. President, tomorrow the Senate Judiciary Committee will hold hearings on the nomination of Judge Michael Mukasey to be Attorney General. I look forward to those hearings and hope to ask some questions about his plans—if he, in fact, is confirmed as our next Attorney General—to repair some of the damage that has been done at the Justice Department. I am concerned that progress really isn't going to be possible without some significant changes there. In particular, I think we need new leadership at the Justice Department's Office of Legal Counsel.

Today, I am joined by Senators TED KENNEDY and RUSS FEINGOLD in sending a letter to President Bush calling on him to withdraw the nomination of

Steven Bradbury to be head of the Office of Legal Counsel and to submit another nominee.

The OLC—the Office of Legal Counsel—is a small office. Most people don't even know it exists. But it really has a lot of power, especially in this administration. Their legal opinions are binding on the executive branch of Government.

In August of 2002, OLC issued the infamous torture memo. This memo narrowly defined torture as limited only to abuse that causes pain equivalent to organ failure or death. It also concluded the President has the right as Commander in Chief to ignore the torture statute—the law of the land—which makes torture a crime. This memo was the official Bush administration policy for over 2 years. This was a memo produced by the Office of Legal Counsel.

Jay Bybee, who was then head of that office, signed the torture memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment as judge on the Ninth Circuit Court of Appeals before Congress and the American people learned about this infamous torture memo.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. We only recently learned about the critical role Mr. Goldsmith played. As head of the office, he revoked the misguided Office of Legal Counsel opinions regarding warrantless surveillance.

Deputy Attorney General Jim Comey has emerged as an almost heroic figure time and again as we have learned of his role in the Justice Department under Attorneys General Ashcroft and Gonzales. Mr. Comey supported Mr. Goldsmith's actions. This led to the infamous showdown at the bedside of Attorney General John Ashcroft where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales, then White House Counsel, tried to strong-arm Mr. Ashcroft into overruling Mr. Goldsmith.

In June 2004, Mr. Goldsmith revoked the Bybee torture memo. Shortly afterward, he left the Justice Department.

In 2005, President Bush nominated Steven Bradbury to succeed him. He has been the de facto head of the Office of Legal Counsel for over 2 years.

During the confirmation process, Mr. Bradbury has refused to answer questions from Judiciary Committee members regarding torture.

In November 2005, I initially objected to Mr. Bradbury's nomination, and I said:

Mr. Bradbury is currently the acting head of the Office of Legal Counsel. In this capacity, he approves Justice Department legal opinions. Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics, such as waterboarding, mock execution, and physically beating detainees.

There are also seriously unresolved questions about Mr. Bradbury's role in the NSA warrantless surveillance programs. Last year, the Justice Department's Office of Professional Responsibility opened an investigation into the conduct of the Justice Department attorneys who authorized the NSA program. In an unprecedented move, President Bush personally denied security clearances to the Justice Department investigators, effectively blocking the investigation. Documents provided to the Senate Judiciary Committee suggest that this internal investigation was looking into whether OLC engaged in misconduct while Mr. Bradbury was acting head of OLC.

In August 2006, Senator KENNEDY, Senator FEINGOLD, and I sent a letter to President Bush calling for him to allow an internal investigation relative to this issue. We have not received a response.

Recent reports regarding Mr. Bradbury's involvement in approving the legality of abusive interrogation techniques provide further evidence of his unsuitability. According to an October 4 article in *The New York Times*, Mr. Bradbury signed two OLC legal opinions approving the legality of abusive interrogation techniques.

Mr. Bradbury reportedly authored an opinion on so-called "combined effects," which authorized the CIA to use multiple abusive interrogation techniques in combination. According to *The Times*, then-Attorney General Alberto Gonzales approved this opinion over the objections of then-Deputy Attorney General Comey, who said the Justice Department would be "ashamed" if the memo became public.

The *Times* also reports that Mr. Bradbury authored and Alberto Gonzales approved an OLC opinion concluding that abusive interrogation techniques such as waterboarding do not constitute cruel, inhuman or degrading treatment. This opinion was apparently designed to circumvent the McCain Torture Amendment, then being considered by Congress, which clarified that such treatment is absolutely prohibited.

Mr. President, in the interest of turning the floor over to my colleague from North Dakota, I will not read this entire statement, but I do wish to tell you that I believe the cumulative evidence against Mr. Bradbury raises serious questions as to whether he should even continue in this interim capacity as head of the Justice Department's Office of Legal Counsel.

We are not asking the President to nominate some Democrat for the position. We don't expect that. But we ask him to nominate someone with professional integrity who can restore the morale of this Department and the luster which should be part of this important office. Jack Goldsmith describes himself as a conservative Republican, but he stood up to a White House when it came to issues of torture and warrantless surveillance.

I urge the President to withdraw Steven Bradbury's nomination and submit another nominee for Assistant Attorney General for the Office of Legal Counsel.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Twenty minutes.

#### THE OIL CRISIS

Mr. DORGAN. Mr. President, the front page of a recent *New York Times* article and front page of a *Wall Street Journal* issue said: "Ethanol's Boom Stalling As Glut Depresses Price." *Wall Street Journal* article says: "Ethanol Boom Is Running Out of Gas." Last night on "NBC Nightly News," featured a piece about the closing of ethanol plants and the problem with the production of ethanol as a substitute for oil.

Mr. President, I want to talk a moment about that because we are unbelievably dependent on foreign oil. If anybody thinks they should nap through this or sleep through this vulnerability, they are dead wrong because 60 percent of the oil we need in this country and use every day we get from outside of our country. We stick little straws in this planet of ours and suck oil out. We suck out about 84 million barrels of oil every single day. We use one-fourth of that in this country every day, or about 21 to 22 million barrels of oil. So of all the oil we suck out of this planet every day, we use one fourth of it just in this little space called the United States of America.

The problem with using one fourth of it is that 60 percent of that oil which we use comes from other countries, much of it from troubled parts of the world, such as Saudi Arabia, Kuwait, Iraq, and Venezuela. Well, if tomorrow, God forbid, somehow the import of oil into this country were interrupted, we would be flat on our back economically.

We get up in the morning and just take it all for granted. We get up, we get out of bed and rub our eyes, then flick a switch, and the lights go on. We get in the car, turn the key, and the engine starts. We take it all for granted. But what happens at some point if we shut off the petroleum, shut off the electricity, and see what life is like, see what our economy is like?

So we decided to do something about that. If we are unbelievably dependent on and vulnerable when it comes to foreign oil, what do we do? We begin to produce energy in our farm fields.

We produce biofuels. That is not a new thing. It has been around over a century. I was at a biodiesel plant the other day. It was a grand opening. I pointed out there that the first known use of vegetable oil as fuel for a diesel engine was a demonstration at the World's Fair in the year 1900. Rudolf

Diesel later experimented with fuel made from peanut oil or biodiesel for engines he was developing. So this is not new.

All of a sudden our country has decided we should produce biofuels—ethanol, for example—and we have begun to do that. Oil companies don't like it very much. The OPEC countries don't like it very much. The last thing they want to see is for us to begin to produce not only the fossil fuels in our country, including oil and natural gas, but also biofuels and the renewable energy that can grow in our farm fields. We can take a kernel of corn, and from that kernel of corn with various processes produce fuel that will substitute for fuel oil we now get from troubled parts of the world. That makes a lot of sense to me.

We use about 140 billion gallons or 145 billion gallons of fuel a year. If every single gallon of fuel were blended with ethanol, our total market for ethanol would be about 14.5 billion gallons. The President says let's go to 35 billion gallons. I agree with that. So do most of my colleagues. The Senate has already voted on a bill to produce 36 billion gallons. But how are we going to use 36 billion gallons if we are only blending ethanol at 10 percent? We have to have the E85 pumps. They are producing flex-fuel vehicles in Detroit now, and they have said they are going to get to 50 percent of all the vehicles they produce being flex-fuel vehicles so we can run a fuel that is 85 percent ethanol. E85 they call it.

You might have a flex-fuel vehicle right now—in my State there are about 16,000 to 18,000 flex-fuel vehicles—and there are 23 places in the entire State where you can pull up to a pump and get E85.

In California there are over 270,000 flex-fuel vehicles, and there is one reported gasoline pump in the entire State of California that pumps E85. Think of that, one pump.

Let me describe what some of the obstacles are. I have long been concerned if we are going to produce ethanol—and we should and we must—we have to not only produce it, we have to market it. We have to produce it, then we have to run it through the carburetors and fuel injectors of vehicles. If we don't have the market, that whole industry collapses.

Let me give some examples of why we don't have more E85 pumps. No. 1, we have some folks in here who want to produce ethanol and support all that, but they don't support any kind of mandate that would require that we have an infrastructure out there to actually use the ethanol. We are now starting to see the results of that. Let me describe that with an article in the Wall Street Journal: "Fill Up With Ethanol? One Obstacle Is Big Oil." April 2, this year:

Oil companies employ a variety of tactics that help keep the E85 fuel out of the stations that bear the company name. For instance, franchisees are sometimes required

to purchase all the fuel they will sell from the oil company. Since oil companies generally don't sell E85

That is, 85 percent ethanol that you would use in a flex fuel vehicle—the station can't either.

Let me describe some of the ways the major brand retailers are trying to prevent the widespread marketing of ethanol. ExxonMobil and BP require their franchise stations—and this is directly from the Wall Street Journal article—require their franchise stations to buy fuel exclusively from them. Neither company offers E85. So the station owners must apply for an exception if they wish to sell E85, or 85 percent ethanol.

A ConocoPhillips memo to franchisees says the company doesn't allow E85 sales on the primary island, under the covered canopy where gasoline is sold. Stations must find another spot. As a result, it isn't quite as simple for a driver to decide on the spur of the moment to fill up with E85.

ConocoPhillips says you can't market E85 with the same bank of pumps on the same island.

Chevron says it requires Chevron-Texaco branded stations to keep E85 off their primary signs listing fuel prices. To show the fuel's price, and alert approaching drivers that E85 is for sale, the stations have to erect a separate sign.

BP will not allow its franchisees to offer payment by credit card for E85.

Does anybody see a pattern? These companies sell oil and gas. I want them to do well. But I hope they want our country to do well at the same time. Our country will do well by becoming less dependent on the Kuwaitis and Saudis, the Venezuelans. And we do that by expanding our supply of renewable energy.

Guess what. These companies say we are not interested in that. That is not our product. So, by the way, we have 170,000 gasoline stations in our country, about 170,000 gas stations on every corner of this country, virtually, and 1,200 of them have E85 pumps. There are 170,000 places you can pull up to buy gasoline, and 1,200 of them have E85.

If you drive a flex-fuel vehicle and you can run it on 85 percent ethanol—that is the way they sell the vehicle, you can run on either gasoline or 85 percent ethanol—and you want to choose one of 170,000 gas stations in this country, 168,800 or so are not going to have E85.

Assistant Secretary Andrew Karsner, who is the Assistant Secretary of the Office of Energy Efficiency and Renewable Energy at the Department of Energy, said at a hearing I chaired earlier this year that last year we installed around 450 E85 pumps across the entire country. As I calculate it, if we continue to install 450 E85 pumps a year, that means in about 100 years we will have almost 50,000 pumps, or in less than one-third of the stations where they are selling gas.

My point is simple. I see these stories in the Wall Street Journal and the New York Times. I know, based on what is

reported, what the major oil companies are doing. It is not just setting ethanol up for failure, it is setting this country up for failure. We cannot move from 60 percent dependence on foreign oil to 69 percent dependence on foreign oil, and that is where the experts say we are headed.

If we don't find a way to be less dependent on foreign oil, this country is in trouble. How do we become less dependent? We expand our opportunities for renewable energy, including ethanol. But if we do that, and when we do that, we are set up for failure if the 170,000 gas stations across this country have decided: You can't advertise E85. You have to erect a separate sign. You can't sell E85 at our franchise, we will not allow it. You can't pump it at the main island where you pump other gasoline, we will not allow it. With that sort of thing, it sets this country up for failure, in my judgment.

What should we do about it? The Energy bill we moved through the Senate recently was an Energy bill that provides some grant programs—not nearly enough—some grant programs to help some service stations install biofuels pumps. We are going to need to pump E85 percent ethanol. We are going to need to have blend pumps that blend 30 percent, 40 percent, and 50 percent blends of ethanol and gasoline. We have to do all these things if this country is determined to move in a direction that makes us less dependent on foreign oil.

But our country, it seems to me, is willing to sit back, and Congress is willing to sit back and say: Whatever happens.

We have to make things happen. An infrastructure bill that says if we are going to produce biofuels—and we are, and if we are going to aspire to get 36 billion gallons of biofuels—and we should, then you have to have a plan by which you market that. If you produce it and don't market it, the market for that particular energy collapses, and it will set us back decades.

What should we do? We should, in my judgment, as we move this Energy bill, have an infrastructure provision in the Energy bill that is strong, assertive, bold, and moves in the right direction and sets up a circumstance where either this happens by the market system or you have mandates.

I know nobody likes mandates. But if we are going to be less dependent on foreign oil, we have to find a way to make this happen and make this work. I believe we have an opportunity to do something good for this country. We can just sit back and exhibit a posture somewhere between day dreaming and thumb sucking and just act as if we are thumbing our suspenders, smoking our cigars, and saying: Ain't it a good life? We are 60 percent on foreign oil. Ain't it a shame ethanol don't work somehow? I know you can't find it down at the local service station because they will not let them market it down there. Ain't it a shame?

It is not going to be a good life if we find someday we don't have this energy

coming in, with 60 percent coming from offshore, and it is not going to be just a shame, it is going to be a catastrophe for this country if we don't put in place the infrastructure to expand our opportunities to produce renewable energy in this country and therefore make us less dependent on sources of foreign oil.

We are going to use our fossil fuels. I support the production of domestic oil and natural gas. I support the continued use of our coal. I increased the President's request by 30 percent for the fossil fuels account, in the appropriations bill that is written in the Energy and Water Development Appropriations Subcommittee that I chair. The President talks a lot about this stuff, but he doesn't commit himself to it. I increased by 30 percent his fossil fuels account. Why? Because coal is our most abundant resource. We are going to have to use it. The question is not whether, it is when we use it, and how. We ought to invest in the research and technology to allow us to use coal in zero emissions plants. I believe we can do that. We can't do this with the baby steps coming from this President. He wants to just baby-step along; a little money here, a little money there. If we are going to make a commitment to use our fossil fuels, we have to make that commitment. But even as we do that, much more needs to be done to deal with the renewable side. We can't at the same time try to advance the interests of fossil fuels in a way that does not contribute to climate change and then say we are going to ignore the renewable side. We have to do both. We have to use the research and the capability of technology to unlock our opportunity to continue to use fossil fuels, but then we have to commit ourselves—our country has to commit itself to renewable energy and to the ethanol and biofuels industry.

The reason I wanted to make this point is, I saw last evening on "NBC News" a big feature story about this subject. I saw it in the New York Times. I saw it in the Wall Street Journal.

You ought not be surprised. I mean, bowl me over? The major gasoline companies do not want to sell E85 because they believe it competes with them? The fact is, what competes with them is the solution to making us less dependent on foreign sources of oil.

It is unbelievable to me that we have this little planet of ours. We circle the Sun, we have 6.4 billion neighborhoods, and half of them have never made a telephone call, half live on less than \$2 a day, and we end up on this little spot called the United States. Our lifestyle is pretty unbelievable. What we have built is special. But we are prodigious consumers of energy, and now we have worked ourselves into a position where we use so much energy in the form of oil from outside of our country, and so much of it comes from very troubled areas of the world, that if we do not in a sober way understand our responsibility to address that, shame on us; and our future will not be very bright.

This is not just some other issue. This is a big issue. The standard of living in this country rests on the issue of our being able to provide the energy. The quality of life in this country rests on our ability to get the energy and produce the energy and acquire the energy, even as we protect the airshed with respect to climate change. All of that is important.

Mr. President, I think this is an important issue. I am going to work with my colleagues. Hopefully, we can get an Energy bill, and when we get this Energy bill we will get this resolved in the right way.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 3½ minutes.

#### CHINA

Mr. DORGAN. I don't have enough time, but I want to show my colleagues something I find absolutely fascinating. Let me suggest on a different subject I will consume the 3.5 minutes.

This is the Nail House. This house is in the middle of a whole dug-out excavation area. This is in China. The Chinese Government, the developers, decided we are going to go in, and we are clearing this whole place out. One family said: No, you can't do that to me. It is not legal. It is not fair. We are not going to move. So they came in and excavated around the entire house. Here is the little house in China.

I tell you that because we just released, last week, the Congress Executive Commission on China Annual Report. It is the 2007 annual report. I am a cochairman, SANDY LEVIN, Congressman SANDY LEVIN, is the chairman. I am the cochairman of the Congressional Executive Commission on China. This describes a whole series of things on China, those who are in prison today in China as a result of advocating for human rights and other related issues.

I will tell this story about the Nail House. They call it the Nail House because it is stuck right up out of the excavation. The story did not have such a happy ending for the Nail House. The Chinese, eventually—they must have thought this was funny, the Chinese authorities, by digging around this fellow's house—but they eventually came in and tore the whole thing down and this property was lost. It is pretty hard to take on the Chinese Government.

But one of the things in this report we talk about is what is happening with technology in China, and the ability, outside of the purview of the Communist Government, to control everything; the ability of people to communicate.

Now, the Chinese have thousands of thought police trying to figure out who is visiting the Internet and trying to prevent them from visiting certain sites on the Internet. But there is a trend that is going on in China that is very interesting. Internet use rose from 620,000 in the last 10 years, 620,000, to 160 million Internet users.

Mobile phone ownership went from 3 million to 500 million in the last 12 years, 500 million. China has an estimated 20 million blogs, where people are talking among bloggers' personalized Web pages. In the entire year of 2003, about 4 years ago, the Chinese people sent 137 billion text messages.

Now, I tell you all of that because I think it is going to change things in China. Part of this China Executive Commission is trying to understand what is happening in China. What does that mean for our future? But there are some striking examples of citizen activism these days which are very interesting. This is one, the "nail house," this family, that did not end so well.

But the local officials ignored the mass complaints. But what happened was this picture was on all of the blogs in China, it stirred up a hornet's nest of people willing to demonstrate in the streets on behalf of this family.

But there is one other issue, chemical factory protests in the southeast corner of Xiamen. The local government planned to build a hazardous chemical plant near the center of town. They publicized the information on Web sites and blogs, and citizens responded by overwhelming the local Chinese officials with a million text messages. Later they used blogs and text messages. They organized massive protests and marches that attracted thousands, and finally the local officials suspended the building of a chemical factory in the middle of Xiamen.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. DORGAN. Another use of the Internet in China was on a slave labor scandal. In May and June of this year, citizen activists broke open a scandal that rocked China. Thousands of brick kilns were using kidnapped slave labor. They were men, boys, mentally ill, forced to work under heavy guard, often with no pay and very little food.

Parents looking for their missing sons organized on the Internet in China, and they were pleading for Government assistance. They were forced to cover the story in the Chinese press because there was such a mass uprising here. Finally, the Chinese Prime Minister ordered an investigation. Five hundred workers were freed. One hundred sixty people who ran the kilns were arrested. Very few party officials were seriously punished.

But the point is, things are changing. The technology is changing in China. The Burmese monks protest, the activism continues right up to today. While the Chinese Government is attempting to shut down this open and free communications with the thought police, they have got thousands of people trying to regulate Internet use, the fact is, it is not working, and technology and communications are having a profound impact and I believe will continue to have a significant impact in

the future. But I would say to my colleagues, we have some very skilled people who have worked with Congressman LEVIN and myself on the Congressional Executive Commission on China, the Annual Report, 2007.

We have the most complete list of those who are being held prisoner in China, particularly as a result of human rights issues. This booklet, if you have a chance to read it, is a great description put together by some very skilled people on exactly what is happening in China.

There is some progress, and there are areas that are of great concern. We continue to monitor and work on these issues.

I yield the floor, and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

Bingaman-Smith amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Vitter amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thune amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for U.S. attorneys to prosecute violent crimes in Indian country.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are resuming consideration of the appropriations on Commerce, Justice, and Science. Working on a very collegial and bipartisan basis, our staffs, the Mikulski staff and the Shelby staff, have worked through the evening working to clear amendments. We believe we are making very good progress.

Where we are now is the Senator from South Carolina will be offering some amendments, and we will probably be having a debate before the noon hour, and at that time we would like to have our colleagues visit with us on how they intend to deal with the amendments they have filed.

I wish to share with my colleagues on both sides of the aisle, it is intent of the Democratic leader, Senator REID that we will finish this bill tonight. Senator REID has instructed me as the manager of this bill to complete action, even if it means staying well into the evening.

We do not have to do that because we have just a core group of amendments. If the Democrats would talk to me during the first vote, and the Republicans would talk to Senator SHELBY, we can move to dispose of them, either to withdraw them, clear them or we ask our colleagues to offer them.

I wished to thank the Senator from South Carolina for being here so promptly. I wish to thank Senator SHELBY and his staff for their work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

#### AMENDMENT NO. 3286

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3286.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3286.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 3286) is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a member of Congress, and for other purposes)

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any em-

ployee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. Mr. President, I actually have two amendments this morning. I will speak briefly on both of them.

I believe both sides have agreed these are good ideas, and I believe one will be accepted, and the other we are going to have a vote at 12, as I understand it.

But the first amendment relates to earmarking and the wasteful earmarks we have talked about often on the Senate floor. Much has been done to make earmarks more transparent, to have more earmarks disclosed.

I think as we do that, we are probably getting a better focus as a Federal Government of how we should be spending our money. But old habits die very hard. It has been very difficult for a number of Members of the House and the Senate to give up this practice of being able to send money wherever they want back in their own State or anywhere in the country.

As we have made it harder to do earmarks in the open, we have found that a number of Members of Congress or their staffs have been calling agencies to request that earmarks be done without Congress's approval at all. This type of "phone marking" has created a new loophole.

This amendment we are offering would disallow any use of funds for that type of earmarking. If I can read the amendment it is very simple.

Again, I believe both sides agree on it.

It says:

None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

That is all there is to this amendment, is to disallow this whole idea of picking up the phone and deciding where taxpayer money should go. I understand the other side is prepared to accept or have a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to acknowledge the spirit of reform of the Senator from South Carolina. We too support the spirit of reform on these matters. I support this amendment. I do believe we can accept it.

Mr. President, I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3286) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

#### AMENDMENT NO. 3289

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up amendment No. 3289.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3289.

Mr. DEMINT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

Mr. DEMINT. Mr. President, this is another simple amendment designed to get more accountability in Federal agencies. The Government Accountability Office recently published a report that has been in the media all over the country, pointing out that millions of taxpayer dollars are being wasted as employees of the Federal Government are flying all over the world in premium business class or first class, when the rules of these agencies specifically say that should not be done.

My amendment does not change any rules of the Federal agencies; it says the rules have to be complied with or the money that is in this bill cannot be used.

I will read this amendment as well:

None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent [with the number of sections that are listed] of the Code of Federal Regulations.

Again, we are not changing any regulation. We are demanding that the Federal agencies comply with their own rules and save the taxpayers hundreds of millions of dollars a year.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at noon today the Senate proceed to vote in relation to the DeMint amendment No. 3289 and that no amendment be in order to the amendment prior to the vote and that the time until then be equally divided between Senator DEMINT, Senator SHELBY, and myself, Senator MIKULSKI.

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

Mr. DEMINT. Mr. President, I neglected to add a cosponsor of this amendment. Senator MCCASKILL would like to be our lead cosponsor on this amendment. I appreciate her support as well as the chairman's.

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

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Ms. MIKULSKI. Mr. President, I want my colleagues to know I rise in support of the DeMint amendment. I think it is a very commonsense amendment. I believe that when we are regulating how Government employees travel, I do believe they follow the rules. I do not believe they travel in a lavish lifestyle.

I wish to acknowledge the fact of two things: One, our colleague from South Carolina has a GAO report that indicates reform is needed; reform and clarity are needed on what our Government employees, traveling on official business, can do.

We have heard all kinds of stories about some going on business class, some going on first class, some where it is even short trips, and so on. We acknowledge, of course, as always, the validity of the GAO report. What I also want to say is this subcommittee, chaired by myself and my ranking member, Senator SHELBY, is on the side of reform. Our three themes this year were security for our country, innovation to keep us competitive, and, at the same time, accountability. We have done a major set of reviews on things such as cost overruns in the NOAA satellite program. We have also taken on things where we offered an amendment together dealing with discipline in the funding of conferences. We stopped the lavish conferences, the so-called \$4 Swedish meatball amendment.

We believe the DeMint amendment is also in that same spirit of reform Senator SHELBY and I brought to this subcommittee and we now bring with our bill to the floor. We are deep down reformers. We want to make sure we accomplish the mission of the agencies for which we are the guardians of the purse. But at the same time, we want to make sure taxpayers are getting value for their dollar. Where there is excess, poor judgment, or poor management, we are going to hold agencies to the fire. We are going to hold agencies accountable. Therefore, when this vote is taken, I urge, in the spirit of reform, the spirit of accountability, that we join, once again, on a bipartisan basis and pass this amendment. We so appreciate the work of the GAO, a wonderful independent watchdog that Congress can turn to where it is not the Senator from South Carolina's opinion or the opinion of the Senator from Maryland about what is going on or the need for reform, but we work on clearheaded analysis, intellectual rigor, let the facts speak for themselves.

When you look at this GAO report, the facts do point to the fact that we

do need reform in this area. I am a supporter, but I also want to acknowledge, though we need reform, I want to clearly state that most civil servants follow the rules when they book their tickets on Government travel. It ensures that these employees follow current regulations that will limit the purchase of first-class tickets.

In the spirit of accountability, reform, and responsibility for the taxpayers, again, I thank Senator SHELBY for his work. We have made a lot of progress on the spirit of reform.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina, Mr. DEMINT, for his amendment dealing with travel and spending. If we can save millions of dollars by people not flying first class, and so forth, and abusing the system, we ought to do it. The spirit of this amendment is good and I hope we can all vote on that at 12 noon, when we have agreed to do so. I commend him for offering the amendment. It will be good law for us to follow.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I may call up a couple of amendments and talk for 3 or 4 minutes on them.

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

AMENDMENTS NOS. 3294 AND 3295, EN BLOC

Mr. ENSIGN. Mr. President, I call up en bloc amendments Nos. 3294 and 3295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments en bloc numbered 3294 and 3295.

Mr. ENSIGN. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3294

(Purpose: To increase funding for the United States Marshals Service to ensure full funding for the Adam Walsh Child Protection and Safety Act of 2006 and offset the increase by reducing funding for the Advanced Technology Program)

On page 33, line 26, strike the period and insert "": *Provided further*, That an additional \$7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of \$7,845,000."

AMENDMENT NO. 3295

(Purpose: To increase funding for the State Criminal Alien Assistance Program and offset the increase by reducing funding Nasa funding)

On page 53, line 11, strike the semicolon and insert "": *Provided*, That an additional \$150,000,000 shall be available for such program offset by a reduction in the amount

under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of \$150,000,000;''.

Mr. ENSIGN. Mr. President, amendment No. 3295 is to increase by \$150 million the State Criminal Alien Assistance Program and offset it with a \$150 million decrease in the NASA budget currently in the bill. The NASA budget was increased \$150 million over the President's request in the underlying bill and then an emergency spending of an additional billion dollars which was, by the way, already from over a billion dollars more than in the bill last year. We are taking \$150 million of that and putting it toward this program that is underfunded every year. It is to assist the States in prosecuting and arresting people who are here illegally who have committed crimes.

This is an important piece of legislation. We don't have enough money for correctional officer salary costs for incarcerating undocumented criminal aliens, and this amount of money, especially for the border States of the Southwest, is very important.

It might be drug programs people who are here illegally are running. I was watching a program the other day that was talking about cheese heroin, something that can addict our children with one dose. Kids have died. I think there are 30 or 40 of them who have died in Texas literally with one dose. Most of that is coming from our southern border. We need to provide local law enforcement the resources to deal with aliens who are coming to this country who are dealing with the drug program. This is an important problem that we need to add extra funding to. We still have a problem with illegal immigration in securing our borders, but without a comprehensive immigration bill, we at least need to add money so we can help the States prosecute and incarcerate people who are here illegally, undocumented criminal aliens who are here illegally who are wreaking havoc on communities around the United States. I believe this is an important amendment. It is critical that we help our States, counties, local parishes, tribal, and municipal governments battle illegal immigration and keep law-breaking illegal aliens off our streets.

The second amendment is an amendment that will fully fund the Adam Walsh program. We all know what the Adam Walsh Child Protection Safety Act has done. This will fund it up to the President's request. It is \$7.8 million for the U.S. Marshals Service to fully implement the Adam Walsh Child Protection Safety Act. We are taking the money from the ATP program. I believe it is absolutely critical that we fully fund the Adam Walsh Child Protection Safety Act. As a father of three children, the Adam Walsh Child Protection Act is critical to keeping the children safe. It is a small amount of money, but it will bring the program

up to what the President has requested. It is an important program. The advanced technology program has been something of questionable efficacy. We should take some of that money and fully fund the Adam Walsh Child Safety Act of 2006.

Having briefly spoken, I can speak on it more later. I know there is other business to attend to, but I think these are both very important amendments. I hope my colleagues will support them.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I will respond to the Senator from Nevada, both on process as well as content. I believe, with the concurrence of Senator SHELBY, that there is one of the amendments we might be able to take, and then the other, of course, would be a vote in which we would move to table the amendment after lunch. But if I could respond to the Senator from Nevada in terms of content, where he wishes to increase funding for the Marshals Service for the full funding of the Adam Walsh Protection and Safety Act, we acknowledge the validity of the concerns of the Senator from Nevada in this regard. The Senator and I have been involved in a group where we are trying to put our values into action. The Senator might recall my own background is that of a social worker. I was a child abuse worker. I find that there is nothing more despicable than a child predator. I believe it is so dastardly, so despicable, so repugnant that every time I think about the work Adam Walsh did, the work that comes out of our excellent bill with our funding, we know we always want to do more when our children are stalked in neighborhoods or playgrounds. We know they are being stalked on the Internet. Without going into putting even more vile things out there in conversation, the Senator from Nevada is well aware of some of the most awful things that are going on on the Internet. We want to acknowledge the validity of what he wants to do.

I know the Senator from Alabama wishes to speak on it, but we believe we could take this amendment. I know the Senator will want to speak about it.

Mr. ENSIGN. Will the Senator from Maryland yield briefly?

Ms. MIKULSKI. Absolutely.

Mr. ENSIGN. I appreciate her comments. The only reason I would object to a voice vote is because I have seen too many voice votes in this place and then things get dropped in conference. I would hope we could have a recorded vote. I know they take up a little more time, but I believe it is important to establish on the record that the Senate actually does support the amendment.

Ms. MIKULSKI. Mr. President, our majority staff who helps us organize the traffic of this is now going to be writing this up. Let's see how we can accommodate the Senator from Nevada. We will be able to ask for a UC before we go into the caucus. But the

minority Republican staff is here. Senator SHELBY will certainly protect the interests of the Senator from Nevada.

If I may comment on the State Criminal Alien Assistance Program, we will debate that amendment later when we are heading to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

AMENDMENT NO. 3277

Mr. DURBIN. Mr. President, I rise in opposition to the Vitter amendment No. 3277, which may be considered later this afternoon on this pending Commerce, Justice, and Science appropriations bill.

This amendment would prohibit fiscal year 2008 COPS funds from being used in contravention of a provision in Federal law that relates to information sharing about a person's immigration status.

The Senator from Louisiana has said this amendment is targeted at "sanctuary cities." He is referring to the policies that have been put in place by many cities, counties, and police departments in at least 23 States and the District of Columbia that limit enforcement of immigration laws by State or local authorities.

These cities, counties, and police departments have decided that it is a matter of public health and safety not to inquire about immigration status when people report crimes or have been the victims of domestic abuse or go to a clinic to obtain vaccinations for their children.

These State and local confidentiality policies do not stop the Federal Government from enforcing immigration laws—a traditional function of the Federal Government, not State and local governments. Rather, they reflect a decision made by State and local authorities that they do not want to have their police departments spend their time and resources enforcing a traditionally Federal responsibility relative to immigration law. Those laws are the Federal Government's responsibility to enforce.

In many cities, including several in my home State of Illinois, city and law enforcement officials have decided, reasonably, they want to focus their attention and their police resources on stopping violent crime.

Yesterday, I was in a section of Chicago known as Logan Square. There is a wonderful organization known as Christopher House that was opening a family resource center, a neighborhood center in the tradition of the settlement houses that were started in the Chicago area by Jane Addams almost a century ago. This Logan Square area is an up-and-coming part of the city of Chicago. It is a beautiful neighborhood,

but it is a neighborhood that has been riddled with violence for over a decade. Literally, children are being gunned down in the street. I attended a memorial service a few weeks ago there for a young African-American girl. She was killed on a playground while playing with her friends by a drive-by shooting by gang bangers. The alderman in that 35th ward, Rey Colon, who is quite a leader in the community himself, attended the service with me. As we walked into the church, he pointed to a section on the sidewalk and said: Just a few years ago a member of my family was killed on that spot.

Violence is endemic, unfortunately, in America, and we see it in cities, great cities such as Chicago and others. Mayor Daley is making an extraordinary effort to deal with this. I am joining him in that effort. It is hard for me to imagine the Senator from Louisiana wants to cut off the COPS Program funds for the city of Chicago. That is what he suggested.

What will the COPS Program do for the city of Chicago? It will put more police on the beat. There will be more police officers out there in the neighborhoods to keep them safe. The COPS money can be used to buy bulletproof vests so when a policeman is shot, he might survive. The money is also being used for forensic analysis, DNA testing, trying to find ways that ex-offenders can be brought back in a peaceful way to the cities and towns from where they started. It is used for task forces to go after sexual predators.

The amendment of the Senator from Louisiana would cut off these funds for the city of Chicago. Why? Why in the world would the Senator from Louisiana—a State I have bent over backwards to help since Hurricane Katrina—want to cut off Federal funds to the city of Chicago, funds to make the streets safer? Why would he want to cut off Federal funds to any city in America to make the streets safer?

He wants to argue about immigration laws. Well, that is a valid debate. We had it for 3 weeks here in the Senate, and we will have to return to it because we ended up doing nothing. But in his effort today to bring this immigration issue out to the floor of the Senate, the Senator from Louisiana is threatening the Federal funds that many cities in my home State of Illinois are using to fight violent crime. Why? That makes no sense at all. Will he feel better if there are more killings on the street? Of course not. None of us would. I think he would feel better if there were more cops on the street.

But his amendment seeks to cut off COPS funding for the city of Chicago and other towns in Illinois, and that is not right. I urge my colleagues, when they consider the Vitter amendment, to consider how you would respond to the mayors of these towns when they ask you: How in the world did you disqualify my city from receiving money for bulletproof vests for my policemen? How can you, Senator or Congressman,

explain to their families why that fallen policeman's life was taken because no bulletproof vest could be provided from Federal funds?

I do not understand the logic behind this. I would say that many of these cities are working hard to fight crime. They are working with many people. The former president of the International Association of Chiefs of Police, Joseph Estey, said in relation to a proposal similar to the one offered by Senator VITTER:

Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve.

It is particularly troubling that the Vitter amendment seeks to link COPS funding to the overturning of city confidentiality policies. This bill, the one Senator MIKULSKI and Senator SHELBY have brought before us, currently provides for \$660 million in COPS funding. That is a dramatic increase over the administration's request. The money, of course, is for new police officers, bulletproof vests, combating methamphetamine, law enforcement technology enhancements, arresting and prosecuting child predators—the Vitter amendment would cut off Federal funds for efforts to arrest and prosecute child predators—and a lot of other important programs.

This COPS money is focused on helping State and local law enforcement stop violent crime, stop crimes against children, stop sexual predators. Similarly, cities and police departments have put policies in place regarding the confidentiality of immigration status so they can focus on stopping violent crime, and so law enforcement officials can obtain information about crimes from victims and witnesses in communities where they might not otherwise be able to obtain it.

The goal of reducing violent crime is not served by telling police departments they can either have one crime reduction tool—the COPS money—or another—these confidentiality policies.

Do we want to deprive police forces in 23 States additional manpower, men and women on the beat, keeping schools and neighborhoods safe, and deny these same police men and women bulletproof vests through the COPS Program, because local officials have determined when it comes to the enforcement of Federal immigration laws, the Federal Government should assume that enforcement? That is what it comes down to.

We do have a serious immigration problem in this country. I voted—most Members, maybe all Members have voted—for some \$7 billion more in enforcement at the border between the United States and Mexico. We have to stop the illegal flow into this country. I think we have put our money where our intentions are. That is a fact.

Earlier this year, we considered comprehensive immigration reform that would also have greatly improved the enforcement of our immigration laws. I supported this effort. It was controversial. We did not have enough votes. The Senator who has brought this amendment to the floor, which would cut off COPS funding, opposed any effort for a comprehensive immigration reform. Instead, he wants to force on State and local governments a responsibility we have not met at the Federal level, and he wants to threaten them with cutting off COPS funds that are critically important for them. I do not think that works.

Violent crime is a serious problem in my State and across the Nation. Violent crime rates have gone up the last 2 years. We need to give our communities the tools to address this problem.

I hope the Vitter amendment will be defeated. Let's make sure we do not make the safety of people living in 23 States a political pawn in this debate over immigration. I urge my colleagues to oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3289

Mr. SHELBY. Mr. President, we are nearing the hour of 12 o'clock, when we have agreed there will be a rollcall vote on the DeMint amendment.

I rise today in support of the amendment offered by Senator DEMINT from South Carolina and ask unanimous consent that I be added as a cosponsor.

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

Mr. SHELBY. The GAO, the General Accounting Office, found that over 120 million in tax dollars were wasted by Federal agencies dealing with travel—first-class travel—when economy travel or something less than first class could do. That is unacceptable to all of us here.

I commend my colleague from South Carolina, Senator DEMINT, for bringing this to the Senate's attention, and I encourage all of my colleagues to vote "aye" on this amendment in a few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

All time has expired. The question is on agreeing to the DeMint amendment No. 3289.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut

(Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—90

Akaka	Dorgan	McCaskill
Alexander	Durbin	McConnell
Allard	Ensign	Menendez
Barrasso	Enzi	Mikulski
Baucus	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brown	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Johnson	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Smith
Chambliss	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voivovich
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Domenici	McCain	Wyden

NOT VOTING—10

Bayh	Dole	Obama
Biden	Inouye	Warner
Clinton	Kennedy	
Dodd	Murkowski	

The amendment (No. 3289) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3:15 p.m. today, there be 2 minutes of debate prior to a vote in relation to the Ensign amendment No. 3294, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that upon disposition of that amendment, the Senate resume amendment No. 3295, another Ensign amendment, with 2 minutes of debate prior to a vote in relation to that amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendments be in order to ei-

ther amendment in this agreement prior to the vote; and that the debate time be equally divided and controlled between Senator MIKULSKI and Senator SHELBY or their designees.

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

Ms. MIKULSKI. Mr. President, we also believe we will be having a vote at more or less the same time on the Thune amendment, as it relates to the Legal Services Corporation. We are waiting for final word from Senator HARKIN on that. But when we return from the respective caucus lunches, we expect there to be a debate on the Thune amendment, the Senator from Iowa, Mr. HARKIN, will be speaking, and about that time we expect to have another UC.

There will be votes throughout the afternoon. We urge our colleagues at our respective party lunches to speak to both Senator SHELBY and myself as a way of disposing of those amendments that have been filed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 5 minutes to pay tribute to a Louisianian who passed away this past week.

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

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for her poignant comments.

Mr. President, we have another UC that has not quite ripened as yet, so I will suggest we recess for the party luncheons.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that now, at 2:15, Senator MURRAY of Washington State be recognized for up to 7 minutes; that following those remarks there be 30 minutes of debate with respect to the Thune amendment, No. 3317, with the time equally divided and controlled between Senators THUNE and HARKIN or their designees, that no amendment be in order to the amendment prior to the

vote, and that the vote in relation to this amendment occur upon the disposition of the Ensign amendment No. 3295, with 2 minutes of debate prior to the vote; and that after the first vote in the sequence the vote time be limited to 10 minutes each.

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

AMENDMENT NO. 3214 WITHDRAWN

Ms. MIKULSKI. Mr. President, I further ask unanimous consent that amendment No. 3214 be withdrawn.

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

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, there are few bills that we deal with in Washington, DC, that are more critical to the safety and well-being of our communities than the bill we are considering on the floor today. This legislation is going to help fund Federal law enforcement and justice programs that are absolutely essential if we are going to keep our neighborhoods safe, keep our justice system strong, and make sure our communities are healthy. At a time when our budgets are very tight and our needs are very great, I believe this bill invests in the right priorities. I thank Senator MIKULSKI and Senator SHELBY for their leadership and their very hard work to put this bill together.

But as all of us in this Chamber know, despite their hard work and leadership at their subcommittee to make a sound investment in the health of our communities, the President has said he will veto this bill. According to the administration, the additional funding in this bill is "irresponsible and excessive."

That is very hard to fathom when this administration is asking for over \$190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan for 1 year. While this President easily is spending our money overseas, local communities in my home State and around the country are going without the money they need for very critical programs.

The increases this legislation calls for are a fraction of what this President spends on the wars in a year. The money in this bill will go to revitalize programs that have been overlooked by this administration. My home State, for example, is experiencing a dangerous shortage of FBI agents who do essential work to ensure that we prevent another terrorist attack at home and who perform critical law enforcement duties. That shortage is one example of how this President mixed up the Nation's priorities. But this bill does make a small step toward fixing some of those years of problems.

In my home State, the lack of FBI agents for critical law enforcement needs has been a serious concern for some time, but the urgency of this situation was driven home recently in a series of articles by the Seattle Post-

Intelligencer. The paper's first article noted that since 9/11:

the White House and the Justice Department have failed to replace at least 2,400 agents, transferred from law enforcement to counterterrorism, leaving far fewer agents on the trail of identity thieves, con-artists, hate mongers and other criminals.

The article I referred to found that Washington State has a mere 2.1 FBI agents for every 100,000 residents. That is nearly half the national average.

This past week, I met with police chiefs and sheriffs from across my State, and they agreed this shift has had a real impact on State and local law enforcement. One police chief told me the FBI had virtually disappeared from white collar crime investigations. A sheriff told me the local law enforcement now investigates and prosecutes over 90 percent of all bank robberies, even though this has traditionally been a FBI responsibility.

Another police chief told me the FBI does not have the law enforcement resources to adequately staff antigang task forces, even as the gang presence and gang-related crime increases in our communities.

All of these sheriffs and police chiefs had nothing but praise for the essential work that FBI agents perform in their communities. But even as the FBI focuses on counterterrorism, they ask that it not abandon law enforcement. The Seattle FBI field office has remained understaffed even for counterterrorism agents. That is especially troubling because Washington State's industry-leading companies, international seaports, and important military facilities make it a prime target for a terrorist attack. Three years from now, thousands of people are going to travel through my home State to attend the 2010 Vancouver Winter Olympics. We have to be prepared for the worst. Currently, Washington State ranks 35th in per capita FBI agents. Clearly, that makes no sense.

I thank Senator MIKULSKI and Senator SHELBY for working with me on this issue; specifically an amendment that would end this disconnect and ensure we are placing our FBI agents where they can best protect our communities. It will also get the FBI to tell us how it intends to distribute its resources.

That amendment is the first step toward ensuring that the FBI's priorities are in sync with our country's security needs and its own stated priorities. I commend Senator MIKULSKI for her recognition of that need. Her work to include additional funding for the FBI in this bill is a very good first step. The next step is to increase funding to hire, train, and place new FBI agents throughout the country that will help to ease the burden the FBI has had to bear since 9/11 changed its mission.

But I think we all know more funding is needed. Unfortunately, if this President believes that increasing our FBI budget is irresponsible and excessive and plans to veto this bill, we will

not be able to make the necessary investments today that will make our country more secure tomorrow.

While Federal agents are critically important to maintaining the security of our country, we all know that State and local law enforcement are the real guardians for our communities. In this post-9/11 world, we have asked them to place counterterrorism at the top of their priorities.

But criminals have not stopped abusing children or robbing stores or dealing drugs. The local police have been told they need to do more with less, but we have reached a point today where we simply cannot ask them to do more without help.

A recent FBI crime report showed that after a decade of declines, violent crime is now rising for the second straight year. We have to make sure it doesn't rise again. This bill restores funding for our State and local law enforcement to nearly \$2.7 billion and fills a major gap, after the President cut its budget in half. This will also provide \$1.4 billion for State and local law enforcement grants, including \$550 million for COPS grants, and over \$100 million for Byrne grants. These funds are critically important and they support antidrug and antigang task forces around the country.

They fund communications equipment that helps our police and our emergency response teams talk to each other, something we all know is desperately needed in all our communities.

They fund critical programs to deal with the spread of methamphetamine, and police chiefs and sheriffs have consistently told me these grants were absolutely essential to their ability to protect our communities. Unfortunately, as I said, we have heard the President say he is going to veto this legislation. This bill addresses critical priorities across our country and I urge all my colleagues to support the bill and send the President a message from our constituents at home that he is taking our country's safety and economic well-being in the wrong direction and that we need to change focus and give our communities what they need to be safe and sound and secure.

This bill also addresses vital commercial and economic interests across the Nation.

In my home State, that means helping to ensure a healthy, sustainable salmon population. In Washington State, healthy salmon mean a healthy economy. That's why I am thankful that this bill includes \$90 million in funding for the Pacific Coastal Salmon Recovery Fund. This money will help support our State's coordinated effort to restore salmon runs and preserve a way of life in the Pacific Northwest.

When I talk with leaders in my home State about the need to restore our salmon populations, they call it critical.

When I go home and discuss with law enforcement officials, experts and the

media, about the need to increase the number of FBI agents, they say it is an urgent problem.

When I talk to local police and sheriffs about the need for COPS and Byrne grants, they say these grants are crucial to the security and safety of our communities.

Yet when I return to Washington, DC, I am told by this President that the money that is so desperately needed at home is "irresponsible and excessive."

It could not be clearer that this Administration is out of step with the priorities of the people of State and the people of this country.

We have presented the President a measured, responsible bill to bolster our security and build our economy, and I understand he has decided to reject it.

I urge all my colleagues to support this bill and send the President a message from our constituents at home: That he is taking our country's safety and economic well-being in the wrong direction, and that we need to change focus and give our communities what they need to be safe, and sound, and secure.

#### AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate on amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE, equally divided and controlled by the Senator from South Dakota and the Senator from Iowa, Senator HARKIN.

Who seeks time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I am hear to speak in opposition to the amendment offered by the Senator from South Dakota. The amendment he offered would reduce the vital legal assistance to our most vulnerable citizens, low-income Americans who need help with their most critical legal needs.

First of all, I wish to say I am a strong supporter of the bill before us. The President proposed drastic cuts in funding for State and local law enforcement, but the bill provides a total of \$2.6 billion for State and local law enforcement which is about \$1.5 billion above the President's request. The President's budget also proposed to reduce the number of Federal law enforcement agents working to combat violent crime, but this bill rejects that cut, as well as lifting the hiring freeze on DEA agents.

I wish to point out something else. The bill further provides \$1.7 billion for U.S. attorneys, \$92 million more than last year, and it directly addresses Native American needs. The bill provides \$35 million for tribal law enforcement efforts. The bill further provides \$1 million in research on violence against Native American women.

I know Senators MIKULSKI and SHELBY did their best to provide additional resources, especially given the severe budget constraints we face, but the answer to the problems that Native

Americans have with domestic violence and violent crime is not to deprive them and other poor citizens of our country of basic legal services. That is what the Thune amendment does. Senator THUNE is putting more money into the U.S. attorneys to combat violent crime, but he is taking it out of Legal Services. That tradeoff is wrong and I encourage my colleagues to reject the Thune amendment and support the level of funding provided in the bill.

Let me take a minute to explain why the increase in funding for Legal Services is so important. In 1996, Legal Services took a drastic cut in funding by the Congress. It went from \$415 million to \$278 million. It was almost cut in half. We have been trying to get the funding back up since that time. I point out if at that time, from 1995 to now, we had kept pace with inflation, Legal Services would currently be funded at about \$566 million. This bill gets it up to \$390 million, so we are not even back up to where we were in 1995. As I said, the Thune amendment cuts \$20 million out of the increase provided in this bill and gives it to U.S. attorneys. But I also pointed out, the U.S. attorneys already got a \$92 million increase in the bill, for \$1.7 billion in total funding.

Of course, it is not just Native Americans but a wide range of low-income Americans including, in recent years, victims of Hurricane Katrina and even victims of 9/11, who utilize legal services. We have all read in recent months about the vast increase in the number of people losing their homes because of foreclosures and the scandal in the subprime lending market. Many of these people are low income, and they are going to need help from Legal Services because they will not be able to afford an attorney.

Again, make no mistake, even under this bill as it is, Legal Services is not able to serve the legal needs of all low-income Americans. For example, 50 percent of eligible applicants requesting legal assistance from the Legal Services Corporation grantees are turned away because of lack of funding. Keep in mind that, in order to be eligible for Legal Services, you have to be at or below 125 percent of poverty level. That is an income of \$25,000 a year for a family of four. That means right now we are turning away half of the families earning less than \$25,000 a year who need legal help. In some parts of the country, it is even higher. In Wisconsin, 80 percent of poor households who face legal problems do so without an attorney.

In California, 66 percent; in Nebraska, 86 percent; in Utah, 87 percent; in New Mexico, 80 percent. On and on. Those are the percentage of low-income people in those States who face a legal problem yet do not get any help.

With so many people going unserved, every cent is crucial. The adoption of the Thune amendment would only result in furthering the justice gap in this country and in many cases hurt

the very people the Senator from South Dakota wishes to help, Native Americans.

The clients of Legal Services Corporation funded programs are the most vulnerable among us, and many of them are Native Americans. Since 2001, 2.8 percent of all of the appropriations going to Legal Services has gone to meet the legal needs of disadvantaged Native Americans in this country. That means that under this bill about \$10.4 million would go to Native American legal services. That includes South Dakota. In many of these States like South Dakota, a majority of legal services goes to serve Native American populations. In fact, in 2006, fully 67 percent of the clients served by civil legal services in South Dakota were Native Americans—67 percent. By taking money from Legal Services, you are hurting the very people who need legal help, including many of our Native Americans.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. HARKIN. Mr. President, I would be happy to yield.

Mr. DORGAN. Mr. President, I listened to the Senator's presentation. I have indicated to my colleague from South Dakota that I share his instinct and we need better law enforcement on Indian reservations. I do not think there is any question about it.

I appreciate the fact that Senator MIKULSKI and Senator SHELBY added back funds that had been eliminated in the President's budget. But we have a long way to go and we have talked about that here. The instinct is right to try to provide more funding so we are able to deal with those issues.

I held a hearing last week. A report shows that 34 percent of Indian women will be raped or sexually assaulted in their lifetime. That is unbelievable. We have serious law enforcement problems.

But I must vote against this amendment for the following reason: I cannot support an amendment, even though it adds money we need, that we will pay for by eliminating—by reducing funding for legal services, precisely because, as the Senator from Iowa says, legal services are the access to the legal system for low-income folks. It is the only opportunity they have, in many cases, for them to access the legal system.

That budget has been cut, and cut repeatedly. Now we are trying to add some back. To cut it now would be the wrong thing.

I appreciate the Senator yielding to me. I am very interested, I know the Senator from Iowa is very interested, in working with Senator THUNE and others, Senators SHELBY and MIKULSKI. I have talked to them to try to find ways to add back to these accounts in the future. We must do that. It has been partially restored in some of these areas by Senators MIKULSKI and SHELBY.

I thank the Senator from Iowa for allowing me to weigh in. I say I certainly support his presentation. I support the instinct of the Senator from South Dakota in wanting to try to improve this area of funding. But we cannot do it by taking away from such important funding as Legal Services.

Mr. HARKIN. I also appreciate the efforts of the Senator from South Dakota. Again, if you are asking whether I have any problems with where the Senator from South Dakota wants to provide additional funding, no, I do not. I have problems with where we are taking it from. That is my basic problem, because all of the data and all of the testimony tells us that Legal Services are helping the very people we are talking about, especially women who are victims of domestic violence.

Because, a lot of times, Legal Services attorneys are handling family law matters. But before they get to the prosecutorial level, for example, there are things that can be worked out. Individuals have a lawyer—for example, domestic violence restraining orders, separation agreements, or child custody arrangements, those types of things, which are civil matters. U.S. attorneys do not handle that. That is what Legal Services does.

The incidence of violence toward Native American women is tragic. As the Senator from South Dakota pointed out in his presentation earlier, he said Native American women are seven times more likely to be victims of domestic violence than other women. That is what the Senator from North Dakota also just told us.

But, again, it is precisely these citizens whom Legal Services Corporation-funded programs assist. Three out of four clients of Legal Services are women—three out of four.

Legal aid programs identify domestic violence as one of the top priorities in their caseloads. Recent studies have shown that the only public service that reduces domestic abuse in the long term is women's access to legal aid, the very assistance this amendment would drastically curtail. So legal services does make a big difference.

As I said, it is not just Native Americans I am talking about. Legal Services is still helping victims of 9/11, flood victims, Katrina victims. Now we have a whole new group of people accessing Legal Services. I am almost embarrassed to say this. There is another group we now see accessing Legal Services in a big way. Do you know who they are? Our soldiers and their families. Our soldiers and their families, because some of these enlistees who are privates and below do not get enough money. They may have problems, separations. They have been gone a long time. There are family problems. They do not have enough money to hire an attorney. Their spouses might not. So they are accessing Legal Services. This amendment would say: No, we are going to cut back on that. So, again, I think it is important for us to keep this in mind.

I know the Senator from South Dakota had mentioned the recent management problems at Legal Services headquarters. Believe me, no one was more upset than this Senator when the reports came out a year ago, first with the IG investigation and then GAO report. I say that because I started my life after law school as a Legal Services attorney. That is what I did. I know that every cent in the field counts. So if they are wasting money up here in Washington with chauffeured limousines and fancy hotels and all of that kind of stuff, it makes my blood boil, because I know what the Legal Services attorneys in the field are living with, and they are pinching pennies. They are not paid a lot.

That is why I was glad, in the education bill that passed earlier, we included Legal Services lawyers as those who would have their loans repaid if they stayed and became Legal Services attorneys.

Again, I share with the Senator from South Dakota and others my total abhorrence of what was going on in the hierarchy. I will say this: The GAO recommended a number of things for Legal Services to do to address these problems that are now being implemented, in terms of the board structure and other important oversight protections. Why it was not done before, I do not know. There is no excuse for it. There is absolutely no excuse for it. But I can say that the board is now implementing the suggestions and the recommendations of the GAO. I made it very clear as a long-time supporter of the Legal Services Corporation, I made it very clear to management that they needed to act immediately to address the GAO recommendations. I know both Senator SHELBY and Senator MIKULSKI have said the same thing to LSC. So LSC management knows that people here are watching. I know they are acting to address it. Their board of directors has publicly accepted all of GAO's recommendations. They have begun their implementation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Legal Services Corporation's response to GAO which outlines the steps they are taking to ensure better management at headquarters.

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

COMMENTS FROM THE LEGAL SERVICES CORPORATION

JULY 31, 2007.

JEANETTE M. FRANZEL,  
Director, Financial Management and Assurance, Government Accountability Office,  
Washington, DC.

DEAR Ms. FRANZEL: Thank you for the opportunity to provide written comments on the Government Accountability Office (GAO) draft report entitled Legal Services Corporation—Governance and Accountability Practices Need To Be Modernized and Strengthened. This is Management's response to your draft report. The Board of Directors is responding separately.

We are pleased with your findings that LSC "has stronger federal accountability re-

quirements than many nonprofit corporations" and that LSC Board members "demonstrated active involvement through their strong board meeting attendance and participation in LSC oversight." We intend to build on this strong base of accountability and oversight as we respond to the recommendations for executive action which you have made. We fully accept three of your recommendations and we are committed to further action in the spirit of the fourth recommendation.

Regarding the appropriate financial reporting standard for LSC, we are reviewing the Government Accounting Standards Board standards, and we expect to complete our evaluation by the end of October 2007.

Regarding a Continuity of Operations Plan program, LSC has adopted elements of a program, as noted in your draft report, and we expect to complete our comprehensive program during 2008.

Regarding a code of conduct, we have established a staff task force to develop proposals for an LSC compliance program, which will include a comprehensive code of conduct. Our goal is to have recommendations to the Board of Directors by the January 2008 Board meeting.

Regarding a risk management program, we are committed to improving the risk management program at LSC. We note that LSC has managed its risks well over the past 33 years. We will review and implement those additional program elements that are desirable and appropriate for an organization of our size.

We recommend that several clarifications be made to your draft report narrative to insure its overall accuracy. In discussing the accountability of LSC for the management of its federal appropriations, the draft report does not address the existence of congressional oversight. LSC has both authorizing and appropriations committees in the House and the Senate, and LSC is subject to regular oversight from these committees. LSC has been the subject of appropriations and oversight hearings five times in the past three years. LSC staff meet regularly with both Members and congressional staff to discuss ongoing operations.

In discussing LSC's whistleblower protections, the draft report does not acknowledge that LSC has a whistleblower protection statement in its Employee Handbook. This protection for those who complain to the Office of Inspector General (OIG) has been in place at LSC for almost 20 years.

The draft report references potential conflicts of interest with respect to LSC's Acting Special Counsels. All of the relevant information relating to the Acting Special Counsels was provided to the OIG. The OIG made no findings of any conflict of interest with respect to the Acting Special Counsels, and no report of any potential conflicts of interest exists. LSC has been and remains diligent in its ethical obligation to avoid any conflicts of interest. Since the draft report itself makes no finding by GAO of potential conflicts of interest, the placement of this reference in the "What GAO Found" section (see Highlights page) is particularly troublesome.

Finally, while we recognize that your recommendations of matters for congressional consideration are not made to LSC, we feel compelled to observe that LSC's existing statutory framework is appropriate and has served very well the purposes which Congress intended, as described in the appendices to the draft report which explain the rationale for establishing LSC as a non-profit corporation. Should there be a desire to apply some additional management requirements to LSC, that can be accomplished without modifying the nonprofit corporation frame-

work which Congress enacted. To change the framework of LSC to that of a government corporation or federal agency would subject the mission of providing civil legal assistance to poor people to the kind of political pressure and operational controls which Congress wisely sought to avoid in 1974.

Thank you for the opportunity to comment upon the draft report. This has been a helpful and constructive process for us. We welcome your recommendations for executive action.

Sincerely,

HELAINÉ M. BARNETT,  
President.

Mr. HARKIN. Regardless of what we may think about the management of Legal Services, and what the board was or was not doing, asleep at the switch, it is important to note that this amendment would not impact management. Only \$13 million of the \$390 million appropriated in the bill goes for management and administration. That account has not received a single penny increase in the funding, thanks to Senator SHELBY and thanks to Senator MIKULSKI. I know this because I worked with them and I championed the increase included in the bill, but to ensure that the money went where it was needed, to the programs in the field and not to management here in Washington.

Senator THUNE's amendment, in taking this money out of Legal Services, may talk about the management, but none of the increase we put in here goes to management. It all goes to the field operations. Those are the people who need it the most.

Again, I echo what my friend from North Dakota said. I think the thrust of what Senator THUNE is trying to do is laudable. Obviously we do have a problem with domestic violence and abuse of Native American women. Obviously this needs to be prosecuted. I would say before that step, though, we need to make sure we have legal services available to them, so that we cut down on the incidence of domestic abuse and domestic violence. For that reason I would oppose the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, amendment No. 3317 I submitted last night. I spoke to it at that point, but I wish to again make some comments with regard to the amendment and the need that exists in the Indian country for this additional funding.

I appreciate the passion of my friend from Iowa for Legal Services Corporation and support of that organization. But I would simply say that once again, these appropriations bills are forcing us to make decisions about what our priorities need to be.

This debate is about choosing priorities. I also say to my friend from Iowa that we are not talking about cutting Legal Services Corporation over the level they were at last year. They were at \$348 million in fiscal year 2007. My amendment would still allow a \$22 million increase over last year's level. It

would fund them at \$370 million instead of the \$390 million that is included in the base bill. So you are still talking about a 6.3-percent increase in funding for the Legal Services Corporation, so they can continue to do the work they need to do to fulfill their obligations to the American public and the American taxpayers. But what this simply does is say we have a very desperate need in Indian country, and this \$20 million could go to very good use in helping us combat violent crime on our reservations.

I guess the question we come down to in these debates on appropriations—and particularly with regard to this amendment—is: Should we provide more badly needed funding to fight violent crime in Indian country or should we put additional funds into an organization that has engaged, according to the GAO and the inspector general, in wasteful spending of taxpayer dollars by providing what would be a substantial increase above the President's recommendation of \$311 million and, as I said before, an increase of \$42 million over the \$348 million that Legal Services Corporation received in last year's appropriations bill?

This bill, the underlying base bill, provides \$390 million to Legal Services Corporation. It is a program that has not been reauthorized since 1980. That is a 12-percent increase over the amount appropriated for the Legal Services Corporation in fiscal year 2007, and a 20-percent increase over the recommendations that were made earlier this year in the administration's budget. That substantial increase comes at a time when the Legal Services Corporation has faced very serious questions about its management and expenditure of taxpayer dollars.

The GAO and the Office of Inspector General within the Legal Services Corporation clearly lay out the management and waste that has been going on in the LSC. As I said, my amendment is a modest decrease in the amount of spending that is reflected in the underlying bill. Instead of a \$40 million increase, the Legal Services Corporation would still receive a substantial increase of \$20 million under my amendment.

Again, I would say that if you look at the GAO report, it is not some dated thing. This is August of 2007. The GAO in their report, entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened," noted a dozen officers and employees of the Legal Services Corporation have received compensation in excess of the statutory compensation limitation. According to the GAO and outside legal counsel, they issued an opinion last May concluding that LSC had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion, and went on to state that: Without a properly designed and implemented end process for overseeing compensation, LSC re-

mains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

Now, as my friend from Iowa has noted, they are responding, as rightly they should, to address those things. But I think the question is, do you want to reward, with a 12-percent increase, a significant increase over fiscal year 2007, that kind of behavior?

We have an opportunity here again to set priorities. In my view, we have a very serious priority that needs to be dealt with on our Indian reservations in this country, which has been pointed out in any number of different stories and articles.

I have lots of personal examples I can offer from people who actually live on reservations who work in the education system. I have a letter from a superintendent from a reservation school who says: We have one school resource officer in our school system who is certified as a law enforcement officer. However, on this particular reservation, we have a total of seven BIA policemen to patrol 2.2 million acres of reservation. The response time by the BIA police department can be hours for our residents on the reservation or typically result in no response at all.

If you look at the way these cases are prosecuted on the reservation, I have another letter from a constituent who lives out there who says:

In some of these situations the people committing the criminal activities have been caught. They have been sent to jail, released and [are] back on the street committing more crimes, sometimes within 24 hours of the last crime.

This principal in his letter talked about what is becoming a very deep endemic problem on reservations; that is, the increased presence of organized gangs, violence, and drugs.

There are lots of anecdotal examples I could share of the need for additional law enforcement presence. I cosponsored, along with Senator DORGAN, an amendment earlier on this bill that would increase the number of law enforcement personnel who would be on the reservations to address what is the issue of actually apprehending people when they commit crimes. What my amendment does is couples with that the other aspect, and that is making sure that when people are apprehended for committing these types of crimes, they go on to get prosecuted.

What is amazing is, if you look at the rate of prosecution on Indian reservations and how it compares with prosecutions elsewhere—there was an article recently in the Wall Street Journal that said that based on Justice Department data, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted. That compares with 56 percent for all other cases. It goes on to say that one of the reasons those cases don't get prosecuted in Indian country is because Federal prosecutors have long distances involved, a lack of resources, and the cost of hauling wit-

nesses and defendants to Federal court. As a consequence, a lot of cases are not being dealt with.

The U.S. attorney who deals with this in a very admirable way in my State of South Dakota suffers from a lack of resources to do the work that is necessary to make sure that crimes that are committed on the reservation are dealt with, and dealt with in an expeditious way.

If you look at the data—this is Justice Department data from 1992 to 2001—the average rate of violent crime among American Indians was 2½ times the national rate. In fact, according to one report in the Indian Country Today newspaper, Native American women are seven times more likely to be the victim of domestic violence than are other women, and more than 60 percent of Indian women will be victims of violent assault during their lifetime.

Senator DORGAN was on the Senate floor yesterday discussing this issue. He noted that one-third of Indian women will be raped or sexually assaulted during their lifetime. This is unacceptable. This has to stop.

What we are simply saying with this amendment is, here is a way to address the issue. Again, we need more law enforcement personnel on the reservations, which this bill will attempt to address, as will an amendment that was offered earlier by Senator DORGAN. I cosponsored an amendment offered by Senator BINGAMAN, the meth hot spots legislation, that would allow the cops made available under that legislation to be used by Indian reservations. But it is important that we get at the issue of making sure our U.S. attorneys are in a position to be able to prosecute when violent crimes are committed in Indian country. These statistics are stunning, when you look at the number of Native American women who are subject to these types of violent crimes—in many cases, sexual assault—that go unprosecuted because of a lack of resources to the Justice Department so U.S. attorneys can bring those cases in court.

I again come back to the basic premise of the amendment. It does increase funding for the Legal Services Corporation, the underlying bill does. The base bill increases it to \$390 million from the \$348 million level in fiscal year 2007. The administration budget actually recommended \$311 million. So \$311 to \$390 million is about a 20-percent increase. That was over the administration's budget. It is about 12 percent in the base bill over the fiscal year 2007 level from \$348 million to \$390 million. What my amendment does is pares back the size of that increase by \$20 million. So it will now go from \$348 million in fiscal year 2007 to \$370 million in fiscal year 2008. That is a better than 6-percent increase. So we are not taking away anything from Legal Services Corporation or their ability to do their job. We are simply saying a part of that substantial increase, coming at a time when the Legal Services Corporation is under tremendous scrutiny

and criticism from the Government/Accountability Office, as well as from their own inspector general, it makes sense, in my view, to take those resources, those \$20 million out of that particular account, apply that to giving the U.S. attorneys the resources they need to combat violent crime on our Indian reservations.

There isn't anything that works if you don't have a secure, safe environment. Public safety is the most important responsibility we have. Our Indian reservations today are suffering from a tremendous lack of enforcement of laws, a failure on the part of our Government to respond to providing security. I have talked with school superintendents and principals whose children cannot learn when they don't have a safe learning environment. That is what we are dealing with today because of a lack of law enforcement personnel and a lack of capability on behalf of the U.S. attorneys to prosecute crimes committed in Indian country so that those who perpetrate those crimes are not released and back out on the street to commit further crimes.

It is a straightforward amendment: \$20 million out of the Legal Services Corporation increase, a substantial increase still over what they received last year, and take that \$20 million and apply it to a very desperate need that we have on our reservations to make sure we are doing our best to provide public safety so our young children in Indian country have the ability to learn, to get educated, to conduct their lives, and to create an opportunity where the economy in Indian country can grow and prosper as well. You can't do that absent public safety and security.

I reserve the remainder of my time.

The PRESIDING OFFICER. Up to 3 minutes has been reserved. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond. Again, I want to read from the bill so it is clear in everyone's mind that none of the money the Senator from South Dakota is taking out of Legal Services will come from administration. The bill itself says, page 81: \$372 million is for basic field programs, \$13.8 million for management and administration—exactly what they had last year.

Again, we are not rewarding LSC management for being bad actors, nor are we rewarding the board for the poor oversight they provided. We are keeping the management and administration account to the same level it was funded at last year. So the money Senator THUNE is proposing to cut will come from field operations.

Secondly, there is a glass half full/half empty story about the increase in this bill for Legal Services. Over 11 years ago, this Congress cut Legal Services in half. Since that time, the number of people in poverty has grown. We have more poor people. Yet we still are not even at the level we were in

1995 for Legal Services. Imagine that. If we had kept pace with inflation from 1995 to now, Legal Services would be funded at the level of about \$566 million. This bill only gets it back to \$390 million. So we are not even where we were in 1995.

Lastly, while I understand what the Senator from South Dakota is saying about violent crime in Indian country and on reservations, we are cognizant of that, but why take the money away from the very services helping our Native Americans. As I said, 67 percent of Legal Services money spent in South Dakota goes to Native Americans. I would submit that a lot of that goes to help prevent the kind of domestic violence that results in prosecutorial action later on. Think of it like preventive medicine. Better to have Legal Services there, access for poor Indians who want to come in who may have domestic problems, landlord-tenant problems, child custody problems, whatever, that may lead to some kind of domestic violence. Better to let them have access to Legal Services and take care of it that way before it blows up into a violent situation.

I, again, hope Senators will reject the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, in response to my colleague from Iowa, this amendment doesn't take anything away from Legal Services Corporation. They received \$348 million in fiscal year 2007. This base bill proposes to increase that by \$42 million, or about 12 percent, to \$390 million in 2008. This isn't taking away anything they currently have. In fact, under my amendment the Legal Services Corporation gets a 6.3-percent increase over fiscal year 2007. There is nothing being taken away from anybody. There is nothing they have today that is going to be taken away. They will see a 6.3-percent increase. What this does is shift money to what, in my view, is a higher priority, and that is the need we have in Indian country for making sure that we are doing a better job of prosecuting cases and enforcing the law. We have a serious problem.

This is from the Justice Department: American Indians annually experience 7 sexual assaults per 1,000 residents compared with 3 per 1,000 among African Americans and 2 per 1,000 among whites. The statistics are in front of us. We cannot afford to allow these conditions to continue to exist at a time when we have a lot of young people coming up on Indian reservations who need access to good education, need an opportunity to achieve their dreams. You just can't do that absent public safety. What we have today in Indian country is a very serious situation. For everybody who comes into my office, this is the issue that continues to recur that they share with me. We have to address it. I believe we have a responsibility to do that.

This amendment does it in a responsible way, not by cutting anything for an organization from where it is today, but it simply reduces the increase that the Legal Services Corporation would get, from a 12-percent increase over last year's level to a 6.3-percent increase over last year's level, which seems a fair way of going about this.

I urge my colleagues to support the amendment and to do something about law enforcement and the crime problem that exists today on America's Indian reservations. In so doing, we will improve the quality of life for our citizens who live on America's reservations and hopefully provide a safer future for their children.

With that, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I know the hour between 3 and 3:15 has not been designated for debate, but as the manager of the bill and also as a professionally trained social worker, I want to speak against the Thune amendment.

What we want to acknowledge is the validity of the concerns to fund help for the Indian tribes. But let's go to the facts. Fact No. 1, the President's budget request eliminated dedicated funding for tribes. This very President, this very administration has eliminated dedicated funding for tribes. This committee, on a bipartisan basis, rejected that. It is true, we do need to help get those resources into Indian country. We do not doubt the validity of that. In response, we said no to the President eliminating dedicated funding, and yes to \$83 million. This subcommittee will put in \$83 million for tribal programs to fight crime, protect victims, and to help troubled tribal youth; \$35 million for tribal law enforcement, for training, hiring, for equipment, for court improvement projects; \$28 million for additional tribe assistance; \$10 million for youth intervention programs; \$6 million for domestic violence programs. We have said no to the President eliminating this, and yes to the \$83 million. Even the way OMB counts, that is real money. The second thing is we should not pit one group of needy Americans against the needs of other Americans.

Let's go to Legal Services. This agency was created in 1974, and it has been fighting for its existence ever since. But little by little over the years we made incremental improvements in its funding. However, in 1996 came a horrendous and Draconian cut. Legal Services endured a 50-percent cut in their funding. In 1980, the funding was \$300 million. Remember what we are talking about now. In 2007 funds, we are talking about \$390 million. If we had kept funding at the 1980 levels, just

with inflation, Legal Services would be funded at \$757 million.

So guess what. Senator MIKULSKI, the Democrats take charge. We take a look at Legal Services and we say: We are concerned. We are concerned that for over 1 million people Legal Services helps, 1 million need to be turned away. Fifty percent of the people who come for legal services have to be turned away because of a lack of lawyers, paralegals, and other support staff.

Let me say this: As a social worker—and, I might add, I am a dues-paying National Association of Social Workers member. I was a foster care worker. I was a child abuse worker. I was an antipoverty program worker. I am still that kind of social worker, only now I fight it on the floor of the Senate rather than in the neighborhoods of Baltimore.

As social workers, two of our best friends were our Legal Services lawyers and our school nurses. We could turn to them to have a team to help get families on the right track. We would turn to those Legal Services lawyers so that if a spouse was in a domestic violence situation, we could get the law enforcement help to them. We could get them through a divorce proceeding to get them on the right track, to give them a second chance, to get them moving.

Often they were victims of predatory lending or other schemes and other scams. It was the Legal Services lawyers to whom we would turn to get that taken care of. Sometimes unscrupulous landlords would have them in lead-saturated houses. We could turn to our Legal Services lawyers and our public health nurses and we were able to turn lives around. Thank God for the Legal Services lawyers.

Now, the Senator from South Dakota says this will not hurt anybody. You are not going after a corporation. We are eliminating lawyers and paralegals and the social support staff to help 1 million people. Darn right you are having an impact. You are not going after something called a corporation; you are going after our increases there.

Now, we did not fund administrative costs. We did not kind of bloat up a bureaucracy. Our money is specifically focused on lawyers, paralegals, and the social support staff for a difference. So when we say let's take it from Legal Services to help the tribes, well, 70 percent of the Legal Services population in South Dakota is Native American.

So I would hope we are not pitting one group of needy Americans against another group of needy Americans. We hope you reject the Thune amendment, support the Mikulski-Shelby bipartisan bill that puts \$83 million in to help with tribal assistance. We are looking at how to deal with additional resources on the meth issues.

Let's put Legal Services back on track. Let's help those lawyers. Let's help those paralegals. Let's help that social support staff work with people, families, and child services to turn

lives around. One of the best ways to really help fight crime is in those early interventions we can do with families. So really, I ask you, with all the professional experience I ever had in these areas, let's stick with Legal Services.

Madam President, I ask unanimous consent that the vote sequence now commence at 3:30 p.m. today under the same conditions and limitations as previously ordered and that the time until then be equally divided between the managers or their designees.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

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

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

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 3295

Ms. MIKULSKI. Madam President, in about 15 minutes we will be voting on a series of amendments, and I wish to comment now on one of them, the Ensign amendment No. 3295.

I want my colleagues to know I oppose the Ensign amendment No. 3295. What the Senator from Nevada is proposing is to reduce the NASA funding in this bill by \$150 million and to put it into something called the State Criminal Alien Assistance Program.

Again, we are pitting good ideas against each other. That is why you have to really rely upon the chairman and ranking member, who kind of strike a balance with this bill.

In the CJS bill, we did want to fund the State Criminal Alien Assistance Program. We know how important it is because it reimbursed the States for detaining illegal immigrants. This is a priority for this subcommittee, and we provided \$400 million to do that. We are very aware that State budgets are stretched thin, that they should not bear the cost of paying the bill for detaining illegal immigrants. We do not want to create another unfunded Federal mandate there. So working with my colleague on the other side of the aisle, we made sure there was \$400 million in it. Now, we acknowledge that the Senator from Nevada would like to increase it. We would like to increase it as well. But already the President is threatening a veto because we restored the funding for the COPS Program.

Now, the cut to NASA is not a benign cut. It would be a devastating blow to NASA. It would be a major setback to

the exploration programs and a devastating blow to the science programs. It would harm our effort to do very important things, one of which is a key priority for funding the next-generation shuttle.

The shuttle, as we now know it, will retire in 2010. It is getting older, it has fewer flights that it can continue, and we need to be returning to space with a new vehicle. It is the No. 1 priority, on a bipartisan basis, for Senators KAY BAILEY HUTCHISON, RICHARD SHELBY, BILL NELSON, and BARBARA MIKULSKI, who kind have been the space Senators here. Also, it is the No. 1 priority for the administration, and it is the No. 1 priority for the director of NASA that we need not delay in getting ready for that vehicle that returns us to space.

From 2010, for another 3 to 5 years, we will have no access in space. We are going to rely on the kindness of allies to go back. We cannot lose time or ground. Our national security and our national honor depend upon it. Also, this would have a tremendous impact on the state of science, which goes to major efforts in terms of better understanding our planet Earth, where we do suspect intelligent life, and also the impact of climate changes. It is wonderful that we win the Nobel Prize on climate change—and we support our former colleague, Vice President Gore—but we have to keep winning those. Remember, the Nobel Prize not only went to Gore but to the scientists studying this. Regardless how you feel about the climate crisis, I think we need sound science and sensible solutions. So please, while we are looking at how are we going to pay the bills for the detention of illegal aliens in State facilities, don't penalize NASA. That would be an incredible setback to national security, to national honor, to national innovation, and a key administration priority.

So I hope that when the Ensign amendment No. 3295 comes up for a vote, my colleagues will join me in tabling this amendment.

I cannot say enough about the cooperation of Senator SHELBY and his staff and about finding a balance in this bill, because we had so many competing needs, and in each one we tried to strike the balance. We had the will, but we didn't quite have the wallet to do what we needed to do. But we certainly have made significant progress and went well beyond downpayments in meeting our responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in opposition to amendment No. 3295 offered by the Senator from Nevada.

This amendment seeks to take \$150 million from NASA and will give it to the State Criminal Alien Assistance Program—a program that is already \$400 million dollars over the budget request of zero.

At first glance, a reduction of \$150 million from NASA's \$17 billion budget would seem minimal.

However, let's look at the facts. After debating this bill, it is clear that NASA is a priority for the Senate.

We debated and added an additional \$1 billion to NASA in order to partially compensate for the funding shortfall NASA has endured since the Columbia disaster. This funding will only cover one-third of the \$2.7 billion needed to keep NASA on track.

To cut funding will endanger NASA missions that will inform us about the world we live in, and cripple our ability to be competitive in space.

We are in a space race. While we are the current leader in space, there are many countries that want to take our place and are aggressively moving forward to do so.

The administration has articulated, and Congress has endorsed, a vision for exploration. The return of our astronauts to the Moon is a Priority and we have provided the funding to accomplish that goal.

Now this funding is in jeopardy.

And what are we jeopardizing our future for? The State Criminal Alien Assistance Program—a program that was not requested by the administration, and currently is funded in this bill at \$400 million.

We are being asked to add \$150 million to a program that barely touches many of our States. Since 2000, five States have received 77 percent of the \$2.8 billion in funding for this program.

Let me say that again—77 percent, or \$2.2 of the \$2.8 billion, for this program since 2000 has gone to only five States.

This can hardly be called a national program, although I'm sure it is an important program.

Yet, our Nation's space program benefits the lives of every American. The work that NASA does, from encouraging students into science and engineering careers, to innovative technology advances, improve our quality of life. The forward and innovative thinking at NASA helps to ensure our Nation has the ability to compete, and lead, in the global economy.

We are committed to keeping our leadership role in space.

In order to do so, we must make the right investments in space at the right times. That time is now.

I encourage my colleagues to oppose the Ensign amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

There are 2 minutes remaining under the previous order.

Ms. MIKULSKI. Madam President, I reserve 30 seconds for myself.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I wish to oppose this amendment. What we have, thanks to the two Senators who are leading this bill, is emergency funding for NASA to replace the funds that NASA had to expend as a result of the destruction of the Space Shuttle Columbia. These are funds that normally would be provided, as they were over two decades ago in the destruction of the Space Shuttle Challenger, out of emergency funds. Instead, this time, NASA has had to take it out of its hide, out of its own operating funds. Therefore, all the plans of what NASA is doing to complete the International Space Station, as well as prepare for the new vehicles, Orion and Ares, in the stack called Constellation, in a program to take us into human orbit again and eventually to the Moon, as well as all the scientific research that is going on, it is all coming out of these funds instead of out of emergency funds.

The two Senators have offered the leadership to make NASA whole. This little agency which is being starved of funds, they have restored these emergency funds. And now here comes Senator ENSIGN wanting to penalize NASA again.

I understand my time is up, and I yield the floor.

AMENDMENT NO. 3294

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate, equally divided and controlled, prior to a vote in relation to amendment No. 3294, offered by the Senator from Nevada, Mr. ENSIGN.

Ms. MIKULSKI. Madam President, on Ensign amendment No. 3294, I support this amendment and urge my colleagues to do so as well. We have arrived at a bipartisan solution. It is Ensign amendment No. 3295 that the Senators from Florida and Alabama and I oppose.

So on Ensign amendment No. 3294, I urge support of this amendment and urge we go to a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back. The question is on agreeing to Ensign amendment No. 3294. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator

from North Carolina (Mrs. DOLE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—91

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Byrd	Johnson	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Kyl	Specter
Chambliss	Landrieu	Stabenow
Coburn	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lincoln	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Webb
Craig	Martinez	Whitehouse
Crapo	McCain	Wyden
DeMint	McCaskill	
Domenici	McConnell	

NOT VOTING—9

Biden	Dole	Kennedy
Clinton	Inouye	Obama
Dodd	Isakson	Warner

The amendment (No. 3294) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I think it is important we hear from the Senator from Nevada on this next amendment, which is an important one.

AMENDMENT NO. 3295

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3295 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, this is an amendment that would take \$150 million out of the NASA budget. We know NASA has been increased by \$1 billion over last year's budget, and we also increased this past week \$1 billion in emergency funding. It is \$150 million, not including the billion dollars in emergency funding over the President's request. We seek to help something that is always underfunded, and that is to help especially the southwestern States and their local law enforcement to combat criminals who are illegal aliens. There is a huge problem. They do not have the resources. So we took \$150 million out of

the NASA budget to put it toward programs to help combat not only illegal immigration but especially those who are here illegally and who are committing crimes. That is simply what this amendment does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 30 seconds to the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President and colleagues, I hope very much we will not adopt this amendment. We are already looking at a 5-year gap between 2010 when the shuttle goes out of existence and 2015 when the crew-returned vehicle comes online. That is a security risk for the United States. If we adopt this amendment, we are going to lengthen the time that America cannot put anyone in space. Russia can, China will probably be able to, India may be able to, but not America. That is a security risk I am not ready to take, and I hope my colleagues will defeat this amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

Ms. MIKULSKI. Mr. President, I too oppose the Ensign amendment. We have met our responsibility to the State Criminal Alien Program. We have put \$400 million in it. I believe the amendment is unnecessary.

I oppose it, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—68

Akaka	Brown	Cochran
Alexander	Bunning	Collins
Bayh	Byrd	Conrad
Bennett	Cantwell	Corker
Bingaman	Cardin	Cornyn
Bond	Carper	Craig
Boxer	Casey	Crapo

Dodd	Levin	Rockefeller
Dorgan	Lieberman	Salazar
Durbin	Lincoln	Sanders
Feinstein	Lott	Schumer
Gregg	Lugar	Sessions
Hagel	Martinez	Shelby
Harkin	McCaskill	Smith
Hatch	Menendez	Snowe
Hutchison	Mikulski	Specter
Inhofe	Murkowski	Stabenow
Johnson	Murray	Stevens
Kerry	Nelson (FL)	Sununu
Kohl	Nelson (NE)	Vitter
Landrieu	Pryor	Voinovich
Lautenberg	Reed	Whitehouse
Leahy	Reid	

NAYS—25

Allard	Dole	McCain
Barrasso	Domenici	McConnell
Baucus	Ensign	Roberts
Brownback	Enzi	Tester
Burr	Feingold	Thune
Chambliss	Graham	Webb
Coburn	Grassley	Wyden
Coleman	Klobuchar	
DeMint	Kyl	

NOT VOTING—7

Biden	Isakson	Warner
Clinton	Kennedy	
Inouye	Obama	

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. KYL. Mr. President, on rollcall Vote No. 367 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I have two very brief unanimous consent requests.

On rollcall 367, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, last year the Legal Services Corporation was funded at \$348 million. This year the administration's budget proposed a funding level of \$311 million. The base bill under consideration today funds the Legal Services Corporation at \$390 million, which would be a 12-percent increase over the appropriated level in

fiscal year 2007. What my amendment does is simply takes \$20 million out of that increase. It still increases the Legal Services Corporation by 6.3 percent over fiscal year 2007 but takes \$20 million of that proposed increase for the Legal Services Corporation and applies it to fighting violent crime on America's Indian reservations by increasing funding for our U.S. attorneys so they can prosecute crimes committed on Indian reservations.

Around the country, 56 percent of crimes that are brought to U.S. Attorney's Offices end up being prosecuted. On Indian reservations that number is 30 percent. People on Indian reservations should not have to live in fear. Public safety is something for which we have responsibility. It is important we do something to address that. This amendment will move money toward fighting crime on Indian reservations to make it safer for people who live there.

Ms. MIKULSKI. Mr. President, on behalf of Senator HARKIN and myself, we vigorously oppose this amendment. We too acknowledge that we should help people who are victims of crime on Indian reservations. But the administration eliminated all funds to do that.

The bipartisan agreement puts \$83 million in for tribal programs to fight crime, protect victims, and help troubled tribal youth. What this amendment does is take money out of the first meaningful increase that Legal Services has had. This does not take money from something called a corporation, it takes it out of the lawyers, the paralegals, and the support staff who provide legal services to the poor in this country. In South Dakota, 70 percent of those are Native Americans.

Senator HARKIN and I oppose this moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—62

Akaka	Durbin	Mikulski
Bayh	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Gregg	Nelson (NE)
Boxer	Hagel	Pryor
Brown	Harkin	Reed
Bunning	Hutchinson	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Corker	Lincoln	Sununu
Cornyn	Lugar	Webb
Dodd	Martinez	Whitehouse
Domenici	McCaskill	Wyden
Dorgan	Menendez	

NAYS—31

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Barrasso	Ensign	Roberts
Baucus	Enzi	Sessions
Bennett	Graham	Stevens
Brownback	Grassley	Tester
Burr	Hatch	Thune
Chambliss	Inhofe	Vitter
Coburn	Kyl	Voinovich
Craig	Lott	
Crapo	McCain	

NOT VOTING—7

Biden	Isakson	Warner
Clinton	Kennedy	
Inouye	Obama	

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. COLEMAN. Mr. President, on rollcall No. 368, I voted “nay.” It was my intention to vote “yea.” Therefore, I ask unanimous consent that I be allowed to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Ms. MIKULSKI. I ask unanimous consent that at 6 p.m. today, the Senate proceed to vote in relation to the Vitter amendment, No. 3277, with no amendment in order to the amendment prior to the vote, and that the time from 5:30 to 6 be equally divided and controlled between Senators MIKULSKI and VITTER or their designees.

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

The Senator from Vermont.

AMENDMENT NO. 3249

Mr. LEAHY. I ask unanimous consent to set aside the pending amendment and call up amendment No. 3249.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3249.

The amendment is as follows:

(Purpose: To appropriate an additional \$30,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike “\$1,400,000,000” and insert “\$1,430,000,000”.

On page 52, line 15, strike “\$60,000,000” and insert “\$90,000,000”.

On page 70, after line 10, insert the following:

SEC. \_\_\_\_ . Of the unobligated balances made available for the Department of Justice in prior fiscal years, \$30,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3249, AS MODIFIED

Mr. LEAHY. I send to the desk a modification and ask unanimous consent that the amendment be so modified.

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

The amendment, as modified, is as follows:

On page 52, line 5, strike “\$1,400,000,000” and insert “\$1,415,000,000”.

On page 52, line 15, strike “\$60,000,000” and insert “\$75,000,000”.

On page 70, after line 10, insert the following:

SEC. \_\_\_\_ . Of the unobligated balances made available for the Department of Justice in prior fiscal years, \$15,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. LEAHY. Mr. President, I offer a modified amendment that will provide an additional \$15 million for the Boys and Girls Clubs of America so the Clubs can continue to help our Nation’s children become productive, law abiding teenagers and contributing adults.

We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what top-notch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs in criminal activity. In fact, after I became a U.S. Senator, a police chief was such a big fan of the work of the Boys and Girls Clubs, that he asked me to help fund a club in his district rather than helping him secure funding for a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first Club was established in Burlington 63 years ago. Now we have 6 clubs in Vermont and 25 other locations throughout the State managed by the Boys and Girls Clubs of America. These clubs serve well over 10,000 kids statewide. In a small State such as mine, that is a significant number.

I had a terrific visit last month at the Boys and Girls Club of Burlington,

VT, and was approached by parents, educators, law enforcement officers and others who told me: Keep doing this. It gives our children a chance to grow up free of drugs, gangs and crime. That is my ultimate proof. If these folks are asking for more clubs and more support, then we ought to do it.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased federal support for Boys and Girls Clubs from \$20 million to \$85 million. Due in large part to this increase in funding, there now exist more than 4,000 Boys and Girls Clubs in all 50 States serving almost 5 million young people.

In 2004, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at \$80 million for fiscal year 2006, \$85 million for fiscal year 2007, \$90 million for fiscal year 2008, \$95 million for fiscal year 2009 and \$100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the Nation.

Because of these successes, I was both surprised and deeply disappointed to see that the President requested no funding in his budget for Boys and Girls Clubs for fiscal year 2008 in an effort to consolidate and cut grant funding in the Department of Justice. That request will leave thousands of children and their clubs behind. We cannot allow such a thing to happen. We seem to find an unlimited amount of money to send to Iraq, where half the time we cannot even find out what happened to the money after it went there. I would like to spend a little bit of that money in the United States to help protect our children. We owe it to them. This will do it.

If we had a Boys and Girls Club in every community, prosecutors would have a lot less work to do because of the values that are instilled in children from the Boys and Girls Clubs. They deliver results and represent the best of what communities can do to improve the lives of their young people.

Across the Nation, Boys and Girls Clubs are proven and growing successes in preventing crime and supporting our children. Our amendment will restore funding for the Boys and Girls Clubs of America to reach \$75 million. It also provides an offset by rescinding \$15 million in unobligated balances from the Department of Justice in prior fiscal years. It would have no effect on budget authority.

This is not a Democratic or Republican idea; it is just an idea that makes sense. It is also an idea that works. We all know instinctively that our Nation’s strength and ultimate success lies with our children.

I urge the Senate to adopt the Leahy amendment to provide an additional \$15 million for the 2008 fiscal year for the Boys and Girls Clubs of America. Our greatest responsibility is to help children inhabit this century the best

way possible and we can help do that by supporting the Boys and Girls Clubs of America.

Mr. HATCH. Mr. President, I rise in support of the Leahy-Hatch amendment which will increase funding for the Boys and Girls Club of America, BGCA. The Boys and Girls Club of America consists of more than 4,000 neighborhood facilities that provide services for more than 4.8 million young Americans each year. Many of the developmental programs that are offered increase and emphasize the education, leadership, and character of participating children. The amendment offered today will narrow the gap between the authorized and appropriated funds for the Boys and Girls Clubs of America.

It is easy to see how important the Boys and Girls Clubs are to shaping the lives of at-risk youth. By creating an environment where America's children can learn and grow, Boys and Girls Clubs helps produce better students, better citizens, and stronger families. Boys and Girls Clubs are a vital part of communities across the Nation, and by continuing to help fund this organization, the more than 4 million youths served by BGCA will continue to have a place where they can find friendship, mentorship, and support.

Congressional support for BGCA has resulted in support for 13 new club start-ups in Utah. Successes like this are being repeated in every other State across the country. At-risk children in public housing and public schools, on military bases and on Native American lands have come to know the Boys and Girls Clubs of America as a place where they can be themselves and escape the streets.

The tremendous success stories of the BGCA program are abundant. These successes can be increased with the passage of this amendment. I fully endorse the amendment, and urge my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Vermont for working with the subcommittee. I know from firsthand experience how important Boys and Girls Clubs are in keeping our kids safe in neighborhoods and also doing the very important work that keeps them on the straight and narrow. Both the Senator from Alabama, my ranking member, and I would like to do more for Boys and Girls Clubs. We are more than willing to accept the amendment of the Senator from Vermont. It has been cleared on both sides of the aisle. I, therefore, urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3249), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. I ask unanimous consent that the pending amendment be temporarily set aside in order that I may offer an amendment.

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

AMENDMENT NO. 3313

Mrs. DOLE. Mr. President, I call up amendment No. 3313 pending at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 3313.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside \$75,000,000 of the funds appropriated under the heading State and Local Law Enforcement Assistance for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws)

On page 53, line 11, insert “, and of which not less than \$75,000,000 shall be used by United States Immigration and Customs Enforcement for activities that support State and local law enforcement agencies in their efforts to assist the Federal Government's enforcement of immigration laws” before the semicolon at the end.

Mrs. DOLE. Mr. President, I have just returned from North Carolina where this morning I attended a presentation by Immigration and Customs Enforcement to the North Carolina Sheriffs Association. I heard today, as I have many times before, that ICE resources for enforcing our immigration laws are woefully underfunded. They tell me they are stretched much too thin, and they are asking for our help. As seen firsthand in parts of North Carolina, the programs carried out by ICE work, particularly where there are partnerships with local law enforcement. In North Carolina today we were announcing an exciting partnership between our 100 county sheriffs and ICE where tools will be made available to local law enforcement so they can help identify, apprehend, and remove illegal aliens who have self-identified themselves by committing crimes. But these programs that are so critical to enforcing our laws must have funding.

This is the Senate's opportunity to act to make certain that these valuable programs are funded and our law enforcement professionals have the tools they need. My amendment would target \$75 million in funds appropriated by the State Criminal Alien Assistance Program to benefit local law enforcement agencies as they assist ICE in enforcing Federal immigration laws. When it comes to tackling this complex issue of immigration, an impor-

tant first step must be addressing the criminal element and ensuring that people can feel safe in their homes and communities. We have all heard about families shattered when an illegal alien driving under the influence of drugs or alcohol or engaged in gang-related activity kills a law-abiding citizen. Many tragedies can be prevented if we give our local law enforcement officials the tools and resources to identify and process illegal criminal aliens. Providing greater funding for ICE programs will demonstrate our commitment to helping local law enforcement officials secure the resources they need, and it is the right thing to do for all our communities.

I urge my colleagues to support this commonsense amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, ordinarily I would wholeheartedly and enthusiastically agree with the Senator from North Carolina, but here I have to respectfully disagree, not with her intent but where she is getting the money. I rise to oppose this amendment because it would take \$75 million from State and local law enforcement that has already been troubled and under siege and give it to the Department of Homeland Security, an agency that has its own appropriations.

I acknowledge the work of North Carolina, what they are doing, the fact that they have a unique partnership that has been done. We acknowledge that, and we acknowledge that other law enforcement would also benefit. But she is talking about \$75 million. The Department of Homeland Security received billions. The place for the Senator to have made this fight was when Homeland Security was on the floor, and she should have offered that as an amendment on Homeland Security and gotten it through an offset or gotten it in Homeland Security or gotten it by raising the Budget Act under a point of order.

Let me tell you where we are. When we received the President's budget in February, I was horrified, as was my colleague. The COPS Program was eliminated. That is the program that actually puts money into the Federal checkbook to put cops on the street to fight violent crime. But it was eliminated.

Under President Bill Clinton, who created the program—of course, Congress creates the programs, but working in partnership with the President when we did have the White House, we put on the streets of America 118,000 cops through that program, and we reduced violent crime by 10 percent. But in this President's budget it was eliminated.

Then we saw another program called Byrne grants—not B-U-R-N, as if when

you are injured in a fire, but B-Y-R-N-E, named after Edward Byrne, a police officer killed in the line of duty—it was President Bush’s dad who created that program, again, with money going to local law enforcement to fight local problems, including sheriffs’ departments.

Now, the Senator from North Carolina is going to gut State and local law enforcement by taking \$75 million out of it. We cannot do this. Violent crime in America is on the rise—murder, burglaries, rape, other things so despicable I do not want to speak about it on the Senate floor.

When the Senator talks about her sheriffs, I have sheriffs too. But I am going to be one of the posse that helps them shoot straight. That means they need their resources that will come from State and local law enforcement grants we are going to provide for them to either add more police officers, have technology upgrades to maximize their efficiency and help them get real convictions, and have the kinds of things that will help them get the bulletproof vests they need, the other more advanced equipment that our rural communities—as the Presiding Officer from Colorado knows—do not have.

So what we did in the Mikulski-Shelby bill is restore \$1.5 billion so we could have cops on the beat, so we could have money to fund local law enforcement for technological upgrades, for the equipment they need such as bulletproof vests to protect themselves while they are busy helping us.

We have to make sure they have those resources. I do not deny what the Senator is talking about, but I will say what she is trying to do right now would gut the local law enforcement program. She would have a Draconian impact on our ability to put cops on the beat and to also give them the equipment to protect themselves, the technology that is needed to extend their effectiveness and make sure the thin blue line does not get thinner.

So I think this \$75 million request is inappropriate. It is inappropriate not because of what she wants to accomplish, but it is inappropriate because she is taking money out of a Justice account and putting it in a Homeland Security account, when we had a Homeland Security bill and the Senator could have added it there. That was the place to make this fight.

Now, we are afraid that no matter how well intentioned this amendment is—and I know it is very well intentioned and has a lot of intellectual rigor behind it—it is not appropriate to take money out of State and local law enforcement and give it to Homeland Security, when they have their own whole subcommittee, and that was the place to make that fight.

It is not about which committee. This is not about committees. But I am telling you, the Senator from Alabama and I have worked hard—really worked hard—to make sure we are helping our local law enforcement—our very first

line of defense—with the resources they need with more officers and better equipment.

Mr. President, I ask unanimous consent that the vote in relation to the Dole amendment occur at 5 p.m., with no amendment in order to the amendment prior to the vote and that the time until then be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Mr. President, I simply wish to make the point that what I have suggested is ICE works at common purpose with SCAAP for money on the frontlines, where it is desperately needed by our law enforcement officials. This is State and local law enforcement. So I think they are working at common purpose. I wished to add that comment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I say to the Senator from North Carolina, I am sorry, I was handling a procedural issue. Could you repeat what you said?

Mrs. DOLE. Mr. President, I said what I have said earlier works at common purpose with SCAAP—the ICE funding—for money on the frontlines, where it is desperately needed by our law enforcement personnel. This is State and local law enforcement.

Ms. MIKULSKI. But, Mr. President, I would say to the Senator from North Carolina, whom I worked with when she was at the Department of Labor as well as the Department of Transportation, along with other issues in our community—her support for the concern of battered women, homeless women is so well known—this is not SCAAP. This is not the program that helps pay State funds for the detention of detained illegal immigrants. This is taking real dollars in the Federal checkbook out of which local law enforcement can apply for the COPS and for the Byrne grants.

So I have to continue my opposition.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think the intention of the Senator from North Carolina is good. I know she is concerned about border enforcement and everything that goes with it dealing with immigration. But that is the province of Homeland Security. We have an appropriations bill dealing with homeland security. I happen to serve, among others, on that committee too. But this bill deals with the Justice Department and related agencies.

I do not think we should be taking money out of this bill to give to Homeland Security for some program or taking money out of Homeland Security to give to Justice. We have allocations, as the Presiding Officer sitting here knows.

I think the Senator means well, but I think this is the wrong vehicle for

what she is trying to do, and I oppose her amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, 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.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I oppose the Dole amendment No. 3313. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote “yea.”

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—50

Akaka	Hagel	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Johnson	Nelson (NE)
Brown	Kerry	Pryor
Byrd	Klobuchar	Reed
Cantwell	Kohl	Reid
Cardin	Kyl	Rockefeller
Carper	Landrieu	Salazar
Casey	Lautenberg	Sanders
Collins	Leahy	Schumer
Conrad	Levin	Shelby
Dorgan	Lieberman	Smith
Durbin	Lincoln	Specter
Ensign	Lugar	Stabenow
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Gregg	Mikulski	

NAYS—42

Alexander	Cochran	Hatch
Allard	Coleman	Hutchison
Barrasso	Corker	Inhofe
Baucus	Cornyn	Lott
Bayh	Craig	Martinez
Bennett	Crapo	McCain
Bond	DeMint	McConnell
Brownback	Dole	Murkowski
Bunning	Domenici	Roberts
Burr	Enzi	Sessions
Chambliss	Graham	Snowe
Coburn	Grassley	Stevens

Sununu Tester	Thune Vitter	Voinovich Webb
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## NOT VOTING—8

Biden	Inouye	Obama
Clinton	Isakson	Warner
Dodd	Kennedy	

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. WHITEHOUSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3277

The PRESIDING OFFICER. The pending question is now the Vitter amendment No. 3277. The time between 5:30 p.m. and 6 p.m. will be equally divided.

Ms. MIKULSKI. Madam President, as I look about, 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. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## AMENDMENT NO. 3277

Mr. VITTER. Madam President, I rise to strongly urge all of my colleagues on both sides of the aisle to join in support of Vitter amendment No. 3277. We will be voting on that amendment shortly.

This is a commonsense, straightforward amendment, reasonable in nature, which is supported by the vast majority of the American people. It is supported because it makes good common sense. It says very simply that everyone at all levels of government should be part of the solution and should cooperate fully with Federal immigration enforcement officials and should not refuse to cooperate, refuse to give information to those officials trying to do a very difficult job, and in those cases where local jurisdictions do not properly cooperate with Federal officials, as is currently mandated by Federal law, then those local jurisdictions will not get COPS funds. It is pure and simple. This is present law. So we tell local and State jurisdictions: Please follow present Federal law. And if you don't, don't expect to get money from the Federal Government, particularly in the area of COPS funding.

Again, I think it is very important to make clear that we are not changing present Federal law with this amendment; we are simply trying to enforce it.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, and section 642(a) of that legislation, now over 10 years old, is very clear:

Federal, State, or local government entity or official may not prohibit, or in any way restrict any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immi-

gration status, lawful or unlawful, of any individual.

It couldn't be clearer, and it couldn't be simpler. That is present Federal law and has been for over 10 years—cooperate and share information. You cannot prohibit that basic, straightforward, reasonable sharing of information. Our Federal authorities have a very difficult job to do, and they can never get it done without reasonable minimal help from other law enforcement officials around the country.

The problem is there are these so-called sanctuary cities or sanctuary jurisdictions that have made it perfectly clear they are going to ignore that Federal law. They are going to break that Federal law. They are not going to cooperate in any way with the enforcement of our immigration laws. They are going to be part of an active movement to flaunt them, to not enforce those laws, and to frustrate the enforcement of those laws.

Not surprisingly, this is perhaps clearest coming out of San Francisco. There the mayor said very clearly—and this was just this past April in response to the Federal authorities' raid on an Oakland business, where they arrested 13 foreign nationals who entered the country illegally—the San Francisco mayor said:

I will not allow any of my department heads or anyone associated with this city to cooperate in any way, shape, or form with these raids. We are a sanctuary city, make no mistake about it.

One of his counterparts in the area, the mayor of Richmond, CA, just outside of San Francisco, actually went a little further, if you can believe that, if you can believe it is possible to go further. This past February, he said:

I really don't believe that any of our residents should be living in a climate of fear and terror like this. People have no real criminal behavior at all and have been unjustly placed under arrest.

That was in response to a raid by Federal officials.

So the San Francisco mayor said: We are not going to have anything to do with it, we are going to do everything we can to frustrate the Federal law. The Richmond mayor went beyond that and said: We don't think Federal immigration officials should be doing their job.

I think that is wrong.

This has reached a ridiculous level, Madam President. It is no surprise to the American people that we are not enforcing our laws when they hear local jurisdictions acting like this, flaunting the law, ignoring clear Federal law that has been on the books for over 10 years. If we have any chance to rein in illegal immigration and enforce the rule of law, Federal officials need reasonable help. That is what it will take to enforce our immigration laws. And in enforcing our immigration laws, we will make this country safer.

I clearly, strongly disagree with these arguments that somehow this is going to lessen public safety. This will

increase public safety as we enforce our laws. Surely, surely some horrible and tragic incidents from the past several months should make this clear.

For instance, in Virginia Beach, 17-year-old Allison Kunhardt and 16-year-old Tessa Tranchant were killed when their car was struck by a drunk driver who happened to be an illegal alien. Now, that is tragic enough, but that illegal alien had multiple prior convictions for drunk driving. He had gone through the local criminal justice system multiple times, and guess what—not once had that been reported to immigration officials. If it had, and if immigration officials had properly acted, that person would have been off the street, unable to kill through his vehicle.

Similarly, in Newark, NJ, some college students were horribly and tragically shot execution style by Jose Carranza. Carranza was out on bail awaiting trial on two separate felonies. He was also in this country illegally. So not only was he out on bail under questionable circumstances, but if immigration officials had been notified and if they had acted properly, he could have been under arrest and/or out of the country. Instead, three completely innocent college students were executed and are dead today.

This does have everything to do with the rule of law. It has everything to do with public safety. It has everything to do with getting hold of our safety and immigration laws and everyone working cooperatively in the right spirit, in the right vein, and following the present Federal law to do just that.

I would also note that an identical amendment to this was passed quite easily—by voice vote, as a matter of fact—in the House of Representatives.

Let's act on common sense, let's be reasonable, and let's enforce Federal law that has been on the books for over 10 years now. Let's adopt this amendment.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I yield to the Senator from New Jersey, an outspoken opponent of this amendment, such time as he may consume, reserving for myself the last 5 minutes of my time for my own closing argument.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the distinguished Senator from Maryland for yielding me time. Can I get a sense of how much time that is?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MENENDEZ. I thank the Chair.

Madam President, as I listened to our colleague describe his amendment, one might say: Why shouldn't I support this amendment? The problem is, the very issues he described, including the one in my own home State of New Jersey, would not be resolved by his

amendment. That is a breakdown of the system that had nothing to do with communities making a decision not to go ahead and assist and inform, when they actually have someone who has committed a crime, of, in fact, the status of that individual.

What this amendment will do—what this amendment will do—is it will undercut the ability of communities to actually prosecute the crime—to prosecute the crime. Why? Because a crime is committed against an individual, and if that individual happens to be a victim who is undocumented in this country, that community wants—and communities across the country want—the victim to come forth and say: Hey, I had this crime committed against me. I had this robbery committed against me. I was assaulted. I was raped. We want the victim to come forward and talk about the crime and testify against the perpetrator because society, the community, is best served by having the criminal—the criminal—put away in jail. If you don't have people coming forth to testify about the crimes committed against them—you might have had a sexual predator, you might have had someone who was involved in a whole host of things—the bottom line is, if you don't have the person who was the victim coming forth, you don't get to the person committing the crime, and that person is allowed to stay out there committing more crimes.

What if you are a witness to a crime. As a witness to the crime—you saw it, you are an eyewitness—you can help the police, you can help the prosecutor, you can help the sheriff put that person away. But, no, you are not going to come forth because, in fact, your status in this country isn't clear, and ultimately why should you come forth and put yourself in jeopardy?

Communities across the landscape of the country have said: We want to get to the criminal element. We want that witness to come forth. We want them to come and testify. What the Vitter amendment does is it cuts the legs out from under law enforcement, who say they prefer to get the perpetrator of the crime and that is much more important than ultimately going to the question as to whether that person has a legal status in this country. That is why a large number of people whom we trust every day, who put their lives on the line for us in terms of protecting us as citizens, have said they oppose the Vitter amendment, including the National Sheriffs Association, the International Association of Chiefs of Police, Major City Police Chiefs Association, Major County Sheriffs Association, and those who, as the chief executive officers of their municipalities, are actually responsible for making sure that their citizens are protected, the U.S. Conference of Mayors—they have all come out in opposition to this amendment because they understand it goes to the very heart of being able to keep their communities safe.

This amendment would deny funding to over 70 law enforcement jurisdictions in Alaska, Arizona, California, Colorado, Connecticut, the District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Texas, Washington, and Wisconsin; jurisdictions that have made it their decision to have laws and policies and practices that put the enforcement against the crime, that puts the perpetrator away in jail, as their primary goal.

There are plenty of things that can be done to pursue people who are undocumented in this country if that is the right policy. But denying municipalities the funding, the Federal moneys for police officers, because they want to get the perpetrator versus get the undocumented immigrant is, in my mind, the wrong policy. That is why all these major law enforcement entities, the people on whom we depend, consistently are in opposition.

Last, it seems to me when the Secretary of the Department of Homeland Security, in testimony over in the House, said nothing that these communities do stops ICE, which is ultimately responsible for prosecuting individuals, for detaining them and deporting them—that nothing by any of these jurisdictions is stopping them from being able to do that—as is being suggested, that that is why this amendment is necessary—I think it makes a very compelling argument.

Let's make sure the victims of crime come forth. Let's make sure the witnesses of crimes come forth. Let's listen to the law enforcement entities that say they oppose the Vitter amendment. Let's make sure we have the community policing opportunities that take place to reduce crime, which has risen 2 years in a row in the country, and ultimately let's listen to the Secretary of Homeland Security who says nothing these jurisdictions have done has stopped them from being able to have ICE pursue their duty to proceed against an individual who is undocumented in this country.

I would rather get the perpetrators, those who are committing a rape, who are committing a robbery, who are sexual predators, who are doing those things—who are breaking the law. The rule of law is very important and there are a lot of elements to that. We want to make sure the rule of law is preserved by ensuring those who can help us put criminals away have the wherewithal to do so and are not ultimately afraid to come forth. That helps all the citizens in the community and that is why I believe we should defeat the Vitter amendment.

I yield the floor.

Mr. VITTER. I yield 3 minutes to the distinguished ranking member of the subcommittee.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in support of the Vitter amend-

ment No. 3277, pending before the Senate. I commend Senator VITTER from Louisiana for offering this important amendment.

The Vitter amendment would seek to eliminate Federal COPS funds to local municipalities with what are commonly referred to as sanctuary policies, whereby law enforcement officials are barred from asking suspects about their immigration status or reporting them to Immigration and Customs Enforcement.

Generally, sanctuary policies instruct city employees not to notify the Federal Government of the presence of illegal aliens living in their communities. The policies end the distinction between legal and illegal immigration so illegal aliens often benefit from city services too. The amendment offered by the distinguished Senator from Louisiana, Senator VITTER, would ensure existing law is enforced uniformly across the country by withholding COPS Federal funds for cities that choose to violate the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.

A similar amendment was added to the House CJS appropriations bill recently. In August, a poll conducted by Rasmussen reported a proportion of likely voters in favor of cutting Federal funding for sanctuary cities at 58 percent for, with only 29 percent opposed. It was an overwhelming vote.

Sanctuary policies, official or otherwise, result in safe havens for illegal aliens and potential terrorists. Sanctuary policies allow criminal aliens to avoid deportation because they prevent local police from reporting aliens to the ICE, the Immigration and Customs Enforcement. Cities that blatantly ignore Federal law and put their cities at increased risk of harm by illegal aliens should not be awarded taxpayer dollars.

I thank my colleague from Louisiana for offering this amendment and urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, how much time does our side have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Delaware, who is a leading expert on this matter.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I thank the Chair for the nice comment. I will be necessarily brief here.

By depriving major cities around the country of COPS funds, the Vitter amendment undercuts the efforts of law enforcement and contributes to the growing crime rate in three ways.

First, it takes much needed funds away from State and local law enforcement agencies that are now struggling to protect their communities against a rising tide of crime. The FBI's Uniform Crime Report statistics indicate that

for a second year in a row, crime is increasing. In the first 6 months of 2006, murders rose by 1.8 percent and violent crime by 1.9 percent. In 2005, the Police Executive Research Forum found that many of the same cities to which the Vitter amendment would deny COPS funding have recently experienced double-digit increases in murder and violent crime, and the COPS Program has proven to be effective in fighting crime. As a recent Brookings Institute study shows, for every \$1.4 billion spent on COPS, society saves between \$6 and 12 billion. That is their report.

In 2005, the General Accounting Office report found between 1993 and 2001 the COPS Program contributed to a steady decrease in the crime rates.

This amendment is going to have a very chilling effect on victims and witnesses in the immigrant community, who would otherwise report crimes.

Finally, the amendment would reverse successful Federal crime policies that recognize that State and local law enforcement know what is best in their community to drive down the crime rate. It would disregard the judgment of 70 law enforcement jurisdictions that found immigration status confidentiality policies are an effective part of community-oriented policing in their States, counties, and cities.

To vote for the Vitter amendment, to stay with the Vitter amendment, is to vote, I believe, against effective law enforcement. A vote for the amendment is a vote against safer communities, and I believe a vote for this amendment would perpetuate the rise in crime rates all across the country.

I understand there is a tabling motion that is going to take place. I may be mistaken. But vote against the Vitter amendment or vote to table it.

I thank Senator MIKULSKI for the incredible job she has been doing on this, and for the additional funding for the COPS bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I wish to use 2 minutes of my remaining time and reserve the rest.

We are talking about present Federal law over 10 years old. Are we going to enforce it or are we going to flout it? Let's not kid ourselves. We have all these arguments about law enforcement. I think everyone paying attention to this debate realizes it comes down to whether you think it is a problem, a big deal, for folks to be here in this country illegally. The other side of the argument doesn't even like to use the term being in the country illegally. They talk about "status issues" and all of this other politically correct language for the fact that folks are in the country illegally, having broken the law to get here, and consistently are breaking the law to stay here.

That is what the disagreement is about. That is what the debate is about. It is obvious, when you look at the fervor, the political fervor with

which so many of these sanctuary cities proclaim their sanctuary status. It is a cause celebre because they basically do not think it is a problem for these folks to come to the country illegally and stay illegally.

As I said, look at this quote from the mayor of Richmond, CA. He is criticizing the Federal authorities, the immigration authorities, for doing their job enforcing Federal law.

The American people are watching. They know the fundamental question is: Are we going to get serious with the problem? Are we going to get serious with enforcement? I suggest this amendment is an excellent way to start.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, how much time does the Senator from Louisiana have?

The PRESIDING OFFICER. One minute one second.

Ms. MIKULSKI. And how much time do I have?

The PRESIDING OFFICER. Four minutes.

Ms. MIKULSKI. I will use 3 minutes now and reserve the remainder of 1 minute.

I thank all of my colleagues who have spoken on this bill. I thank the assistant majority leader, Mr. DURBIN, for helping me work this. The reason I am thanking him is this is a very important amendment. This isn't some throw-away amendment on how we can say we are being tough on illegal immigrants.

First, every single Senator here opposes illegal immigration. We oppose illegal immigration. This is why we voted for strong measures when border enforcement came up. This is why we advocated comprehensive immigration reform. We are opposed to illegal immigration. But we are where we are.

Let's talk about why municipalities have said "no" to enforcing immigration laws. Many municipalities, cities, towns, say they cannot afford to be the Federal cop on the beat. They know that enforcing immigration law takes a tremendous amount of training and takes a tremendous amount of money, and they simply cannot put their resources into that.

The second is they have the right to decide how they best want to fight crime. Many municipalities have chosen not to ask their local law enforcement to enforce immigration laws exactly because they want to fight crime. What they would say is, if we go in and we are INS officers or ICE officers by proxy, we will never find a witness, and victims in many instances will not come forward.

If you are a young girl and you have been gang-raped by MS-13, do you think you are going to come forward if you think that when you do, instead of getting the protection of the United States of America and getting justice done, you are going to be doubly bru-

talized and asked your immigration status, and you are the one who is punished?

Do you think the witnesses to these brutal crimes that sometimes occur in communities—not Latino against Latino, but if someone were working in an office building and saw a burglary, would they say: Heck, I am not going to report that, even though I am an eyewitness, because they are going to ask my immigration status? Or if you are walking down the street, and you might be a day laborer, and you see someone mugged, you aren't able to go report it.

My time has expired, but I think we need to defeat the Vitter amendment. At the appropriate time I will make the appropriate tabling motion.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, in closing, let me address one specific point the distinguished Senator from Maryland raised. I think she is giving the wrong impression to suggest that the Vitter amendment, or anything else in Federal law, places some affirmative duty on local or State law enforcement to all of a sudden take up the responsibility of Federal immigration officials. They have no duty to start enforcing Federal law and use up their budget and their time affirmatively enforcing Federal immigration law.

But what we are saying, and what present Federal law says, is these jurisdictions cannot establish a set policy that absolutely prohibits that sort of communication and information sharing with Federal authorities. That is exactly what these sanctuary cities, sanctuary jurisdictions, have done. It is a left political cause celebre to proclaim yourself a sanctuary city and actually work to frustrate Federal law.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MIKULSKI. Madam President, I oppose the amendment. I disagree with the interpretation of the Senator's amendment. I want local law enforcement to get every nickel they are entitled to from the Federal Government. Again, I oppose the Vitter amendment. I move to table the Vitter amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—52

Akaka	Feinstein	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Biden	Johnson	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Salazar
Brown	Kohl	Sanders
Byrd	Lautenberg	Schumer
Cantwell	Leahy	Snowe
Cardin	Levin	Specter
Carper	Lieberman	Stabenow
Casey	Lincoln	Stevens
Collins	Lugar	Tester
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

NAYS—42

Alexander	Craig	Landrieu
Allard	Crapo	Lott
Barrasso	DeMint	Martinez
Bennett	Dole	McCain
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Gregg	Smith
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Kyl	Voinovich

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Maryland.

AMENDMENTS NOS. 3279; 3283; 3290, AS MODIFIED; 3278; 3312, AS MODIFIED; 3314; 3276; 3304, AS MODIFIED; 3228, AS MODIFIED; 3208, AS MODIFIED; 3249, AS FURTHER MODIFIED; 3311; 3209; AND 3227, PREVIOUSLY AGREED TO, AS MODIFIED

Ms. MIKULSKI. Mr. President, Senator SHELBY and I have a number of amendments at the desk. We ask unanimous consent that the amendments be considered and agreed to en bloc, the motion to reconsider be laid on the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that all the amendments have been agreed to on both sides of the aisle, and we urge their adoption.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3279

(Purpose: To increase appropriations for personnel, equipment, and other resources to be used for the analysis of DNA samples, and for other purposes)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. FEDERAL BUREAU OF INVESTIGATION ANALYSIS OF DNA SAMPLES.

(a) IN GENERAL.—The amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “FEDERAL BUREAU OF INVESTIGATION” under this title is increased by \$23,000,000, which shall be used for personnel, equipment, build-out/acquisition of space, and other resources to be used for the analysis of DNA samples.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated for the Advanced Technology Program under the heading “INDUSTRIAL TECHNOLOGY SERVICES” under the heading “NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY” under title I of this Act is reduced by \$23,000,000.

AMENDMENT NO. 3283

(Purpose: To use \$10,000,000 from the Department of Justice Working Capital Fund for the expansion of Operation Streamline, the zero tolerance prosecution policy currently in place in the Del Rio and Yuma border sectors)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. The Attorney General shall make available \$10,000,000 from the Department of Justice Working Capital Fund to incrementally expand Operation Streamline across the entire southwest border of the United States, beginning with the border sector that had the highest rate of illegal entries during the most recent 12-month period.

AMENDMENT NO. 3290, AS MODIFIED

On page 70, between lines 10 and 11, insert the following:

SEC. 217. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) IN GENERAL.—The amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “UNITED STATES ATTORNEYS” under this title is increased by \$30,000,000, which shall be used for salaries and expenses for hiring 200 additional assistant United States attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 649) concerning the prosecution of offenses relating to the sexual exploitation of children.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading “PROCUREMENT, ACQUISITION AND CONSTRUCTION” under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” under title I of this Act is reduced by \$30,000,000.

AMENDMENT NO. 3278

(Purpose: To correct a technical error in Public Law 110-53 relating to emergency communications modernization)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking “the ‘Improving Emergency Communications Act of 2007.’” and inserting “the ‘9/11 Modernization Act’.”

AMENDMENT NO. 3312, AS MODIFIED

At the appropriate place, insert the following:

“(a) IN GENERAL.—The Secretary of Commerce may—

“(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization, whether or not the United States is a party to the agreement establishing such organization; and

“(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements.

“(b) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (a)(2) that include measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

“(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.”

AMENDMENT NO. 3314

(Purpose: To make funds available for regional coastal disaster assistance, transition, and recovery programs)

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds provided, not less than \$15,000,000 shall be available to carry out activities under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (8 U.S.C. 1864).”

AMENDMENT NO. 3276

(Purpose: To amend the Mandatory Victims’ Restitution Act to improve restitution for victims of crime, and for other purposes)

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

AMENDMENT NO. 3304, AS MODIFIED

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds provided under this heading, for the Office of Response and Restoration funds may be used from the Damage Assessment Restoration Revolving Fund for sampling and analysis related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.”

AMENDMENT NO. 3228, AS MODIFIED

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds provided under this heading, up to \$275,000 may be available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.”

AMENDMENT NO. 3208, AS MODIFIED

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the “Native American Methamphetamine Enforcement and Treatment Act of 2007.”

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “, territories, and Indian tribes (as defined in section 2704)” after “to assist States”; and

(ii) in subparagraph (B), by striking “and local” and inserting “, territorial, Tribal, and local”;

(B) in paragraph (2), by inserting “, territories, and Indian tribes” after “make grants to States”;

(C) in paragraph (3)(C), by inserting “, Tribal,” after “support State”; and

(D) by adding at the end the following:

“(4) EFFECT OF SUBSECTION.—Nothing in this subsection, or in the award or denial of any grant pursuant to this subsection—

“(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

“(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purpose described in this subsection.”

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(a)) is amended by inserting “, territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))” after “make grants to States”.

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3) is amended—

(A) in subsection (a)(2), by inserting “, territorial, or Tribal” after “State”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting “, territorial, or Tribal” after “State”; and

(II) by striking “and/or” and inserting “or”;

(ii) in paragraph (2)—

(I) by inserting “, territory, Indian tribe,” after “agency of the State”; and

(II) by inserting “, territory, Indian tribe,” after “criminal laws of that State”; and

(iii) by adding at the end the following:

“(C) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).”;

(C) in subsection (c)—

(i) in paragraph (3), by striking “Indian Tribes” and inserting “Indian tribes”; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “State’s”; and

(bb) by striking “and/or” and inserting “or”;

(II) in subparagraph (A), by striking “State”;

(III) in subparagraph (C), by inserting “, Indian tribes,” after “involved counties”; and

(IV) in subparagraph (D), by inserting “, Tribal” after “Federal, State”.

AMENDMENT NO. 3249, AS FURTHER MODIFIED

(Purpose: To appropriate an additional \$15,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

On page 52, line 5, strike “\$1,400,000,000” and insert \$1,430,000,000.

On page 52, line 15, strike “\$60,000,000” and insert “\$75,000,000.

On page 70, after line 10, insert the following:

SEC. \_\_\_\_ Of the unobligated balances made available for the Department of Justice in prior fiscal years, \$15,000,000 are rescinded.

Provided, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT NO. 3311

(Purpose: To extend the numerical limitation exception for H-2B nonimmigrants)

At the appropriate place, insert the following:

SEC. \_\_\_\_ SMALL AND SEASONAL BUSINESSES.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C.

1184(g)(9)(A)) is amended by striking “an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.” and inserting “an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.

AMENDMENT NO. 3209

(Purpose: To make certain forestry workers eligible for legal assistance)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-55) is amended by inserting before “an alien” the following: “a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or”.

AMENDMENT NO. 3227, AS MODIFIED

On page 52, line 5, strike “\$1,400,000,000” and insert “\$1,415,000,000”.

On page 53, strike lines 18 and 19 and insert the following:

(5) \$40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), \$15,000,000 are rescinded: *Provided*, That within 30 days after the enactment of this Act the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3279

Mr. KYL. Mr. President, this amendment provides \$23 million in funding to the FBI for purposes of clearing its backlog of untested DNA evidence. This backlog consists of DNA evidence from untested rape kits, other untested crime-scene evidence, and samples collected from criminal offenders. The amounts provided by this amendment are the minimum amount that the FBI would need in order to be able to clear its current backlog of untested DNA evidence.

Two recent articles in USA Today highlight the nature of this problem and why it matters. The first news story—published just last month—indicates that FBI’s backlog of untested DNA evidence has grown to over 200,000 samples. As USA Today notes, past experience testing DNA samples indicates that testing the current backlog would probably solve over 3,000 rapes, murders, and other serious crimes.

Allow me to repeat that statistic: according to USA Today, testing the current backlog of DNA evidence is expected to solve over 3,000 cold cases—violent crimes and other serious offenses for which no perpetrator currently has been identified. Obviously, solving these crimes would bring relief to thousands of crime victims and their families. By identifying these criminal offenders and leading to their prosecution and incarceration, testing the DNA backlog would undoubtedly prevent many future offenses as well. But first we have to appropriate the funds to test that backlog.

Another recent article in USA Today describes the costs imposed by not promptly testing DNA evidence. This article begins as follows:

Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling \$20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell’s DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

That is the cost of not promptly testing DNA evidence. The failure to test evidence in just this one case allowed the commission of three murders and one rape that clearly could have been prevented. The USA Today story goes on to note that:

cases in which such missed DNA matches led to further crimes have begun to “pop up increasingly” as test backlogs grow, [according to Lisa Hurst, a DNA expert].

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. “You have to believe there are a whole lot more than what gets reported,” Hurst says. “This is not something that people want to talk about. It’s much worse than just an embarrassment.”

If we want the current Federal DNA backlog to be tested, we must provide FBI with this money. There are not a lot of things that the Federal Government can do that will directly prevent violent crimes, but this is one of them. I am pleased that the Senate will adopt my amendment and allow the FBI to promptly test its current evidence backlog, before another preventable rape or murder is committed.

I ask unanimous consent to have the following articles appearing in USA Today printed in the RECORD.

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

[From USA Today, Oct. 13, 2007]

DNA BACKLOG PILES UP FOR FBI

(By Richard Willing)

WASHINGTON.—The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals—85% of all samples it has

collected since 2001—Justice Department records show.

The backlog, which expands monthly, means most of the biological samples the bureau collects have not been stored in the national DNA database and used to solve crimes. DNA from 34,000 convicts has been added to the database since 2001, resulting in 600 matches to unsolved crimes, according to statistics furnished by the Justice Department to the Senate Judiciary Committee. At the same rate, the unloaded samples could help solve an additional 3,200 crimes.

The backlog expanded by about 80,000 samples in 2006, when a law took effect requiring that all federal convicts, rather than just violent felons, submit DNA samples. A new law requiring DNA to be taken from about 500,000 federal arrestees and detainees could swell the backlog. Rules for implementing that law are due early next year, according to Office of Management and Budget documents.

Justice provided the backlog data to the committee in July in response to questions posed to Attorney General Alberto Gonzales during an April appearance before the panel.

Using different figures, FBI lab spokeswoman Ann Todd said in an e-mail that about 156,000 DNA samples, about 78% of those collected, have not been put in the database. She declined to comment on the discrepancy with the numbers from the Justice Department, the FBI's parent organization. The lab processes about 5,500 samples a month, Todd said. The laboratory receives about 8,000 samples a month, meaning the backlog continues to grow.

"It's embarrassing because it's the FBI, which is supposed to be this powerful organization, but it's not surprising," said Lawrence Kobilinsky, biology professor and DNA specialist at John Jay College in New York City. "Across the nation, backlogs are an ongoing problem, a tragedy, really, but one that it looks like is going to be with us for awhile."

Since 1998, the FBI has maintained a system that matches genetic profiles from criminals and, in some states, criminal suspects with DNA drawn from unsolved crimes. All 50 states and the FBI lab in Quantico, Va., maintain their own databases, which are linked by computer software maintained by the FBI.

Through May, the national DNA database held 4.8 million criminal samples and DNA from about 178,000 unsolved crimes, according to an FBI website. It had scored matches that assisted 50,343 investigations.

The FBI's exacting testing standards caused the DNA "bottleneck," Deputy Assistant Attorney General Richard Hertling said in a letter to the committee. The FBI lab is studying an automated system that could cut test times significantly, he said.

[From USA Today, Oct. 13, 2007]

**DNA LAG LEAVES POTENTIAL FOR CRIME**  
(By Richard Willing)

WASHINGTON.—Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling \$20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

Since 1998, the state and federal governments have used a computer database to match genetic samples from convicted or suspected criminals to DNA taken at the scene of unsolved crimes.

The Combined DNA Index System (CODIS), which is overseen by the FBI, has become a staple of television crime shows and has produced some dramatic results. It has made matches that caught criminals or otherwise aided in nearly 50,500 cases since the system's inception. The DNA profiles of about 4 million criminals have been added to the system since 2001.

Along with the success stories, however, comes a growing list of DNA samples collected but not analyzed. Lisa Hurst, who edits the DNAResource.com website, said cases in which such missed DNA matches led to further crimes have begun to "pop up increasingly" as test backlogs grow.

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. "You have to believe there are a whole lot more than what gets reported," Hurst says. "This is not something that people want to talk about. It's much worse than just an embarrassment."

At first, most states and the federal government took DNA samples only from people convicted of the most serious felonies, such as rape and murder. As DNA has proved its usefulness, legislators have sought to extend its reach to people convicted of lesser offenses and even to arrestees.

Forty-five states and the federal government require DNA samples from all felons, and 11 states take it from some arrestees. Next year, the federal government is scheduled to begin taking DNA samples from as many as 500,000 new federal arrestees and detainees such as immigration violators.

DNA testing requirements began to strap overworked crime labs. In 2003, the Justice Department estimated that nationwide, 200,000 to 300,000 samples had been taken and awaited analysis, while as many as 1 million more awaited testing. By this July, the FBI's backlog by itself totaled nearly 200,000, according to Justice Department records.

Congress has tried to bridge the gap, allocating over \$560 million since 1999 to allow states to outsource some DNA testing, to hire staff and to improve lab capacity.

Barry Fisher, director of the Los Angeles County Sheriffs Department crime lab, says the federal payments have had "some success" but have had trouble keeping up with ever-increasing demands.

In California this year, for instance, a combination of federal and state grants reduced a 160,000 backlog by more than half, according to state Department of Justice research. But a state law that takes effect in 2009 will add DNA samples from felony arrestees and others, probably adding 400,000 samples per year to the backlog.

It's critical for the FBI to cut its backlog before the federal government starts taking DNA from immigration violators and other federal detainees next year, said Rep. Dave Reichert, R-Wash., a major supporter of federal funds for DNA testing.

That program could add more than 1 million samples annually to the FBI's workload, according to a paper an FBI technician presented at a science conference in February.

"We can get them more money and more people, but the bottom line is, (the FBI) has got to get those DNA samples up there," says Reichert, a former King County sheriff. "It's the only way the DNA does everything it's capable of."

President Bush's DNA initiative, a five-year plan designed to improve the use of DNA in the criminal justice system, has accounted for about 75% of the federal DNA

spending. Funding expires after this year, and no follow-up legislation has been proposed.

Increased use of technology and private sector management techniques helped the Forensic Science Service (FSS), the United Kingdom's national lab, eliminate a 500,000-sample backlog in 2004, says Richard Pinchin, the service's director of U.S. operations.

AMENDMENT NO. 3304

Mrs. BOXER. I am greatly concerned about the environmental impacts of the federally owned obsolete vessels in Suisun Bay, CA, on the marine environment. We need to ensure that these vessels are properly cleaned and disposed of, and minimize the impacts of these ships by addressing any remaining contamination.

I am grateful that Chairman MIKULSKI and the CJS Subcommittee have agreed to accept my amendment to provide funding out of NOAA's operations, research, and facilities program to conduct sampling and analysis of heavy metals and other contaminants to better understand the degree of toxic contamination, and to develop appropriate remediation recommendations that use the best available science and environmental practices.

Ms. MIKULSKI. I am glad that the subcommittee will include \$1.5 million in NOAA funding in the report to address the environmental needs at Suisun Bay and I pledge to carry that funding through conference.

JUVENILE ACCOUNTABILITY

Mr. CASEY. I want to thank Chairman MIKULSKI for her leadership on the Appropriations Subcommittee on Commerce, Justice and Science and for engaging in this discussion on how we can best combat violent crime around the country. The chairman's expertise and experience in these matters is second to none and I am grateful for her leadership.

Ms. MIKULSKI. I thank the Senator for his leadership in this area and look forward to working with him on securing funding that is necessary to fight violent crime across the country. I know from our conversations of your concern for your home State of Pennsylvania and your particular concern about the recent rise in violent crime in Philadelphia.

Mr. CASEY. As the Senator knows, I have authored an amendment to the Commerce, Justice and Science appropriations bill that would increase funding for the Juvenile Accountability Block Grant Program by \$30 million. On behalf of Senator BIDEN and Chairman MIKULSKI, I have also offered an amendment that would increase funding for the Community Oriented Policing Services Program by \$110 million. I am also a strong supporter of the Byrne justice assistance grant program, and I appreciate Chairman MIKULSKI's efforts to significantly increase funding for this program. If we truly want to decrease violent crime, research and evidence-based practices show that we must simultaneously invest in law enforcement programs and

prevention and intervention services for young people. My support for these amendments, for the Byrne/JAG program, and for the underlying bill, reflect my strong commitment to this two-prong approach to reducing crime. Would the chairman permit me a moment to discuss the merits of the juvenile accountability block grant program?

Ms. MIKULSKI. Certainly.

Mr. CASEY. As the chairman knows, the juvenile accountability block grant program, or JABG as it is more commonly known, is a bipartisan program that was originally created in 1998 for the purpose of strengthening and creating greater accountability within the juvenile justice system. Funds are available for many program purposes, including building, expanding, and operating temporary or permanent juvenile correction or detention facilities, training of correctional personnel, developing and administering accountability-based sanctions for juvenile offenders, hiring additional juvenile judges, prosecutors, probation officers, and court-appointed defenders, and funding pretrial services for juveniles.

The program has been reauthorized twice since 1998, and additional program areas purposes now allow States to implement graduated sanctions programs that include counseling, restitution, community service, and supervised probation, to establish or expand substance abuse programs, and to promote mental health screening and treatment. Program funds can also be used to establish and maintain restorative justice programs, which focus on creative sentencing and meaningful accountability measures for juvenile offenders. JABG can also be used to fund programs focused upon gang prevention, antibullying initiatives, and re-entry programs that help juvenile offenders reintegrate back into the community and help lower recidivism rates among this population.

Ms. MIKULSKI. I have always been a strong supporter of the juvenile accountability block grant program and its goals. I wholeheartedly agree that we must link law enforcement with effective prevention and intervention strategies aimed at at-risk youth. JABG does this and assists the juvenile justice system and community-based programs to promote accountability among youthful offenders. The value of this program is that it helps youth understand the impact of their actions and holds them accountable. This approach has been shown to be instrumental in helping young people turn away from delinquency and work toward becoming productive adults.

Mr. CASEY. I agree with the chairman that holding young offenders accountable for the consequences of their actions is one of the most effective ways to reduce juvenile crimes. We cannot "arrest our way" out of this problem. This truth has been emphasized over and over by the law enforcement community. While incarceration

is necessary for some offenders, there are other more effective—and less costly—interventions that can be used with many young offenders. That is why the JABG Program has been so effective and is so necessary.

Ms. MIKULSKI. I agree with the Senator.

Mr. CASEY. And so, in addition to support for increased funding for the Byrne/JAG and COPS programs, my goal is to increase funding for JABG. Unfortunately, funding for the JABG Program has decreased dramatically since its inception. Originally authorized at \$350 million, it was funded at \$250 million from fiscal year 1998 to fiscal year 2002, then dropped to \$190 million in fiscal year 2003, and then to \$60 million in fiscal year 2004. Since that time, funding has hovered between \$50 and \$60 million. President Bush sought to eliminate funding for this valuable program altogether in this year's budget proposal and in previous budget recommendations. Elimination of funding for this critical resource would seriously hamper efforts to deal effectively with juvenile delinquency. JABG would no longer be available to communities for the ongoing implementation of important accountability programming and service alternatives to youth and families involved in the juvenile justice system, including community-based alternatives to detention and intervention activities, and school-based violence prevention programming. I recognize the subcommittee's commitment to this program, and appreciate the chairman's role in restoring funding for JABG.

Ms. MIKULSKI. The reduction in funding for this program has been an unfortunate result of overall budget cuts in recent years. We have worked hard to maintain funding and restore cuts that impact State and local law enforcement. It is our duty first and foremost to protect the American public. I share your support for the JABG Program and would support your amendment if it were possible to find funding for an additional \$30 million. I regret to say that is not the case.

Mr. CASEY. I thank the chairman for her support of this valuable program and appreciate her tireless work over the years to get our States and communities the funding they need to fight crime. Her commitment to this issue is truly inspiring. While I regret that my amendment to increase funding for the JABG Program cannot move forward, I understand the realities facing the subcommittee.

Ms. MIKULSKI. I appreciate the Senator's remarks and I look forward to working with him whenever the opportunity arises to strengthen our capacity to fight crime through increased funding for both law enforcement and prevention and intervention strategies for youthful offenders.

Mr. CASEY. I thank the chairman and appreciate her support for the Byrne/JAG Program, the JABG Program and the COPS Program. In par-

particular, I appreciate her support for the amendment offered by Senator BIDEN, myself and others to increase the COPS Program by \$110 million. That is a great victory for State and local law enforcement. I assure the chairman and my constituents that I will continue the fight against crime throughout my Senate career.

AMENDMENT NO. 3314

Mr. SUNUNU. Mr. President, I rise today on behalf of an amendment to address the problem on fisheries failures in New England.

In November 2006, the New England Fishery Management Council imposed new regulations on groundfishing, known as Framework 42. Under these strict new rules, the number of days allowed to fish was effectively cut in half. These hardworking fishermen don't catch twice as many fish, and they don't get paid twice as much, but they are only allowed to work half as much. This is not to suggest efforts to rebuild the fisheries are not necessary or important, they are. But we must also address the impact of the regulations we impose.

As a result of Framework 42, the States of Massachusetts, Maine, and New Hampshire are seeking the declaration of a commercial fisheries failure. The Magnuson-Stevens Act, which we worked so hard to reauthorize last year, allows the Secretary of Commerce to assist coastal communities hit by both natural disasters and regulatory burdens. Unfortunately, no funding has been provided in the past and there is no funding in the CJS bill for this purpose.

This amendment, cosponsored by Senators GREGG, SNOWE, and COLLINS, would provide \$15 million for fisheries disaster assistance. It does not dictate how or where this money would be spent. It does not interfere with the Secretary's ability to determine when fisheries failures are declared. It does ensure that fishermen and fishing communities that may be eligible for assistance under the Magnuson-Stevens Act have resources available.

We sometimes romanticize life on a New England fishing boat. But in truth, it is a difficult and dangerous way to earn a living. The New England groundfishing industry has accepted strict limits as part of our effort to rebuild a fish population that has helped feed us for 500 years. When they shouldered this regulatory burden, Congress said that there would be help. This amendment provides the financial resources to meet this obligation.

NASA WORKFORCE

Mr. CARDIN. Mr. President, I would like to engage the chair of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, my distinguished colleague from Maryland, in a colloquy concerning current Federal investments in space research programs that provide hands-on training experience for university students in the space science and engineering disciplines.

The senior Senator from Maryland has a long history of successfully championing Federal investment in the National Aeronautics & Space Administration, NASA. That history of Federal investment has kept the United States at the forefront in exploring space and expanding our knowledge of the complex world in which we live today. This investment in NASA has also made NASA an important partner of our Nation's colleges and universities in providing unparalleled educational experiences in the critical areas of science, technology, and engineering. Scientific research is critical to innovation, yet federally funded science programs have not kept pace with our need to train future generations of scientists and engineers, thereby diminishing the research and training opportunities offered to university students across the country. In the last 40 years, U.S. suborbital experimental launches have decreased 80 percent—from 270 per year to 50 planned launches in 2007. Decreases in suborbital launches have resulted in a corresponding drop in the hands-on training opportunities our universities provide to undergraduate, masters, and doctoral students in hard sciences. These training opportunities are essential for recruiting and maintaining a highly trained workforce and for protecting our national preeminence in science, engineering, and exploration.

The National Research Council released a report in June on "Building a Better NASA Workforce and Meeting the Workforce Needs for the National Vision for Space Exploration." The report recommended that NASA focus more of its education budget on workforce-related programs such as the Graduate Student Researchers Program and other co-op programs. We know that some of NASA's programs involving sounding rockets, weather balloons, and small satellite launches are outstanding examples of worthy Federal investment that not only produces usable scientific data but provides outstanding hands-on learning opportunities for the next generations of scientists and engineers. Our investment in these programs has not kept pace with demand, and that is a problem we may want to address in future years as we consider the NASA budget. But before we make a decision about the right level of future Federal funding for these programs, I think it would be helpful for NASA, as one of our premier research institutions, to provide a report on its current investment in suborbital experimental launches and what will be needed in the future.

I ask my colleague from Maryland, in her role as chairman of the Commerce-Justice-Science Appropriations Subcommittee, whether she would agree that it would be useful for NASA to study this issue and report back to the Congress on it in time for our consideration of the fiscal year 2009 CJS appropriations bill.

Ms. MIKULSKI. I agree that such a study would be useful and I thank my colleague for bringing this important matter to our attention.

Mr. LAUTENBERG. Mr. President, let me begin by thanking Senators MIKULSKI and SHELBY for their leadership in drafting the Commerce-Justice-Science appropriations bill.

This bill empowers our police and law enforcement professionals with tools and resources to keep our children safe. Today, our police need these tools more than ever.

The FBI just released its violent crime data for 2006. After years of going down, violent crime went up in each of the past 2 years. Murders went up from 2005 to 2006, and nearly 15,000 people were murdered in 2006. Those statistics are people—people whose lives were changed or ended by a horrible act of violence. But instead of reacting to those stories with vigilance, this administration has reacted by cutting the very programs that keep our streets safe from crime and violence.

This bill fights back. It restores funding for the programs the administration wrongly cut and lets families feel more secure in their homes. For example, this bill provides \$550 million for the COPS Program, and I was proud to cosponsor an amendment to add \$110 million for hiring police officers. In New Jersey alone, the COPS Program has added 500 new cops on the beat. It is because of programs such as COPS that I am proud to support this bill. It is preposterous that President Bush is threatening to veto it.

I must note, however, that there is one provision in this bill that is dangerous. Instead of making us safer, it puts our communities and the people trying to protect them at greater risk. That provision is the "Tiahrt amendment," which has been a staple in appropriations bills over the last few years. Instead of helping our police, the Tiahrt Amendment makes their job harder.

The Tiahrt amendment limits the information the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, can tell our police about guns used in crimes.

The Tiahrt amendment does not protect responsible gun owners; it protects criminals, gang members, and gun traffickers.

Before the Tiahrt amendment, ATF data showed 60 percent of crime guns came from 1 percent of gun dealers. It is only common sense that police should be able to target corrupt gun dealers, but the Tiahrt amendment makes it difficult for the police to identify those dealers.

Limiting access to ATF gun trace information means that police have to wait until after a crime has been committed to get information about dangerous weapons, instead of being able to get that information to prevent crimes. That makes no sense.

It is bad enough that the Tiahrt amendment restricts the information

our police can get, but the language in the Senate bill is even worse than in previous years and in the current House bill. The Senate version of the Tiahrt amendment requires local cops to certify to the ATF why they want the information—and it threatens them with up to 5 years in jail. It is simply outrageous to threaten our cops with jail time in order to protect the people committing gun crimes. Even the Department of Justice admitted in 2006 that threatening our police with criminal penalties could create a "chilling effect" on law enforcement. The Senate language also further restricts the sharing of information between law enforcement agencies when they do obtain information from ATF. With violent crime on the rise, we should be encouraging law enforcement to work together, not prohibiting collaboration.

Simply put, the Tiahrt amendment hurts our law enforcement efforts. That is why more than 10 national law enforcement organizations, 240 mayors, and State and local leaders from across the country have joined together to oppose the Tiahrt amendment. And that is why Senator MIKULSKI showed leadership and left this language out of the bill to begin with. Regrettably, the Tiahrt Amendment was added back during the committee markup.

The job of fighting crime is hard enough already. We don't need to make it any harder.

I will continue my fight against the Tiahrt amendment until the Tiahrt amendment is no more.

Mr. BYRD. Mr. President, nearly 5 months ago, the Congress sent the President the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act 2007.

Despite the President's signing the measure into law on May 25, 2007, I have learned with great disappointment that the Office of Management and Budget has yet to release more than \$104 million included in this legislation by the Congress for the purpose of assisting the FBI in combating terrorism.

These were funds that the FBI had asked the OMB to include in the supplemental in order to deal with various aspects of homeland security such as carrying out the FBI's new responsibility for rendering safe a chemical, biological, radiological, or nuclear incident in the United States. The funds were also requested by the FBI to make advances in areas such as DNA and other identification technologies, which offer opportunities to positively identify individuals and prevent terrorists, criminals, and other ineligible individuals from entering the United States, thus better securing our borders.

I call upon the Director of the Office of Management and Budget to release these funds for the purposes identified by the FBI. This is a dangerous way to waste time. Nearly 5 months have already been wasted. These funds should

be put to use for the purposes for which they were appropriated in order to better secure the homeland and combat terrorism.

Mr. CARDIN. Mr. President, I rise today in strong support of H.R. 3093, the fiscal year 2008 Commerce-Justice-Science appropriations bill. I congratulate the senior Senator from Maryland, Ms. MIKULSKI, and the ranking member, Mr. SHELBY, for their fine work in producing a bill that supports law enforcement, scientific research and technology, and enhances U.S. competitiveness. I would like to take a moment to note just a few of the bill's important provisions.

This body recently passed the DOD appropriations bill supporting our troops overseas. The CJS bill supports our day-to-day warriors here at home. That is, our law enforcement officers. It funds the FBI, the DEA, and the ATF; Federal law enforcement agencies charged with protecting our citizens from internal terrorist threats, international drug cartels, and the rising threat of violent crime. Further, the bill provides for important victims' assistance programs for those whose lives are forever altered by violent crime.

The CJS bill focuses on what is right with America by providing the resources needed to compete in the global economy. In my home state of Maryland, we are very fortunate to have The National Institute of Standards and Technology, or NIST. NIST assists industry in developing technology, modernizing manufacturing processes, ensuring product reliability, and facilitating rapid commercialization of products based on new scientific discoveries. Advances in avionic navigation systems and modern-day mammograms and semiconductors are indicators of the value of NIST. This bill provides \$186 million above the administration's request for this significant agency that is crucial to U.S. competitiveness.

Maryland is also fortunate to be home to several National Oceanic and Atmospheric Administration facilities. NOAA provides scientific, technical, and management expertise to promote safe and efficient marine and air navigation; assess the health of coastal and marine resources; monitor and predict the coastal, ocean, and global environments, including weather forecasting; and protect and manage the Nation's coastal resources. NOAA's significance is strongly felt in Maryland which, with the Chesapeake Bay, boasts 4,000 miles of coastal land. I am proud that this bill strongly supports NOAA through the provision of \$4.21 billion.

I join my colleagues to note the importance of NASA. NASA programs serve a number of functions, such as planetary exploration, pioneering aeronautic technologies, and space operations. This includes maintaining the space shuttle and supporting the International Space Station. Previous cuts, combined with the Columbia tragedy

have strained NASA's resources. We must provide the necessary funding in order for America to remain a leader in space exploration, aeronautics, and planetary science. I applaud the committee for identifying this truth and supporting NASA.

I would like to further thank the committee for supporting several key programs in Maryland, including:

**Chesapeake Bay Programs**—The health condition of America's largest estuary is critical. Programs that assess, manage, and monitor bay ecosystems are imperative to preserving this vast natural resource. I thank my colleagues for recognizing the significance of focusing on the Chesapeake Bay. Funded bay programs will not only research viable restoration solutions but also focus on educating the public as to the importance of preserving the bay. These education efforts include the successful Chesapeake Bay Watershed Education and Training Program, or B-WET, that enhances environmental literacy in K-12 students. In addition, there are Chesapeake Interpretive Buoys that act as markers for the newly established Captain John Smith Chesapeake National Historical Trail, providing interpretive information for both trail users and educators while also providing essential science information about bay health.

**Maryland Eastern Shore Broadband Coverage**—The bill provides funding for the continued construction of a broadband link between the Wallops Island Flight Facility and the Patuxent River Naval Station. This telecommunication enhancement will help pave the way for high-tech business and employment opportunities on Maryland's eastern shore.

**Maryland Radio Interoperability Project**—The State of Maryland has committed to developing a radio interoperability Project that will link State and local law enforcement agencies. Cooperation and shared information between agencies will develop a more effective, efficient law enforcement system for the protection of our citizens.

**Baltimore Felony Diversion Program**—The city of Baltimore has developed a pilot project designed to divert drug addicted offenders to long-term substance abuse treatment, aftercare, and monitoring as an alternative to detention and method of reducing recidivism.

This bill is good for Maryland and good for America. I am honored to support it.

Ms. COLLINS. Mr. President, I rise to speak in strong support of the \$10 million in the Senate fiscal year 2008 Commerce, Justice, Science Appropriations Act for the landmark Penobscot River Restoration Project, the most significant river restoration project ever in the eastern United States. I was pleased to work with my colleague from Maine to secure funding for this important environmental restoration project. This funding will provide sig-

nificant federal cost-share toward the purchase of three hydropower dams on the Penobscot River that are slated for removal. When the project is complete, nearly 1,000 miles of habitat for endangered Atlantic salmon and other fish species will be restored.

Atlantic salmon populations have declined drastically in the last 200 years, from an estimated half million adult salmon returning to U.S. rivers each year in the early 1800s to as few as 1,000 in 2001. The National Academy of Sciences completed a report in 2004 on Atlantic salmon in Maine which identified several specific threats to the recovery of Maine's salmon populations. Top among them was the obstructed passage and habitat degradation caused by dams. The National Academy of Sciences recommended that dam removal projects are precisely what is needed to best enhance Atlantic salmon populations.

The Penobscot River Restoration Project represents such a comprehensive effort and is one of the largest, most creative river restoration projects in our Nation's history. In fact, Interior Secretary Kempthorne highlighted the project as a successful example of cooperative conservation during his September 20, 2006, visit to Brewer, ME.

The 5-year, \$50 million project would restore the natural flow of Maine's largest watershed. This project is a partnership of the State of Maine, local communities, the National Oceanic and Atmospheric Administration, the U.S. Department of Interior, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, the Penobscot Indian Nation, the Atlantic Salmon Federation, PPL Corporation, the Natural Resources Council of Maine, and other environmental groups.

In addition to enhancing Atlantic salmon recovery efforts, it will also have far-ranging benefits for the entire Gulf of Maine, protecting endangered species, migratory birds, and a diversity of riverine and estuarine wetlands. Finally, the project will help revive the social, cultural, and economic traditions of New England's second largest river.

The merits of this project are demonstrated by the fact that it has attracted both federal and private support. The federal government has already contributed \$5.5 million to this important project, and a private fundraising campaign recently reached its goal of raising \$10 million.

I congratulate the Penobscot River Restoration Trust for its outstanding efforts to secure funding for this critical project. Their dedication and commitment, sustained over years of effort, have helped bring the project closer to completion.

The Penobscot River Restoration Project is a critical environmental restoration project. Including the \$10 million in the final FY 2008 Commerce,

Justice, Science Appropriations bill is crucial to ensure the success of the project. I urge swift passage of the bill.

Mr. President, I yield the floor.

Mr. DURBIN. I rise today to support the funding bill for the Departments of Commerce and Justice, Science and Related Agencies and commend Senators MIKULSKI and SHELBY for their hard work on this legislation.

This bill provides important funding that will strengthen the American economy, promote scientific advancement, and protect our national security. It reflects our priorities by funding State and local law enforcement agencies across the country. Since September 11, 2001, these agencies have been on the front lines of Nation's efforts to fight crime as well as to safeguard our communities against terror.

Our law enforcement officials have accepted these responsibilities willingly and have performed admirably. But for several years, they have been burdened by their expanded role. These agencies have asked the administration and Congress for help—but instead of providing them with the funding they need, the Bush administration and the Republican Congress sought instead to cut their budgets. To those who patrol our streets, these repeated budget cuts made no sense, and they made no sense to those of us in the Democratic minority in Congress.

Thankfully, there's a new group of sheriffs on Capitol Hill. This Democratic Congress is committed to providing law enforcement with the tools they need to help keep our communities safe.

This bill delivers on our commitment. It provides nearly \$2.7 billion in State and local law enforcement assistance—\$1.5 billion above the President's request.

The American people learned a decade ago that federal funding for State and local law enforcement helps reduce violent crime. During the Clinton administration, we provided meaningful funding for tough and effective anticrime programs. The Community Oriented Policing Services Program put more than 115,000 additional cops on the street and in our schools. Byrne grants helped fund state and local law enforcement agencies, criminal justice systems, and antidrug task forces.

This investment in State and local law enforcement paid off. Violent crime nationwide fell by nearly 26 percent between 1994 and 2000. And study after study showed the link between lower crime rates and Federal assistance for law enforcement. In Illinois, nearly \$40 million in COPS grants have funded 5,540 additional police officers and sheriffs. Nearly 700 local and State law enforcement agencies in my home State have directly benefited from this funding.

In northern Illinois, the village of Johnsborg has a population of about 7,000. Experts recommend 1 police officer per 400 to 500 people. Johnsborg, however, has only 10 officers—an aver-

age of 1 per 700 residents. The lack of officers in Johnsborg means that often they have only one car patrolling the streets. This is no way to ensure the safety of small town residents. Small towns like Johnsborg desperately need the funding provided by COPS grants in order to put cops on the beat and keep crime off of their streets.

COPS grants also play a crucial role in the war against drugs. I am sorry to say that Illinois has a serious problem with methamphetamine abuse. In Williamson County, Sheriff Tom Cundiff is using COPS funding to train some 150 individuals in dismantling meth labs. This is no inexpensive undertaking—the breathing apparatus needed for each person alone costs \$3,000. Sheriff Cundiff tells me that COPS funding has allowed him to train eight times the number of officers than he could have trained without our help.

This funding is also vital for the safety of our schools. Nearly \$22 million has been awarded to add 181 school resources officers to improve safety for students and teachers in public schools throughout Illinois. Why is this money so important? In Breese, IL, town of 4,000, the population doubles every day as the children of Clinton County arrive in Breese to attend school. This influx strains the resources of the police department and its six officers. With a grant of just \$56,000, the Breese police department will be able to install cameras and other security equipment in their schools. These cameras will feed images to computers in police cruisers so officers can patrol the village while still keeping track of what's happening at school.

Since the late 1990s, the Bush administration and the Republican-led Congress have cut funding for State and local law enforcement, year after year, budget after budget. Not surprisingly at the same time the administration was slashing funds for state and local law enforcement, violent crime rates started going up.

According to the FBI's crime reports, violent crime rates increased 2.3 percent in 2005 after years of decreases, and then rose again by 1.9 percent in 2006. This represents tens of thousands of additional violent crimes each year. This alarming increase in violent crime rates should have been a call to action. But it wasn't.

Instead, the administration's 2008 budget request tried to cut more than half of all State and local law enforcement funding. It cut the COPS program down to a mere \$32 million, virtually eliminated the Byrne/JAG program, and eliminated the juvenile accountability block grant program.

Can the administration honestly say that we should be spending billions of dollars a month to police the streets of Iraq but that we can't afford to pay for proven crime prevention programs here at home? Earlier this year, Russ Laine, the chief of police in Algonquin, IL, testified before the Senate Judiciary Committee at a hearing about rising crime.

Chief Laine also serves as the vice-president of the International Association of Chiefs of Police, and he speaks on behalf of chiefs throughout the Nation. He talked about the growing crime problem in Algonquin, a tiny town that had just suffered its first drive-by shooting and has seen clashes between violent gangs. He also talked about the strain that law enforcement agencies have felt in trying to fight crime while also detecting, investigating and preventing terrorist acts.

In his testimony, Chief Laine said the following:

We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. . . . Law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government.

Chief Laine, help is on the way.

The fiscal year 2007 continuing resolution passed by this Congress earlier this year provided \$2.6 billion in State and local law enforcement assistance programs. It included funding increases for the COPS and Byrne/JAG programs. The bill we consider today further increases state and local law enforcement funding. It provides \$550 million for COPS and \$1.4 billion for State and local law enforcement grants.

This bill also increases funds the crime and terror prevention efforts of Federal law enforcement agencies. The FBI, DEA, ATF and the U.S. Marshals are all funded in this bill, and all at levels exceeding the President's request.

Let's pass this bill and give law enforcement agencies the tools they need to keep our communities safe.

I would be remiss, however, to yield the floor without mentioning that this bill goes beyond providing vital support to law enforcement agencies across the country.

This legislation also helps another important issue we face today—climate change. According to the National Academy of Sciences, our ability to monitor severe weather systems, declining fish stocks, shortages of freshwater, increased soil erosion, and significant changes to the global climate all depend on NASA's Earth science budget.

This bill restores funding for environmental polar-orbiting and geostationary satellites. These satellites provide data about our planet that allow Federal and State agencies, scientists, and industry to identify and assess environmental patterns and threats. After the Bush administration proposed cutting funding for these satellites, scientists from both NOAA and NASA reacted strongly, arguing that the decision would place "the overall climate program in serious jeopardy."

This measure also provides funding to implement some of the recommendations made by the Joint Ocean Commission to protect the planet's waters. It funds research into

coastal areas and the Great Lakes, including studies on invasive aquatic species. The need to address invasive species is nowhere greater than in Illinois, where the Asian Carp threatens Lake Michigan and the entire Great Lakes ecosystem.

Global climate change poses a threat to our future and to our national security. Failing to recognize and plan for the consequences of global warming would be a serious mistake.

I urge my colleagues to support this legislation for the safety of our communities and the future of our planet.

Mr. McCAIN. Mr. President, I am deeply disappointed that once again, the Senate is considering a bill that mortgages our children's future for our own political gain. To date, the Senate has passed five spending bills—the majority of which exceeded the President's budget request. Today, the Senate will seek to add a sixth appropriations bill to that list.

The Senate Commerce, Justice, Science, and related agencies appropriations bill, 2008, H.R. 3093, provides \$54 billion in total discretionary spending and exceeds the President's budget by \$3.2 billion. This has prompted the White House to call the bill "irresponsible" and threaten a veto. If this bill passes in its current form, the Senate will have approved six spending bills that combined exceed the President's budget by \$8 billion. And, the Senate still has six more appropriations bills to consider this year.

While the recently enacted ethics and lobbying reform measure requires the disclosure of the authorship of earmarks, it seems to have had little, if any, impact on curtailing earmarks. Indeed, 91 members secured earmarks in this appropriations bill alone. There are over 600 earmarks in this bill that total \$486 million. For example, this bill contains: \$1 million for the National Fatherhood Initiative; \$500,000 for a Maritime Museum in Mobile, AL; \$15 million for a Massachusetts groundfish disaster—I was unaware there was such a disaster—\$215,000 for the Alaska Sea Otter and Steller Sea Lion Commission; \$360,000 for Hawaii Rain Gages; over \$9 million for Human Intelligence Management; \$500,000 for Girls, Inc. of New York, NY.

And if that wasn't enough, the bill also includes: \$450,000 for an advanced undersea vehicle; \$500,000 for horseshoe crab research; \$2 million for permanent displays for the Thunder Bay Exhibit; \$3 million for the Maryland Institute for Dextrous Robotics; \$400,000 for wireless cameras in Elizabeth, NJ; \$5 million for forensic lab equipment in West Virginia; \$1.5 million for the Cal Ripken Sr. Foundation.

In addition, the bill provides funding to many programs that were proposed to be cut by the President. It also funds many other programs at levels beyond what was recommended by the President's budget. For example, \$100 million is allocated for the Advanced Technology Program that the Presi-

dent has sought to eliminate for the past several years and \$110 million is allocated for the Manufacturing Extension Partnership Program—\$64 million above the President's budget request. The sole purpose of both programs is to subsidize private firms and industries, which, as I have argued previously, are nothing more than welfare programs for corporate special interests. I have fought against funding for both of these programs for many years to no avail, but will continue to speak out against hard-earned taxpayer dollars being provided to assist corporations that have billions of capital available to them on the private markets.

Since the bill has been brought to the floor, over \$1 billion worth of spending has been added. Specifically, the Senate voted to add \$1 billion on top of the \$10 billion the bill already provided to NASA. I continue to support NASA and space research, but at what cost to our Nation's children who will inherit the largest national debt this country has seen? :

Again, I would like to express my disappointment that Senate leadership has brought to the floor a bill that is \$3 billion over the President's request, containing more than 600 earmarks. In my recent travels around the Nation, I hear again and again from citizens who are fed up with porkbarrel spending, and yet Congress fails to listen. It is a shame and I can only hope that the American people will join me and the President in expressing their displeasure with this bill. I hope that the remaining six appropriations bills do not contain such rampant and reckless spending, and that Congress works to regain some fiscal discipline.

Mr. LEVIN. Mr. President, I support the Senate fiscal year 2008 Commerce, Justice, Science and related agencies appropriations bill. This bipartisan bill increases funding for many important programs including some that aim to improve our Nation's innovation and manufacturing infrastructure.

American companies can compete with any company in the world if we have a level playing field, but the problem is that our manufacturing companies often are not competing against foreign companies, but foreign governments. Two of the programs that have helped to give a boost to our manufacturing companies are the Advanced Technology Program, recently renamed the Technology Innovation Program, and the Manufacturing Extension Partnership. Unfortunately, the administration has cut funding for these programs in recent years. This bill turns that trend around by providing the necessary increased funding in fiscal year 2008 for both of these important programs.

The bill increases funding for the National Institute for Standards and Technology, NIST, which administers the Advanced Technology Program, ATP. I have long fought for the Advanced Technology Program, and I believe we have achieved an important victory today.

The ATP enables U.S. companies to develop the next generation of breakthrough technologies that allows our country to compete against foreign rivals who often employ large and effective programs to support their industries. The ATP invests Federal R&D resources in public-private partnerships, enhancing U.S. competitiveness by accelerating development, commercialization, and application of promising technologies, and by improving manufacturing techniques of small and medium-sized manufacturers.

During Senate consideration of H.R. 2272, the 21st Century Competitiveness Act of 2007, the bill that authorizes NIST programs, I worked to build support for a more robust ATP program. The Energy and Natural Resources Committee chairman offered to support a funding increase for the ATP in the conference committee between the Senate and the House of Representatives, and with his support we were able to achieve a stronger ATP-like program.

I was pleased that the final legislation that was signed into law adopted the Technology Innovation Program. This is a victory for innovation and manufacturing because the TIP Program is basically an improved version of the ATP program which retains many of ATP's best features while modifying the program to address past criticism. The TIP program will continue the excellent work that has been undertaken by ATP. Like the ATP, it will continue to bridge the gap between the research lab and the marketplace by providing cost-shared funding to small and medium-sized companies conducting high-risk R&D with broad commercial and societal benefits that would probably not be undertaken by the private sector because the risk is too great or because rewards to the private company would be insufficient to make it worth the investment.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. I believe the TIP program is one way to give American companies resources they need in the important fight for American manufacturing to remain globally competitive.

TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and requires the lead grant recipient to be a small or medium-sized firm to address past criticism that grants went to large companies—joint ventures between smaller and larger companies will still be allowed.

I am pleased this bill strongly supports the ATP/TIP program. A portion of the new funds must go toward funding new awards which guarantees there will be a new competition each year to

fund high-risk groundbreaking research by some of America's most nimble and innovative small and medium-sized technology companies.

The bill also increases funding for the Manufacturing Extension Partnership Program, MEP, providing \$110 million in fiscal year 2008 to fund MEP centers and to fund a technology deployment pilot. The MEP co-funds a nationwide system of manufacturing support centers to assist small and midsized manufacturers modernize to compete in a demanding marketplace by providing technical assistance and helping small firms boost productivity, streamline operations, integrate new technologies and lower costs.

The bill also provides important resources to combat illegal counterfeiting of America's innovation and products by providing an increase in funding for the FBI to enforce intellectual property laws and to the International Trade Administration, ITA, to improve enforcement of our trade agreements. Acknowledging the need to do more to fight against unfair foreign trade practices that result in our companies having to compete not against foreign companies but against foreign governments that are often illegally subsidizing their domestic industries at the expense of our industries, the bill provides important additional funding to the Department of Commerce's Import Administration which enforces U.S. antidumping and countervailing duty laws. This is especially timely since the Commerce Department recently agreed it should apply our countervailing duty law to imports from China, a non-market economy, and as a result, an increase in the number of subsidy cases is expected.

I requested, and the bill provides, \$2 million for the Thunder Bay National Marine Sanctuary and Underwater Preserve. The Thunder Bay National Marine Sanctuary is the only sanctuary designated in the Great Lakes, and it protects a significant collection of approximately 160 shipwrecks which span over a century of Great Lakes shipping history. The funding provided in this bill will be used for the completion of permanent displays for the facility's new visitor center as well as the acquisition of telepresence equipment. The Thunder Bay National Marine Sanctuary has been in existence since 2000, and the visitors center was only recently constructed. Therefore, it is important that the sanctuary construct exhibits for the new visitors center that educates visitors on the maritime history of the Great Lakes. Additionally, the Thunder Bay Sanctuary will have telepresence to allow students in classrooms across the country as well as visitors to the sanctuary, to see the actual shipwrecks at Thunder Bay through underwater cameras.

I am pleased that my amendment to enhance the FBI National Name Check Program was included in the bill. The FBI National Name Check Program is

used to run background checks on many who apply for immigration benefits, and those seeking employment with the U.S. Government, as well as other checks requested by the National Security Agency, other Government agencies, and some private users. Many immigrants who are applying for adjustment of status to legal permanent resident, applying for naturalization, asylum or a waiver end up waiting for months or years for the completion of the name check that the U.S. Citizenship and Immigration Services, CIS, or other agencies request from the Federal Bureau of Investigation.

The FBI has recognized the flaws in this program. In 2003, Robert J. Garrity, Jr., then Acting Assistant Director of the Records Management Division of the FBI stated before the House Committee on Government Reform that, "[t]he name check delays have significant consequences to FBI customers and stakeholders. The delays impede hiring or clearing skilled workers; completing government contracts; student enrollment, and . . . clearing requested visas for business visits to the United States. More importantly than all of the foregoing, these processing delays can also diminish counterterrorism effectiveness." In the U.S. Citizenship and Immigration Services, USCIS, Ombudsman's 2007 Annual Report, Mr. Prakash Khatri, the USCIS Ombudsman, stated that "the problem of long-pending FBI name check cases worsened" since last year, with 93,358 more name check cases pending than last year for a total of 329,160 pending as of May 4, 2007. Around 31,000 cases have been pending for at least 33 months. This is unacceptable. If these individuals are a security threat, we must know that sooner rather than later.

My amendment would help ensure that these important security checks are completed in a timely manner by requiring the FBI to report to Congress every year regarding progress made in improving the FBI's system of processing background checks and automating investigative files.

This legislation restores vital law enforcement funding that has been decreasing for far too long. Although violent crime has increased over the past 25 years, the President has continued to propose reduced funding and the elimination of vital law enforcement programs. This bill appropriately restores that funding and reinforces our commitment to keeping our communities safe. For Michigan, the bill provides funding training programs for law enforcement personnel, computers for patrol vehicles and interoperable communications equipment.

I am pleased that the Senate passed an amendment that I cosponsored that increases the drug court appropriation to \$40 million. Drug courts intervene and break the cycle of substance abuse, addiction, and crime. They place substance abusing offenders under strict court monitoring and community su-

pervision, coupled with effective, long-term treatment services, and I am pleased that we have appropriated adequate funding to continue these vital services.

The Senate has put together a responsible bill that funds the programs that our citizens rely on, in spite of the fact that the President has threatened to veto it. I am hopeful that these funding levels will remain intact in conference.

Ms. MIKULSKI. Mr. President, we are now coming to the closing hour of this debate. As we get ready for the Republican leadership to offer an amendment, then Senator SHELBY and I will be making the appropriate motion to move to final passage.

The PRESIDING OFFICER. The Republican leader.

#### MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, I now move to commit the bill and send that motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit H.R. 3093 to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not exceeding the amount (\$51,238,522,000) recommended in the President's budget for Fiscal Year 2008 submitted to Congress.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are 16 days into the fiscal year, and Congress has yet to enact a single appropriations bill.

This bill, should it pass, will never get signed into law.

It is time to start taking our obligations to the taxpayers seriously. I believe that we can do so in a fiscally responsible way.

The bill, when reported, increased spending by 8.1 percent over last year's bill, and it has only grown since it has been on the floor. When we finish this bill we will have increased spending by nearly 10 percent—a double digit increase—at a time when the CPI went up only by about 2 percent.

The American people demand that Congress get serious about restraining spending. We can pass the buck—and fund government through multiple continuing resolutions—or we can make the choices necessary to responsibly legislate.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is both responsible to the taxpayer and will secure a Presidential signature. We will move to commit H.R. 3093 to the Committee on Appropriations with instructions to report back with total amounts not to exceed \$51.238 billion. I urge my colleagues to vote for fiscal responsibility and to support the motion.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with all due respect to the Republican leader, I rise to oppose the motion to commit this bill to the full committee. This bill is the product of strong bipartisan work. Our bill totals \$54 billion in discretionary budget authority. Some say we spent more than the President asked. Yes, we did. We are proud of the fact that what we spent money on was that we didn't overspend, that the President underfunded.

We had three—when I say “we,” I am talking about the ranking member, Senator SHELBY, and I—priorities: Security, keeping 300 million Americans safe from terrorism and violent crime; our second priority was innovation, investments in science and technology that will create jobs that will stay in the United States of America; No. 3, reform. We were soundly on the side of fiscal accountability and stewardship of taxpayer dollars. We stood sentry over waste, fraud, and abuse. We stood sentry over lavish conferences that spent \$4 on a meatball. We reformed the NOAA satellite program.

But our first priority was also to make sure local communities are safe. We lifted the hiring freeze on DEA agents so they could fight the heroin and Taliban in Afghanistan as well as keeping our streets clean. We also, at the same time, added money for local law enforcement, particularly dealing with the fact that the COPS program had been eliminated and that the Byrne grants had been cut down to only \$32 million. Yes, we added \$1.5 billion. We certainly did. People all over America who understand what violent crime is know what this means.

I know my other colleagues want to speak. I do appreciate the Republican leadership for wanting fiscal accountability and stewardship. But I believe we also need to fund America's priorities. I believe law enforcement and the fight against terrorism is No. 1. By God, we did it in this bill. And by God, this bill should stand.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the motion to commit. Chairman MIKULSKI and I have worked hard with a lot of Members on both sides of the aisle to meet the priorities of the Senate and the Nation. This bill funds State and local law enforcement \$1.6 billion over the administration's request. The budget proposed to cut law enforcement to an unacceptable level. The bill fully funds the President's vision for space and makes critical investments in science and education that will be needed to keep this country competitive. I urge my colleagues to support the bill Senator MIKULSKI and I have crafted to meet the needs of the Senate and the American people.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the motion to commit this appropriations bill with instructions to

report back to the Senate forthwith with a total discretionary amount not exceeding the amount of \$51,238,522,000.

Let me make it clear, I understand these appropriations bills are difficult. You have a lot of demands from a lot of Members. You have to work with the administration. You have to work with outside people who have needs, concerns, and priorities. It is not easy to live within a budget. But if we are ever going to begin fiscal responsibility and some restraint on spending, when is it going to be?

This is a bill which richly deserves to have some restraint applied to it. I think this bill demonstrates why the American public has such a dismal view of the Congress.

At a time when the CPI went up barely 2 percent and average weekly earnings went up 3.9 percent, the Senate is considering a bill that has double-digit increases for these Departments that are involved.

Spending for the Commerce Department, not the Justice Department—and by the way, I suspect people have some doubts about some of the ways the Justice Department has been spending money—Commerce is up 14 percent. Spending for the Legal Services Corporation is up 12 percent. Overall spending for Commerce, Justice, and Science—more than \$55 billion, a 10-percent increase. How much is enough? No wonder people do not think we have any desire to restrain spending.

This is, by the way, not just a partisan charge; it is a problem that has been building for quite some time. At some point, we have to begin to say we have to get a control on this. Let's send it back to committee. They know what is in this bill. I do not want to pit one department or one agency against another. It won't be easy for them to do it, but they have the knowledge, the ability to get this under control.

The proposal the President sent up was \$900 million over the previous year—a 1.8-percent increase. But we added—I believe this is correct—\$4.2 billion over last year's spending.

So I think this is a tremendous burden. We can get this under control. Why do we want to force this into a confrontation where we run the risk or expectation of a veto and an override when we can get it under control now, hopefully get it under control along the way as we go into conference?

I supported the Treasury, Transportation, and HUD appropriations bill. I supported going to conference. But there, too, it was \$3 billion over the budget request of the President. If you add this up—a billion here, a billion there—the combination is about \$40 billion over the appropriations bills we have. When you couple that with \$20 billion more we added earlier in the year, that is \$60 billion more than should be expected in this budget.

So I urge my colleagues, let's support the motion to commit. We can pick away at this earmark or take a little

away from this agency or department, but we need hundreds of millions of dollars to be moved around here. Let these leaders of the committee, who know where the funding is, make some decisions of where we can bring this spending under control.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to commend Senator MIKULSKI for her skillful management of this bill. The Commerce-Justice-Science bill requires tough tradeoffs between critical programs that serve our country well.

I thank Senator SHELBY for his many contributions to this bipartisan legislation.

I urge Senators—do you hear me?—I urge Senators to vote no on the motion to commit the bill to committee for the purpose of reducing the bill to the President's request. If such a motion were approved, the bill would need to be reduced by \$3.2 billion. Did you get that? If such a motion were approved, now, the bill would have to be reduced by \$3.2 billion.

Now, to any Senators who intend to vote for the motion, I ask this question—listen—what programs would you cut? Hear me. What programs would you cut? Stand up. Let me see you. Let me hear you.

Should we reduce funding for the FBI while it is struggling to fight the global war on terror and fight crime on our streets? Should we? Is that what you want? Should we? I ask again, should we reduce funding for the FBI? I do not hear anyone responding on that.

Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country? Should we? Let me ask you again. Should we reduce funding for law enforcement grants? Step up to the plate now. Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country?

This summer, the President signed the America COMPETES Act authorizing increased funding for the National Science Foundation and for NIST. Should we cut those programs that will help to drive a prosperous economy?

Should we reduce our commitment to NASA? Should we? Should we reduce our commitment to NASA? I hear nobody. Why all this silence? I think not.

I urge a “no” vote on the motion to commit, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to the motion to commit because it would constitute abandonment, a surrender of the Congress's authority to participate in the appropriations process. There is a fundamental constitutional issue involved by this body at this time.

I believe we ought to be frugal and fiscally responsible, and I have repeatedly supported the constitutional

amendment for a balanced budget so we would live within our means. I have supported the line-item veto. In the tenure I have had here on the Appropriations Committee, I have been zealous in supporting programs which were meritorious and worthy of the taxpayers' money. We all pay taxes, and we know how painful that is. I do not believe we are being profligate.

Now, there was an opportunity in the Appropriations Committee for this motion to have been made to establish the President's figure, but it was not done. There were opportunities to pare and trim many of the items. But if we are going to accept the President's figure, then we are surrendering our constitutional authority to be involved in the appropriations process.

Now, Congress does not act alone. We all know that. Congress makes a presentment, and the President either signs it or he vetoes it. But certainly who can deny we have a role—really the fundamental role, as article I is written—giving the constitutional authority to Congress on appropriations.

Now, we have a similar matter pending on SCHIP, health care for children. Congress has submitted a bill with a \$35 billion increase over 5 years. The President has said it is too much. He wants \$5 billion. He has said he is prepared to negotiate. Well, that is the way the political process works. The Congress passes a bill, the President vetoes it, and then we sit down and try to work it out. But I do not think it is appropriate for the Congress to submit to whatever figure the President puts on it.

Mr. BYRD. Right.

Mr. SPECTER. Is he wiser than the 535 Members of Congress? Does he have more authority under article II than the Congress? Article II does not say anything about the President's authority on appropriations. He derives that authority by virtue of the Constitution, which gives him the right to sign or veto. But the appropriations authority, all through the Constitution, vests with the Congress.

Now, this is an issue and a vote which goes far beyond this particular bill. Next we have the appropriations bill on Labor, Health and Human Services, and Education, a subcommittee which I chaired for many years and am now ranking. If we are going to submit on this bill to the President's figure, you can be sure there will be a motion to commit that bill, which is over the President's figure, and a motion to commit all of the bills which are over the President's figure. We might as well not even convene and act.

These appropriations bills are the result of a lot of very careful thought and a lot of hard work by staff and by Senators. We have subcommittees, we have full committee work, and we present it to the body. If there are some motions to reduce it, those motions could have been made before the bill came to the floor of the Senate.

We had a confrontation in 1995, where the Government was shut down, and I

think a lesson was learned by both branches. I do not think that is going to recur. But at least let's try to compromise, to follow on this bill and other bills the same outline which the President has recommended. The President's view was we ought to negotiate and compromise on SCHIP, and that ought to be done here if we are to fulfill our constitutional responsibility for appropriations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the motion to commit. This appropriations process is about choices. We have to make these choices. I think Senator MIKULSKI, as chairman of the Commerce, Justice, and Science Subcommittee, and her counterpart, Senator SHELBY, have made good choices. If you look at the money that is spent here over what the President requested, you have a right to ask: What are we going to spend it on? When you ask that question, you understand why they made the right choices.

Does America need 100 more FBI agents to fight the rising threat of violent crime? We do in Illinois and in Maryland and in West Virginia, maybe even in Mississippi, because we find the violent crime rate rising in America. Do we need the 100 more FBI agents the Senator has called for? I think the people across America would say: Obviously, we do.

How about the Drug Enforcement Agency? Is the drug issue no longer a problem in America? I wish that were the case. We know better. What Senator MIKULSKI has done here is put an extra \$50 million in this bill for the Drug Enforcement Agency to lift its hiring freeze, to hire 200 new agents to fight the drug peddlers and drug gangs across America. Is that a priority? Is that worth spending more than the President requested? Obviously, it is.

Have you been back to your hometowns to meet with the police department? Remember what they asked you about first: What have you heard about Byrne grants? What have you heard about the COPS Program? How about the Federal money that is going down to police departments so they can have better training, better equipment, and be ready if, God forbid, something terrible happens in that community. That is what they ask me about in Illinois. Senator MIKULSKI heard that, Senator SHELBY heard that, and they put an additional \$1.6 billion in to go back to State and local governments to help on law enforcement preparedness.

If we ever face another act of terrorism, it is unlikely that our local residents are going to pick up the phone and call Members of Congress. They are going to dial 9-1-1 and pray to God that the party on the other end of that call is a fire department and a police department and a medical responder ready to move, and move quickly and effectively. With this ap-

propriation, we will be able to do that. The list goes on.

What troubles me about this whole debate is that last year, when the Republican Congress sent spending bills to the President \$50 billion over his request, he didn't veto one of them. He didn't even threaten to veto one of them. He didn't take a trip to South Carolina to announce he was going to veto one of them. Not one. This year, we are \$20 billion over and the President says: I am standing my ground.

Well, let me tell you about the ground that he is standing on. It is shaky.

Mr. BYRD. It is.

Mr. DURBIN. Because in a week from now, this same President is going to come to this Congress and ask us for, I say to the Senator from West Virginia, \$192 billion more for the war in Iraq.

Mr. BYRD. Get out of my face.

Mr. DURBIN. He will ask us for \$192 billion for the war in Iraq. That is for 1 year.

Mr. BYRD. Just 1 year.

Mr. DURBIN. It is not paid for, and now we hear from the President's party: We can't afford \$3.2 billion to make America safe at home, for our own police departments, our own FBI, our own Drug Enforcement Agency.

I think the Members who are pushing this motion to commit believe the Senate is suffering from attention deficit disorder; that we cannot think ahead, that the President will just in a few days ask us for \$192 billion to make Iraq safe. We know that is coming. They don't want to talk about that. Is it too much to ask for \$3.2 billion to make America safe? Doesn't a stronger America begin at home? Doesn't it begin with our own Department of Justice? Doesn't it begin with our police departments?

I would say to my colleagues, we understand the choices here, and the right choices have been made by this committee on a bipartisan basis. They worked this bill through the committee, and they worked hard on it. Senator MIKULSKI and Senator SHELBY brought it to the floor. Amendment after amendment they have gone through the process. Now, the Senate will make a decision: Are we going to toss all their work overboard, are we going to commit this bill back to the committee? I hope we don't. I hope we stand up for this country in which we live, this country we love that deserves the protection that this bill will give. Let's defeat this motion to commit.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I was listening to Senator BYRD, the distinguished chairman of the Appropriations Committee, and he asked who would stand up. I will stand up. I think we ought to cut a lot of things, but the first thing we ought to do is cut out claiming something that isn't true.

What we need to claim is that we can live within the same parameters that every family in this country has to live

within. We are not doing it on this bill. It is not about whether the FBI is funded. It is not about the ATF or the Drug Enforcement Agency—it is about priorities. There is just \$640 million worth of earmark nonpriority things in this bill. So we could get \$640 million tomorrow out of the earmarks that are not priorities, and I will be happy to list for anybody the total for every State, for every Senator who has a priority they think is more important than families having to live within a budget that they have to live with every day.

This isn't a debate about the President. This is a debate about the future of our country starting to live within the means of which we have.

The very things we claim we want to do for all the States that they don't have money to do—by the way, there are cumulative budget surpluses over \$40 billion right now. Ours is, if you take Washington speak, \$160 billion; if you take true accounting, it is \$330 billion. But the States have a surplus. The Justice Department had the highest unexpended balances they have ever had this last year—almost \$1.6 billion. Yet we think they need more money. Does anybody in this country think every agency of this Government couldn't run 5 percent more efficiently? Nobody outside of Washington believes they couldn't. They know they can because they know they have to make those same choices every day in everything they do because they can't run with a credit card and charge it to their grandchildren.

Now, 10 percent growth in this bill is too much. This motion to commit doesn't have anything to do with the President. It has to do with whether we will stand up and do what every other American has to do, and that is live within the realities of the money available to them. We can claim that we are doing everything. Since when is fire prevention the total responsibility of the Federal Government? Since when is police protection the total responsibility of the Federal Government? It is not going to go away. If it is a higher priority, then let's make it a higher priority, but let's get rid of some things that aren't. There are no choices to get rid of things that are low priority. We can't have it both ways. Those who want to grow the Government can't have it both ways. Either you want to live within the means, you want to be honest with the American people and say: You are right; we can do a better job.

This job does not do a better job. We ought to relook at it, reformulate priorities. That doesn't undermine what the committee has done. We added \$1 billion on the floor. The committee didn't do that, we did. What we ought to say is let's add 2 or 3 percent, live with less than inflation, do what every American has to do, and if we do that all the way across the board, then we will start solving the fiscal problems that are in front of us.

I yield the floor.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Ms. MIKULSKI. Mr. President, I will agree to the yeas and nays. First, I ask unanimous consent that the Senate now proceed to vote on the motion to commit; that no amendments be in order to the motion; that if the motion is defeated, no further amendments or motions be in order and the bill be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the subcommittee be appointed along with Senators BYRD and COCHRAN; that following morning business on Wednesday, October 17, the Senate then proceed to the consideration of H.R. 3043, the Labor-HHS appropriations bill; and further, that if the motion is agreed to, then the remaining provisions of this agreement be nullified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—44

Alexander	Craig	Lott
Allard	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Dole	McCain
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Smith
Coburn	Gregg	Stevens
Cochran	Hagel	Sununu
Coleman	Hatch	Thune
Collins	Hutchison	Vitter
Corker	Inhofe	Voinovich
Cornyn	Kyl	

NAYS—50

Akaka	Biden	Brown
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell

Cardin	Landrieu	Reid
Carper	Lautenberg	Rockefeller
Casey	Leahy	Salazar
Conrad	Levin	Sanders
Dodd	Lieberman	Schumer
Dorgan	Lincoln	Shelby
Durbin	McCaskill	Snowe
Feingold	Menendez	Specter
Feinstein	Mikulski	Stabenow
Harkin	Murray	Tester
Johnson	Nelson (FL)	Webb
Kerry	Nelson (NE)	Whitehouse
Klobuchar	Pryor	Wyden
Kohl	Reed	

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The motion was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on final passage on the Commerce-Justice-Science bill. I thank my colleagues and staff for their cooperation.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I wish to take a second to thank Chairwoman MIKULSKI and her staff who helped us craft a very good bipartisan bill. I thank the majority clerk, Gabrielle Batkin; Erin Corcoran; Doug Disrude; Kevin Kimball; and Robert Rich.

I also thank my staff who worked so diligently on this bill: Art Cameron, Goodloe Sutton, Allen Cutler, Rachele Schroeder, and Augusta Wilson. Without them, we could not have done it.

Ms. MIKULSKI. I, too, thank the Appropriations Committee staff, particularly Charles Kieffer and his able team.

Mr. President, I thank the floor staff of both parties, because we worked together and showed that you can actually run a bill and have collegiality and have civility and yet have robust debate where we can disagree without being disagreeable. With that, we are ready to vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator

from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—75

Akaka	Durbin	Mikulski
Alexander	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Bennett	Gregg	Nelson (NE)
Biden	Hagel	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Johnson	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Sessions
Casey	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Craig	Lincoln	Stevens
Crapo	Lugar	Sununu
Dodd	Martinez	Tester
Dole	McCaskill	Webb
Domenici	McConnell	Whitehouse
Dorgan	Menendez	Wyden

NAYS—19

Allard	Corker	Lott
Barrasso	Cornyn	McCain
Brownback	DeMint	Thune
Bunning	Ensign	Vitter
Burr	Enzi	Voinovich
Chambliss	Graham	
Coburn	Inhofe	

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The bill (H.R. 3093), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. FEINGOLD. Mr. President, I am pleased that the Senate passed the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2008 and that the bill contains higher levels of funding for state and local law enforcement than Congress has provided in recent years.

I believe that Congress, in partnership with states and local communities, has an obligation to provide the tools, technology and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne grant program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, particularly in light of the recent increase in the violent crime rate across the country.

I am pleased that the Senate approved an appropriation of \$660 million for the COPS program for fiscal year 2008, \$110 million above the CJS Subcommittee recommendation. This funding level, in conjunction with the House appropriation of \$725 million, leaves me hopeful that Congress will ultimately fund COPS at an adequate level this year. I am pleased that both Houses of Congress took action to increase funding for COPS, especially as crime rates rise and the needs of law enforcement officers and our Nation's first responders continue to grow.

Byrne grants also fared better in fiscal year 2008 than in recent years. The House bill allocates \$42 million more than it did last year, and the Senate appropriated a total of \$660 million, \$105 million more than last year. The Democratic majority in Congress has made it a priority to work responsibly toward restoring funding for these programs—funding that has been disastrously slashed in recent years. The level of funding included in the final version of this bill puts Congress back on track towards funding Byrne grants at higher levels.

I was pleased as well that the Senate agreed to Senator MENENDEZ's amendment to bolster the funding for juvenile mentoring programs and Senator DORGAN's amendment to restore funding for the Drug Court program to fiscal year 2005 levels. These grant programs assist state and local governments in their efforts to pursue a comprehensive approach to crime reduction, including preventive measures and innovative approaches as well as more traditional law enforcement initiatives.

I hope that increased funding for State and local law enforcement will become a trend that continues, and that the years of neglecting our State and local law enforcement officers are finally over. It is our responsibility to support the men and women who keep our communities safe. The Senate's work today is a good start.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. BYRD, Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, and Mr. COCHRAN as conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I want the record to reflect that it is the feeling of

the Senate, not just me, of a tremendously good job done by the managers of this bill. Senator SHELBY, Senator MIKULSKI, and I served in the House together. We came to the Senate together. And the two managers of this bill are two of the very best.

Now, I can't say enough positive things about Senator MIKULSKI. I have told her this. And I don't want to hurt the feelings of anyone else in the Senate, but I have said publicly and privately that the finest orator we have in the Senate is the Senator from Maryland. She is outstanding. But not only is she a fine orator, she is a great legislator, and this bill is an example of that.

I also want to acknowledge the cooperation and assistance that we got from the membership of our Senate. This is a bipartisan bill, as indicated by the vote that was just taken. So I deeply appreciate the work of all Senators but especially that of my friend from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to share a joy as though in Morning Business, and I ask unanimous consent to have my whole statement appear in case I am not able to make it through this emotional sharing.

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

LILLY'S ANNOUNCEMENT

Mr. ENZI. Mr. President, I am a grampa again. Incidentally, that is spelled with an "m," not an "n," and no "d." Grampa. It is the greatest title anyone can have. It is really indescribable, unless you have felt the thrill, felt the love, felt the awe.

This weekend, my son and his wife had a daughter, Lilly Grace. My son, like me, had the good fortune to overmarry to Danielle, a delightful young lady from Kentucky whom he met here in Washington. She is one of the most organized and focused people I know. My son Brad and daughter-in-law Danielle already have a son, Trey, who first made me a grampa. Now they have a daughter, Lilly Grace Enzi. I can't begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

Danielle and Lilly Grace had extremely fortunate timing for my wife Diana and me. Trey and Lilly were both born when we were close by in Wyoming. Trey was born when we were attending a University of Wyoming football game, just 45 miles away. Lilly was born during a Redskins football game when we were just 2 blocks from the hospital. Brad checked Danielle into the hospital at 11 Sunday morning, and at exactly 2 p.m., October 14, that Sunday, we had a granddaughter. Lilly Grace weighed 7 pounds, 2 ounces,

and was 20 inches long, with delicate hands and long fingers.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for the aura of a mother, that she had just given birth. The rest of us were emotional wrecks. When Danielle went into labor, I rejoiced at the timing and extended the weekend another day and had the pleasure of holding that baby and watching her breathe and move ever so delicately, with a thousand different expressions, and listened to all the sounds she made. Of course, I had to let Diana hold her a little, too, and her mom and dad even wanted turns.

If you would have told me that I would spend time just gazing at the miracle of life and having only that thought for hours, I probably wouldn't have believed you. But I have some great instant replay memories of that little face and those moving hands and all those blankets and the cap they use to hold in the body heat locked in my mind, and I am constantly doing instant replays for myself and thanking God for the opportunities he has given me—from finding Diana, to learning about prayer with our first child, the daughter who was born premature and who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, to helping me through open-heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the prayer of Jabez in Chronicles where he says, "Lord, continue to bless me, indeed," and to that I add my thanks for this and all the blessings, noticed and, unfortunately, often unnoticed.

So now I am grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a hand-stitched wall hanging that says: Any man can be a father, but it takes some-one special to be a dad.

That is a challenge for grampas to live up to, too. Again, I note that the name is not grandpa. That is a title a little too elevated. This grampa is with an "m" and no "d." That is what I called my Grampa Bradley, who took me on some wonderful adventures and taught me a lot of important lessons, including fishing. Now it is my turn to live up to that valued name. He liked being called grampa, and I am now delighted to have the opportunity to earn that name, too. I wish I could adequately share with you the joy that is in my heart.

Now, some would say: Lilly Grace, you have been born at a scary time—a time of fear; fear of almost everything; fear of war, fear of people from other countries, fear of our neighborhoods. As an Enzi, we have faith that doing the right thing, doing your best, and treating others as they want to be treated will solve most problems, which will overcome fear.

In my job, I get to hear a lot of disparaging comments about our country

and our Government. But for you, granddaughter, you are lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none anyone would trade for the United States. In my job, I often have to remind people that I never hear of anyone trying to get out of our country. I do hear of millions who would like to be here.

Now, as you, precious baby, get older, if things don't change, you will hear people who think that the Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you. You and others will know how to do the right thing and you will value the way our country was founded and has grown.

Lilly, granddaughter, welcome to this world of promise and hope and faith and love. I am excited to have you in my life.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Vermont.

Mr. SANDERS. Mr. President, I missed the beginning part of the statement of my friend from Wyoming. Are you a new grandfather? Another grandchild? Congratulations.

Mr. ENZI. Thank you.

Mr. SANDERS. I have three. I often think that one of the funniest bumper stickers I have ever seen in my life is one that says: If I had known how much fun grandchildren would be, I would have had them first. So congratulations.

#### THE ECONOMY

Mr. SANDERS. Mr. President, let me take this opportunity in this few minutes to touch on a few issues that I think we do not discuss enough on the floor of the Senate; for that matter, on the floor of the House.

There are a lot of people in the United States who turn on the television every night and they hear the President of the United States and other people tell them how wonderful the economy is doing; that the economy is robust; that we have never had it so good. This is what they hear over and over again. And people start scratching their heads and saying: I don't quite understand it. The economy is supposed to be doing well when I am working longer hours for lower wages? Why is it that my job has just gone off to China, and the new job I have maybe pays half as much as the job that I lost? Why is it that in the last several years, actually since President Bush has been President, over 8 million Americans have lost their health insurance? Does that sound like an economy that is working well for ordinary people?

Since George Bush has been President, 5 million more people have slipped into poverty. Median family in-

come today is less than it was back when President Bush first came into office. I think we have to be honest and say, yes, the economy is doing very well, in fact, for those people who have a lot of money. In fact, what we can say today is that if you are within the top 1 percent of American wage earners, you are probably doing extraordinarily well. What we can also say is that the wealthiest 1 percent today are doing better than at any time since the 1920s. So I take my hat off to the CEOs of large corporations and to the wealthiest people in this country.

But you know, I just had a series of town meetings in the State of Vermont. I talked to a lot of people. The message I get back in Vermont—and I doubt it is terribly different in Colorado or any other State in this country—is that the middle class is hurting. The reality is, if you look at the cold statistics, what you find is that in America today the middle class is, in fact, shrinking. People are working longer hours for lower wages.

Today, amazingly enough, because of lowered wages huge numbers of women are now in the workforce. Yet, despite that, a two-income family today has less disposable income than a one-income family had 30 years ago. The reason for that is people are spending an enormous amount of their limited income on housing. The cost of housing is soaring. They are spending money on health care. They are spending money on child care. They are spending money on college education. At the end of the day, they do not have a whole lot left. In fact, there are many millions of families today that are one paycheck away from economic disaster.

It seems to me we have to be honest with the American people and not talk about how great the economy is but talk about an economy which is splitting right down the middle: the people on top doing fantastically well, people down below doing very poorly, and the middle class in many cases struggling against economic desperation.

The statistics with regard to income distribution in this country are staggering in terms of their inequality. We do not talk about this terribly much. I guess it is something we are not supposed to be mentioning. But the reality is that according to the latest analysis, in 2005 the top 1 percent of earners made more money than the bottom 50 percent of Americans. One percent earned more income than the bottom 50 percent, which translates to the top 300,000 earners making more money than the bottom 150 million—300,000 making more money than the bottom 150 million. While the top earning one one-hundredth of 1 percent received an average income increase of \$4.4 million in 2005, the bottom 90 percent saw their average income decline by about \$172.

What we are looking at is tens of millions of Americans working hard, and they are seeing their health care costs go up, they are seeing their housing

costs go up, they are seeing education costs go up, they are seeing the price they are paying for a gallon of gas to get them to work going up, home heating oil going up, basic supplies going up, and at the end of the year they have less money than they did the previous year. But the people on top are making out like bandits. And it is a fact, many of them are bandits, and it is high time we began to address the issue of income inequality in this country.

I talked a moment ago about income. That is how much money people make in a year. But the same phenomenon takes place regarding wealth. The unfair distribution of wealth, which is accumulated income, is even more appalling. Forbes magazine recently found that the wealthiest 400 Americans—400 people, not a whole lot—were worth \$1.54 trillion in 2006; 400 people, \$1.54 trillion. That is up \$290 billion from the previous year. In other words, while inflation-adjusted real wages declined for the vast majority of working people in our country, the top 400 wealthiest individuals saw, on average, a \$750 million increase per person. That is not bad, on average: \$750 million.

Today, disgracefully—and this is a issue I am going to come back to time and time again until this body does something about it—disgracefully, and despite all the rhetoric we hear around here about family values, the United States has, at 18 percent, the highest rate of childhood poverty of any major country on Earth. Eighteen percent of our kids are living in poverty. You go to Scandinavia, the numbers are 3 percent, 4 percent; Europe, 5 or 6 percent. Eighteen percent—almost one in five children in this country lives in poverty.

Since President Bush has been in office, as I mentioned earlier, nearly 5 million Americans have slipped into poverty. We have 37 million people in this country living in poverty. Almost 9 million have lost their health insurance. Three million have lost their pensions. People work their entire lives, they expect to have a pension when they retire, and in many cases corporate America says: By the way, we are changing the rules of the game; thanks for working us for 30 years, but you are not getting the pension you were promised. And median income has declined since Bush has been President by about \$2,500.

Thirty-five million Americans struggled to put food on the table last year. That is called food security. We have 35 million Americans in this country who worry about whether they are going to have enough to eat. That number is going up.

Within that reality, we have another reality in that the wealthiest people in this country are increasingly emulating the robber barons of past decades as they garishly look for ways to spend their fortunes. They have a very difficult time. If you are worth hundreds and hundreds of millions of dol-

lars, what are you going to buy? Another pair of shoes? It is hard to say. What they are doing is looking into things like yachts that are longer than football fields and all kinds of excesses to show everybody just how wealthy they are.

Robert Frank is a reporter for the Wall Street Journal. He has written a recently published book called "Richistan." He writes in his book that households of a net worth of between \$100 million and \$1 billion, the very top of the top, spent last year on average \$182,000 on watches—on watches. I have a good watch. It worked well for 5 years. It cost me 30 bucks. But they managed to spend \$182,000 in 1 year on watches. That is what they do. It is very important that we continue to give these people tax breaks. I really do think so. If you could only spend \$182,000 on watches, clearly the President is right and we need massive tax breaks to help these folks out. But it is not just the money they spend on watches. Mr. Frank, the author of "Richistan," details how, during this 1-year period, the same economically elite households spent \$311,000 on automobiles. How many cars do you buy for \$311,000? I don't know how many cars people need. And \$397,000 in one year on jewelry. Obviously, the stress is very great figuring out how you are going to spend that money, so they had to spend on average \$169,000 on spa services. You are sitting around, it is a tough thing, what new watch do you buy? What new vehicle do you buy? It is tough, and you need spa services. That is where they are spending the money.

But also, as it happens, during that same year, 400,000 qualified young people in this country couldn't afford to go to college. They didn't have enough money to go to college. Our Nation is in desperate need of a well-educated workforce. We all know that a ticket to the middle class in many cases is a college education. So while the richest people in this country are spending \$182,000 a year on watches, we have hundreds of thousands of kids who cannot go to college.

The decline of the middle class, combined with the growing income inequality in our Nation, is a national scandal, and it is something we must address. I think it is high time Members of Congress kind of look beyond the wealthy campaign contributors who fund the operations in both the House and the Senate and begin to deal with the needs of the middle class and working families.

Obviously, there are a lot of issues out there as to how we can improve the economy. We can go on for hours talking about that. There are a lot of thoughtful ideas here in the Senate and in the House. But let me mention five areas, at least, where I think we should be paying some more attention.

First, I think we have to reorder our national priorities. What we have to say to the wealthiest people in this country: President Bush has given you

hundreds of billions of dollars in tax breaks, and yet we have children in this country who are hungry, we have millions of children who lack health insurance, we have kids who are going to inadequate schools. You know what. We are going to rescind the tax breaks that have been given to you so that we can take care not only of our children but we can take care of those people who are disabled.

I don't know about Colorado, but I can tell you in Vermont one of the serious problems we have is higher and higher property taxes. One of the reasons the property taxes for education are going up is because the Congress has not kept the promises it made in terms of funding special education. Special education, as you know, is a very expensive proposition, so local school districts have to come up with the money the Federal Government promised but has not committed. I think we should be adequately funding that and actually keeping the promise we made to special education.

We should make sure our seniors get what they need.

Our veterans—I am proud to say we are beginning to make some progress in adequately funding the needs of our veterans, but more needs to be done. We have to begin to stand up for all Americans and not just for the wealthiest.

When my Republican friends talk about tax breaks and tax breaks for the richest people in country, I say enough is enough. At a time when we already have the most unequal distribution of wealth and income, the very richest who are doing phenomenally well do not need more tax breaks.

Second, I think we have to take a very hard look at our trade policies. I think it is clear to anyone who has studied these issues that NAFTA, CAFTA, permanent normal trade relations with China, and other trade agreements were essentially written by large multinational corporations in order to benefit large multinational corporations, and they have done that. They have done that. What is going on as a result of many of our trade policies is that corporate America is shutting down plants in America. We have lost 3 million good-paying manufacturing jobs in the last 6 years. In my own State of Vermont, we have lost 25 percent of our manufacturing jobs in the last 6 years. We are beginning to see the loss of many good-paying white-collar information-technology jobs—jobs going to China, jobs going to India, jobs going to low-wage countries all over the world.

On the other side, what we are seeing, because of these trade agreements, is increased poverty in Mexico, for example, as a result of NAFTA. As a result of NAFTA, 1.3 million small farmers have been driven off the countryside, off the farms they held for generations, because they couldn't compete with cheap American corn. Poverty has increased. But we do have the good

news, I guess, in Mexico: as a result of this NAFTA stuff, there is one gentleman named Carlos Slim Helu, a big guy in telecommunications coming from the poor country of Mexico, now the richest guy in the world, worth \$60 billion; he passed Mr. Gates. You have a guy worth \$60 billion, poverty in Mexico increasing, and small farmers driven off the land.

We can create trade agreements which work for working people in this country and working people abroad, not for the CEOs of large corporations, and that is what we have to do.

I think given the failure of trade agreements, it is time to take a moratorium to stop these trade agreements until we get them right.

On another issue, we have discussed, as you know, a whole lot about the SCHIP program. I strongly support what the leadership here is trying to do. But let us be clear. Let us be clear. While it is a good step forward, bringing 4 million more kids into the SCHIP program, there are millions of children, after we pass this legislation, or if we can override the President's veto, who will still not have health insurance. We are living in a nation in which 47 million Americans have zero health insurance. Even more are underinsured.

I met recently in Burlington, VT, with a group of young people who said: Yes, they have health insurance. They have to pay 50 percent of the cost of the health insurance. There is a large deductible. So at the end of the day, despite the health insurance they have, they are paying out a lot of money for health care.

It is time that we place on the table the fact that we are the only Nation in the industrialized world, the only one that does not have a national health care program which guarantees health care for every man, woman, and child.

The programs are different in Germany than Canada, than in the United Kingdom, than Scandinavia. They are all different. But essentially what every other major country on Earth has said is that health care should be a right, not a privilege—a right.

Meanwhile, we spend twice as much per person on health care as any of the people of any other country. Yet, if you look at the health care index situation, our infant mortality rate is very high; in many countries people live longer than we do.

Our health care system is disintegrating and the time is long overdue that we have the guts to take on the pharmaceutical industry, the insurance industry, and move toward a national health care program which provides health care to all people as a right of citizenship.

Lastly, I am on both the Energy Committee and the Environmental Committee. Both committees are working very hard on one of the great crises facing our planet today; that is, global warming. It is clear to me that as a nation, we have got to radically

change our course, which for many years under President Bush has almost denied the reality of global warming. We have got to move away from that and not only understand its severity but move in an aggressive way to reverse greenhouse gas emissions and to make sure our kids and our grandchildren can live on a planet with the quality of life we enjoy today.

In addition to that, as the tragedy in Minnesota a few months ago indicated, our infrastructure is in very serious shape. The engineers tell us we need to spend over a trillion dollars to rebuild our bridges, our culverts, our waste water systems, and our water plants.

In my view, we should be investing substantially in sustainable energy, in energy efficiency, in solar technology, in wind technology, and geothermal. When we do those things, we will accomplish two goals: No. 1, we are going to reverse global warming, and, secondly, we will create millions and millions of good-paying jobs. Instead of spending \$10 billion a month on the civil war in Iraq, we should be rebuilding our infrastructure and moving away from fossil fuels to energy efficiency, to sustainable energy as we take a leadership role in this world to reverse global warming.

Let me conclude by saying it is no secret that the American people now are not looking terribly favorably on the White House or the Congress. I can understand why. I think one way we can begin to win the respect of the American people is to at least acknowledge the reality of their lives, to acknowledge what is going on, and then to begin to start addressing some of those problems.

I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO CONGRESSMAN JOE WAGGONNER

Ms. LANDRIEU. Mr. President, it is with sadness that I come to the floor today to pay respects to one of our former congressional leaders who passed away earlier this week.

Congressman Joe Waggonner represented the Fourth District of Louisiana from 1961 to 1979. Literally up until the last weeks of his life, he stayed very active in the Fourth District. He was active on what went on there both at a political level and a civic level, lending his voice to many important efforts in the community—and I emphasize literally up until the last few weeks of his life.

He was always engaged, always open, always welcoming to leaders coming

into the Shreveport area. He was not from the big city in that district, Shreveport, LA; he was from a small town called Plain Dealing. It was actually a very fitting name for this Congressman because he was a very straightforward, plain-speaking, progressive-leaning Congressman from this small town called Plain Dealing of only a thousand people. That small community of loving and supportive families, made up of farmers and small business owners and churchgoers, provided a great foundation for Joe Waggonner as he grew and came into his professional life and then became a Congressman from this small town. He was down to earth, he was honest, and he was a Congressman who represented his constituents with a lot of enthusiasm and intelligence. He was a Congressman who would see an issue from all different sides and then make the best decision he could. His favorite saying was: "Do unto others as you would have them do unto you." So he was always quite courteous and respectful in the way he treated other people.

He was a natural leader. He was a lieutenant commander in the U.S. Navy during World War II, and after returning from service there, he began his political career as a school board member. Throughout his career, he carried an enthusiasm and excitement and energy for school issues and for the children of the Fourth District in our State. In 1961, he won a special election after longtime U.S. Representative Overton Brooks died in office and again continued that great tradition of representing the Fourth District.

I can't name all the things Joe did for our State. It would be such a long list. But there are a few things that cannot be overlooked. Because of Congressman Waggonner's work in his congressional district, Barksdale Air Force Base is now one of the largest and strongest Air Force bases and is home to the mighty 8th Air Force. This base had been scheduled to close some decades ago, but because of his efforts and others, led by many of the business and civic leaders in that district but primarily because of this Congressman, Barksdale is not only open, but it is now going to be the proud home of U.S. Strategic Command's Cyber Command.

Joe was also known for being a pioneer of interstate highways in their early days, wanting to put Shreveport on the map. Shreveport and Bossier City today are growing in large measure because of his fierce advocacy for ports and airports and transportation hubs, as well as the Barksdale Air Force Base.

Along with my predecessor, Senator Bennett Johnson, Joe's efforts created a whole new image for Shreveport because of the work they did regarding the Red River. With their hard work they opened it to trade and transportation. Also, this river is now home to several "floating" casinos that have transformed Bossier City and Shreveport, LA, from very sleepy small towns

to really booming commercial developments attracting gaming interests from all over the region and contributing mightily to the economy in north Louisiana.

I personally say many thanks to his family—his wife Mary Ruth Carter Waggoner, his two children, Carol and David, and his three grandchildren—for the contributions they made supporting a man through many careers in public service in Louisiana. David is a personal friend and I know him and his son, Peter, are mourning the loss of their father and grandfather. He was a man of tremendous faith. He made Louisiana proud. He served us with distinction and with honor. He will be remembered as a very distinguished and dignified leader for our State, particularly north Louisiana.

Joe Waggoner was a straightforward, straight-thinking man from Plain Dealing, LA. He was a graduate of Louisiana Tech University and was very proud of his alma mater and very proud to call Plain Dealing home. His leadership and friendship will be missed.

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#### CHIP

Mr. BROWN. Mr. President, a few weeks ago, in this Chamber, we passed the Children's Health Insurance Program and passed it by a big majority, passed it bipartisanship, when almost two dozen Republicans joined, I believe, all the Senate Democrats in passing a program that has worked for 10 years.

I was in the House of Representatives when we initially wrote the Children's Health Insurance Program. It was written by a Democratic President, with a Republican House and a Republican Senate. It has worked splendidly for the last 10 years. It has, in fact, provided health insurance for literally millions and millions of American middle-class families—families making a little bit too much to qualify for Medicaid but families either not earning quite enough to buy insurance or not working in a place that offers insurance at a decent, reasonable rate. We know the children who are in the Children's Health Insurance Program are sons and daughters of working parents—again, working parents overwhelmingly making between about \$20,000 and \$50,000 a year.

The Senate passed the Children's Health Insurance Program expansion, which would have meant, in addition to the 6.6 million children in our country receiving health insurance under the Children's Health Insurance Program today, it would have added about another 4 million American children. About 200,000 children in my State—from Ashtabula to Hamilton, from Wauseon to Marietta—now receive coverage under the Children's Health Insurance Program. This would have added tens of thousands more to the Children's Health Insurance Program.

Unfortunately, a couple weeks ago, the President of the United States de-

cidated to veto this legislation even though it passed with more than four dozen Republican votes in the House joining almost every Democrat and passed with almost two dozen Republican votes in the Senate.

I wish the President, before he vetoed this legislation, had done what a lot of us did. I know the Presiding Officer from Missouri has done this. So many of us have talked to families in our States. I have talked to families in Lima and in Canfield and in Columbus and in Dublin and in Springfield about what the Children's Health Insurance Program means to them.

Eleven-year-old Tanner Stainbrook of Toledo has cystic fibrosis. Both of his parents work. They are playing by the rules, working hard, and paying their taxes. But without CHIP, without the Children's Health Insurance Program, Tanner cannot get the care he needs.

Seth Novak is a 3-year-old boy who lives in Lebanon, OH, down in the southwest corner of the State near Cincinnati. Seth has Down's syndrome and needs the Children's Health Insurance Program to help him stay healthy. Again, his parents are working, but they simply cannot get the insurance, in part, as with many of these children, because of a preexisting condition and also because of the finances the family faces and the lack of health coverage.

Emily Danko of Columbus also has Down's syndrome. Without CHIP, Emily has no health insurance.

I wish the President had talked to the Stainbrook family and the Novak family and the Danko family and talked to them about their situations. I am not sure he would have vetoed this bill if he had done that.

Unfortunately, the President made the decision to veto this bill. When he did, he mentioned several things. I would like to briefly touch on what he said and what the truth really is.

The President of the United States said this will result in all kinds of families shifting their children from private health insurance to Government health insurance. Were it so that all those families he talks about had private health insurance—if they all had private health insurance—we would not be concerned about this Children's Health Insurance Program. But the fact is, most of these families—the overwhelming majority of these families—who will be on this Children's Health Insurance Program expansion are not getting private insurance or they are getting very inadequate private insurance.

The President said families making up to \$80,000 a year could get this insurance. That is patently untrue. If a State wants to do that, they have to apply to the Federal Government, and the President has already said no to the State of New York. He could say no to other States. So that is clearly, simply not true.

The President also said the Children's Health Insurance Program is

just too expensive—a \$7 billion-a-year increase over the next 5 years; \$7 billion a year to insure 4 million children a year; \$7 billion a year contrasted with what we spend on the war in Iraq: \$2.5 billion a week; \$7 billion a year for 4 million children versus \$2.5 billion and climbing per week for a war we never should have been in, a civil war the President continues to immerse our Nation in, with no plan to end.

The last thing the President said is this program is socialized medicine, that we are going down the path of socialized medicine. The President forgets to say he and many Members of Congress get health care from Bethesda—go out to Bethesda and get their health care, with Government doctors taking care of Members of Congress and the President.

The President also forgets to mention that when he calls it socialized medicine, that, in fact, this legislation was supported bipartisanship 10 years ago in a Republican House, Republican Senate, and with a Democratic President—hardly socialized medicine supported by that many conservative Republicans back then and today. This legislation is supported by 68 Senators, including 18 Republicans; is supported by 43 Governors, including 16 Republicans; is supported by more than 270 organizations, representing millions of Americans.

The beauty of this legislation is for 10 years it has worked for America's children. And 6.6 million children have insurance today because of the Children's Health Insurance Program. We can expand this program at the cost of about \$3.50 a day to cover a child through the Children's Health Insurance Program, and do that for 4 million children. It makes sense for our children, it makes sense for our communities, and it makes sense for our country.

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#### HONORING REPRESENTATIVE GEORGE SANGMEISTER

Mr. DURBIN. Mr. President, I rise today to honor a great man, Representative George Sangmeister, a great servant of Illinois who passed away on October 9.

George served Illinois in more ways than anyone I know; his was a lifetime of dedicated public work, and honesty. I had the good fortune to work as a staff lawyer in the Illinois State Senate when George was serving there. He was kind and determined, and these traits have shown through his work, his family life, and his long battle with leukemia.

Not surprisingly, George came from a family of dedicated Illinoisans. His father was mayor of Frankfort from 1923 to 1955 and a great political influence on his son. George attended Joliet Junior College before entering the military to serve in the Korean war. He was always proud of his service, and it informed many of his initiatives. He always took time to pay tribute to our warriors and veterans.

After serving in the Korean war, George attended Elmhurst College and earned a law degree from John Marshall Law School. He spent some time in private practice, but was always active in the public realm. He was a volunteer for President Kennedy's 1960 election and eventually returned fulltime to his public service origins.

George started as a magistrate for Will County and then served as the county's district attorney. In 1972, he was elected to the Illinois House of Representatives and then to the Illinois Senate in 1976.

George was a natural. One of his peers recently noted that "George was one of those individuals who had an unbelievable capability of bringing parties together." He was direct yet pleasant; he would stick to his position but never alienated those who disagreed. George was widely known as a man of his word, and a true statesman—traits that are in short supply in too many places.

His integrity and talent led him to become a powerful leader in the State senate, and a respected Member of the House of Representatives. He served three terms in the House from 1988 to 1994, and I was again privileged to work with him during those historical years.

As the cold war wound down, his attentions turned increasingly to our environment, our children, and our ability to adjust to a new world order. He joined me in pushing to ensure that newly independent nations such as Lithuania would be guaranteed an opportunity to prosper. George was keenly aware of our Nation's freedom, independence and our history. He regularly addressed his colleagues on Independence Day, rising to remind us all of our political origins and the things we must be grateful for.

He spoke often on veterans' affairs, the environment, education, and on issues that directly impacted his constituents in Illinois. He was unmovable when it came to fiercely fighting for the constituents that he had served for so many years and in so many ways. Frustrated with national politics, George returned to private practice in 1995, after more than 30 years in public service.

George is survived by his wife Doris, their children George and Kimberly, and four grandchildren. I have expressed my condolences to them in person and assure them now that George's unblemished reputation and service will be long remembered.

George was a great man and a great friend, and I feel that nothing is more fitting than to conclude his presence in the CONGRESSIONAL RECORD with his own words. They are indicative of a man who maintained his idealism and values throughout life's trials—a man unafraid to speak boldly during dramatic times.

We should begin to worry about educating brilliant children so that America can face the next challenge. Having served in the U.S. Army myself, I strongly believe that na-

tional security should be a top priority for the Federal Government. But national security includes having a strong economy and a healthy, well-educated work force . . . What is more important than educating our kids and preserving our environment? . . . As a people, we were not defeated by Pearl Harbor or Watergate or Irangate, and we will survive. But, we must be ever vigilant against the abuse and arrogance of power, whether it be on Wall Street or on Main Street—whether it be by big business or by big government. To fail in our vigilance would mean the death of "power people." And so, let us, as a united people, "highly resolve that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

#### HONORING OUR ARMED FORCES

##### SEAMAN APPRENTICE SHAYNA ANN SCHNELL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young sailor from Tell City. Shayna Ann Schnell, 19 years old, died on October 1 in Dubai, United Arab Emirates, from injuries she received in a vehicle accident several days earlier. With her entire life before her, Shayna risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shayna was a lifelong Hoosier, growing up in Dubois and Perry counties. Shayna graduated Perry Central High School in 2006 and joined the Navy later that year. After completing basic training in Great Lakes, IL, Shayna was stationed at Lackland Air Force Base in San Antonio, TX. Her hard work earned her an assignment as a master-at-arms with the Naval Security Force Bahrain in the United Arab Emirates.

Shayna died while serving her country by supporting Operation Iraqi Freedom. She is survived by her mother and stepfather, Suzanne and Vernon Silacci; her father and stepmother, Doug and Peggy Schnell; her sister Nicole; and her brothers Trent and Tyler, who is also serving his country in the Navy. Shayna was known for her dedication to her family and her love of country. Today and always, she will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice she made while dutifully serving her country.

Today, I join Shayna's family and friends in mourning her death. While we struggle to bear our sorrow over this loss, we can also take pride in the example she set, bravely fighting to make the world a safer place. It is her courage and strength of character that people will remember when they think of Shayna, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Shayna's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we

cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Shayna's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Shayna Schnell in the official RECORD of the U.S. Senate for her service to this country and for her profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Shayna's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shayna.

##### CAPTAIN SCOTT N. SHIMP

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army CPT Scott Shimp of Bayard, NE.

Captain Shimp's love for the military was obvious to his mother, who said "even when he was little, he wanted to be a soldier, running around in his camouflage." He graduated from Bayard High School in 1998 as the salutatorian of his class. He was also quite active in many activities: football, wrestling, 21st Century Singers, choir, and the National Honor Society. In addition, Captain Shimp received his Eagle Scout Award, the highest honor bestowed by the Boy Scouts of America, in 1998. Upon his graduation from high school, he pursued his dream of becoming a pilot by enrolling in the U.S. Military Academy at West Point, graduating in 2002.

Following his commission as a second lieutenant, Captain Shimp served two tours of duty in support of Operation Iraqi Freedom I and III. After graduating from the Aviation Captain's Career Course at Fort Rucker, AL, he reported to Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division, at Fort Campbell, KY, to serve as company commander.

A highly decorated soldier, Captain Shimp's leadership qualities were unmistakable. He was a rare example in the 101st Airborne Division, as evidenced by taking over a command soon after graduating from the Aviation Captain's Career Course, thereby demonstrating the respect and trust afforded him by his superiors. On September 11, 2007, Captain Shimp, along with two crew members, passed away when the Black Hawk helicopter he was piloting during a training exercise crashed due to fog near the town of Skyline, AL. He was 28 years old.

Captain Scott Shimp is survived by his parents Curtis and Teri Shimp of Bayard, NE; his older brother Chad and his younger sister Misty. I offer my most sincere condolences to the family and friends of Captain Shimp. He made the ultimate and most courageous sacrifice for our Nation. I join all Americans in grieving the loss of this remarkable young man and know that Captain Shimp's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

#### AUTHORIZING INTERROGATION TECHNIQUES

Mr. CARDIN. Mr. President, I rise today to express my concern regarding the most recent revelations of administration memos effectively authorizing the use of interrogation techniques that most certainly rise to the level of cruel, inhuman, or degrading treatment or punishment, if not to the level of torture.

In 2002, senior administration officials prepared a classified memo that sought to provide legal cover for interrogation practices that would clearly violate U.S. and international law. This "torture memo" was leaked to the press after the Abu Ghraib scandal broke and, in turn, caused such outrage that it was quickly disavowed by the Justice Department. A new, improved, and sanitized legal memo on interrogation norms was then issued in December 2004.

It now appears, according to a report published by the New York Times on October 4, that the Department of Justice's Office of Legal Counsel subsequently issued two additional legal memos that once again defined torture as "not torture" and—in an apparent effort to end run congressional efforts to close loopholes in the existing prohibition against cruel, inhuman, or degrading treatment or punishment—simply declared that no CIA interrogation practices violated that prohibition.

I would also draw my colleagues' attention to a subsequent, highly troubling report published by the New York Times on October 11 stating that the Director of the CIA, Michael Hayden, has ordered an investigation of the inspector general, John L. Helgeson. The CIA inspector general is known to have undertaken critical examinations of CIA interrogation procedures.

With these latest developments in mind, I would like to share three observations.

First, the revelation that—even while the Abu Ghraib scandal was still being investigated—the administration was issuing additional secret memos authorizing abusive interrogation techniques, stands as the latest blow to the credibility of the United States as a global advocate for human rights and democracy. We simply cannot win hearts and minds around the globe if we are perceived to condone a violation

of basic human rights, our own laws, and international law. As cochairman of the Helsinki Commission, I am painfully aware of the extent to which these policies have undermined our nation's reputation, and even our ability to build support for counterterrorism operations worldwide.

Second, these revelations once again draw attention to this administration's breathtaking interpretation of the scope of executive power. In fact, the 2002 "torture memo" actually consisted of two parts. One part effectively sought to define torture as "not torture." The second part addressed the authority of the President to authorize torture. In essence, that part of the memo described the Presidency—when the President is acting as Commander in Chief—as virtually unrestrained by the Congress, the Constitution, or the courts. The Justice Department's renunciation of the 2002 torture memo only appeared to renounce the first part of that memo.

Accordingly, during the January 2005 confirmation hearing for Attorney General Gonzalez, he was repeatedly questioned regarding his views on the scope of Presidential authority—and he repeatedly stonewalled. His refusal to answer those questions, coupled with the President's signing statements attached to the 2005 Detainee Treatment Act and the 2006 Military Commissions Act and most recent revelations of additional torture memos, suggest that President Bush does believe himself to be beyond or above the law.

Many retired military leaders have argued that abusive interrogation techniques undermine America's moral authority, fuel jihadist recruitment, and weaken international norms that have protected American service men and women for decades. Moreover, a now declassified report issued by the Government's Intelligence Science Board has concluded there is no scientific evidence that coercive interrogation methods even produces good intelligence. And we now know that the use of these techniques has, in actual cases, produced false or misleading intelligence.

Sadly, the one of the greatest tragedies of the President's misguided policies on torture is this: this administration's justification of abusive techniques has not made us any safer.

#### WORLD FOOD DAY

Mr. HARKIN. Mr. President, each October, the eyes of the world appropriately turn to Des Moines for the presentation of the World Food Prize, called by the former President of Mexico, "the Nobel Prize for Food."

Created by Dr. Norman E. Borlaug, each year on or around October 16—World Food Day—representatives from more than 60 countries gather in the magnificent Iowa State Capitol to honor the newest laureate for his or her exceptional breakthrough achievements in increasing the quality, quan-

tity or availability of food in the world. In past years, this honor has gone to individuals from India, Denmark, Brazil, China, and Sierra Leone. This year the winner is an American from Indiana. But no matter where they are from, all of these laureates have in common that they have reduced hunger and human suffering around the globe.

It is most fitting that this weeklong celebration begins today, October 16 with the first ever Iowa Hunger Summit.

There are people flying today from the east coast and the west coast to Des Moines. No, they are not Presidential candidates—although there are already plenty of them in the State. Rather, they are national leaders of the Alliance to End Hunger and representatives of the U.N. Foundation, and ambassadors from the United Nations and leaders of the OneVote08 campaign. They are all coming to join hundreds of Iowans to listen to the leaders of Bread for the World and MAZON, the Jewish Response to Hunger offer an inspiring vision about how to diminish hunger at home and abroad in this inaugural Iowa Hunger Summit.

At the center of this endeavor will be Dr. Norman E. Borlaug, Iowa's and America's greatest hero in the struggle against hunger. Today is U.N. World Food Day all around the globe. But I would argue, that perhaps the most significant observance of this special day will be taking place in Des Moines, where it is also Dr. Norman E. Borlaug/World Food Prize Day.

I want to commend Iowa's three former Governors, Tom Vilsack, Terry Branstad, and Robert Ray for their bipartisan leadership in making this first ever Iowa Hunger Summit possible. I also express my appreciation to the World Food Prize Foundation for its initiative in starting this new program. Iowa has a rich legacy of coming together above partisan differences when human suffering is involved. Governor Ray has exhibited exemplary leadership of Iowa SHARES to feed emaciated Cambodians, who had suffered under the genocidal Khmer Rouge. Similarly, Governor Branstad has led Iowa CARES to send food to starving populations in Ethiopia. And here at home, Governor Vilsack has worked in Iowa to greatly expand the number of hungry people receiving assistance.

I am pleased to add my name to the list of those in support of this marvelous new focus on hunger—the Iowa Hunger Summit. It is most fitting that we in the Congress would also join together in a bipartisan fashion to further commit ourselves to efforts to alleviate malnutrition and human suffering wherever it is found, at home or abroad.

Mr. GRASSLEY. Mr. President, it is harvest time in Iowa and throughout heartland. It is the time of year when farmers work around the clock to bring in the year's harvest of corn, soybeans, and other grains. Just this past weekend while on my farm in New Hartford,

I was able to help my son with the harvest.

Across Iowa and the Midwest, farmers are harvesting a bumper crop. It is during this time that we pray that these bounties from the land make their way into of the mouths of the hungry.

It is appropriate, then, that during this season of harvest, a gathering will be taking place in northeast Iowa focusing on global hunger. Not far from my farm, a dinner is taking place tonight in the small town of Protivin, to honor one of America's greatest fighters of hunger.

Dr. Norman Borlaug, who grew up just a few miles from Protivin in Howard County, shared his talents to help populations around the world. His efforts to increase food production, and alleviate global hunger and famine earned him the Nobel Peace Prize in 1970 and the title of "Father of the Green Revolution."

His work in food production was also acknowledged this summer when Dr. Borlaug was presented the Congressional Gold Medal by President Bush and the bipartisan leadership of Congress. As a testament to his work around the globe, officials from Mexico, India, Japan, and numerous countries in Africa were present to honor Dr. Borlaug. I was proud to join this distinguished group in honoring him, and I thank my colleagues for acknowledging Dr. Borlaug's accomplishments.

It is clear that Dr. Borlaug has never forgotten his roots. He remains a rural Iowa farmer at heart. That is why I am sure tonight's dinner near his hometown will mean as much as, if not more than, the formal banquet that followed his receiving the Nobel Peace Prize.

It is also appropriate that Dr. Borlaug is making this trip back to the heartland today, October 16. Today has been designated "World Food Day" around the globe, and "Dr. Norman E. Borlaug/World Food Prize Day" in Iowa.

Dr. Borlaug continues to lead the effort to end global hunger and will do so today by participating in the first Iowa Hunger Summit in Des Moines. This summit will bring together people from across Iowa and the country to focus on feeding the hungry at home and abroad. Iowa Governor Chet Culver and former Governors Vilsack, Branstad, and Ray will also be in attendance for the summit.

I would like to thank the World Food Prize Foundation which provided the leadership in making this daylong focus on hunger possible. The foundation has worked closely with the Alliance to End Hunger, the One Campaign, and Iowa State University to make this event a central focus of World Food Day.

This is an appropriate time of year for us to focus on hunger and feeding the malnourished worldwide. I hope my colleagues will join in commending those who are working daily to raise the awareness of world hunger and

working to provide adequate food for all.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING LOUISBURG COLLEGE

• Mrs. DOLE. Mr. President, today I recognize Louisburg College, one of North Carolina's fine institutions of higher learning, on the occasion of its celebration of 220 years.

Louisburg College is the oldest chartered 2-year, church-related, coeducational college in the Nation and can trace its roots back to the early years of the town of Louisburg, NC. The town was founded in 1779, during the Revolutionary War, and was named in honor of King Louis XVI of France. The college in existence today has evolved from three earlier institutions, Franklin Male Academy, Louisburg Female Academy, and Louisburg Female College. Franklin Male Academy was founded on December 4, 1786, when Senator Henry Hill of Franklin County introduced "An Act to Erect and Establish an Academy in the County of Franklin." The bill was enacted into law on January 6, 1787, thereby providing Franklin Academy with its first charter. Franklin Male Academy opened on January 1, 1805, and, under the able direction of Yale graduate, Matthew Dickinson, prospered in its early years and soon had an enrollment of 90 students. In 1814, a counterpart to the Franklin Male Academy was established when the State legislature ratified an act chartering the Louisburg Female Academy. The third stage of the evolution of Louisburg College began in January 1855, when the State legislature authorized the transfer of property by the trustees of Louisburg Female Academy to the directors of Louisburg Female College Company. A four-story, fifty-room brick Greek revival building for the female college was constructed in 1857 on the west campus where the female academy building formerly stood. Old Main is still in use today as the administrative building of Louisburg College.

At the beginning of the 20th century, the institution became known as Louisburg College, and the college was officially linked to the Methodist Church. Washington Duke, a Durham philanthropist, had acquired ownership of the college property in the 1890s; after his death in the early 1900s, his son Benjamin N. Duke presented the property to the North Carolina Conference of the Methodist Church. Louisburg College became coeducational in 1931, and student enrollment immediately increased. In 1952, Louisburg College was accredited by the Southern Association of Colleges and Secondary Schools.

Building on its rich history, Louisburg College today enrolls around 750 students, 90 percent of whom go on to 4-year colleges and universities after

graduation. This impressive accomplishment is achieved through a dedicated faculty who devote themselves to teaching, advising, and individual assistance to ensure that each student is academically prepared to meet the requirements of major 4-year colleges and universities. The college also holds the distinction as North Carolina's only residential junior college providing a unique educational experience and filling a niche for those college freshmen and sophomores who desire to further their education in a collegiate atmosphere.

Louisburg College has made a significant impact on the intellectual life and development of countless North Carolinians over the past four centuries, an accomplishment that indeed deserves commendation by the U.S. Senate.●

##### TRIBUTE TO YWCA OF NORTHWEST GEORGIA

• Mr. ISAKSON. Mr. President, on October 25, 2007, the YWCA of Northwest Georgia will hold a vigil on Marietta Square in my hometown to commemorate Domestic Violence Awareness Month. I wish to express my gratitude for the work of the YWCA of Northwest Georgia and its executive director, Holly Comer, as they bring awareness to this important issue and its impact on our community.

The YWCA of Northwest Georgia opened the doors to the first domestic violence shelter in Cobb County in 1978 in an effort to end domestic violence in our State, our communities, and our homes. A home should be a place of stability, comfort, and love. Domestic violence shatters this important foundation. The terrible tragedies that result from domestic violence destroy lives and insult the dignity of women, men, and children. I believe I represent all Georgians when I say thank you to the YWCA of Northwest Georgia for its hard work to combat domestic violence and help those who have been victimized.

I am grateful for the social service providers, advocates, counselors, and many others who provide care for the victims. I am also grateful to the law enforcement personnel and others who work to bring offenders to justice. As we recognize Domestic Violence Awareness Month, we are reminded of the important service these individuals provide.

Domestic violence has no place in our society, and I am strongly committed to addressing domestic violence and helping those who have been victimized. By working together with the YWCA of Northwest Georgia and its dedicated staff, we can build a Georgia where every home honors the value and dignity of its loved ones.●

##### TRIBUTE TO LYNNE ROSS

• Mr. SESSIONS. Mr. President, prior to my election to the U.S. Senate, I

served Alabama as the attorney general. During that time I had many opportunities to work with the organization that assists attorneys general in their many dealings with the Congress, White House, and government agencies the National Association of Attorneys General, NAAG.

NAAG was founded in 1907, “To facilitate interaction among Attorneys General as peers and to facilitate the enhanced performance of Attorneys General and their staffs.” They opened their Washington office in 1976, and Lynne Ross was their first full-time employee. Her extensive work with attorneys general has been immensely valuable. She had strategic skills, dedication and wit. She understood how things work in the DC political world and knew how to negotiate on the many issues that were of importance to attorneys general. NAAG has been as successful as it is in no small part due to her leadership. She is a non-lawyer with a great understanding of lawyers.

During her years at NAAG, Lynne was also instrumental in the creation of an organization of former attorneys general—the Society of Attorneys General Emeritus, SAGE, of which I am a member, and she has always been a great resource for our members.

I would like to take this opportunity to offer my appreciation to Lynne for her many years of dedicated service to NAAG. Her accomplishments are many. The organization and the Nation’s attorneys general, both past and present, are stronger because of her hard work. Thank you, Lynne.●

#### HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit organization that flies as many as 200 World War II veterans up to Washington, DC, free of charge. On October 27, 2007, a group of 105 veterans and their guardians will reach Washington on this very special program.

While visiting Washington, DC, the veterans will tour sights, such as the Arlington National Cemetery, the Korean Memorial, and the World War II Memorial. The program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the “Louisiana Armed Services Veterans Post Office”.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the “Wallace S. Hartsfield Post Office Building”.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the “Nate DeTemple Post Office Building”.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable energy resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

H.R. 507. An act to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 970. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1727. An act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the “Louisiana Armed Services Veterans Post Office”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the “Nate DeTemple Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the “Wallace S. Hartsfield Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 25. Concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; to the Committee on Agriculture, Nutrition, and Forestry.

H. Con. Res. 133. Concurrent resolution supporting the goals and ideals of a Long-Term Care Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3562. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Emerald Ash Borer; Quarantined Areas; Maryland” (Docket No. APHIS-2007-0028) received on October 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3563. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Charles L. Johnson II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3564. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Michael W. Wooley, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3565. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Paul V. Hester, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-3566. A communication from the Secretary of the Army, transmitting, pursuant

to law, a report relative to the significant unit cost growth that has occurred in the Armed Reconnaissance Helicopter's Program; to the Committee on Armed Services.

EC-3567. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of General Ronald E. Keys, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-3568. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in fiscal year 2006; to the Committee on Armed Services.

EC-3569. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Office of Hearings and Appeals Conforming Amendments; and Technical Correction to Part 15 Regulations" (RIN2501-AD32) (FR-5137-F-01) received on October 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3570. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (RIN1557-AD02) received on October 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-3571. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3572. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Cable Television Consumer Protection and Competition Act of 1992—Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition; Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements" (MB Docket No 07-29) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3573. A communication from the Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements; 2000 Biennial Regulatory Review Affiliate Requirements of Section 64.1903 of the Commission's Rules" (FCC 07-159) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3574. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Corona de Tucson, Sierra Vista, Tanque Verde and Vail, Arizona, and Animas, Lordsburg and Virden, New Mexico" (MB Docket No. 05-245) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3575. A communication from the Associate Managing Director, Federal Communications Commission, transmitting, pursu-

ant to law, the report of a rule entitled "Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up, et al." (WC Doc. 05-195) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3576. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 101 of the Commission's Rules to Modify Antenna Requirements for the 10.7-11.7 GHz Band" (FCC 07-163) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3577. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of Policies and Service Rules for the Broadcasting-Satellite Service" (IB Docket No. 06-123) received on October 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3578. A communication from the Secretary General, Pacific Islands Forum Secretariat, United Nations, transmitting, pursuant to law, a report relative to the U.S. nuclear weapons testing program which was conducted in the Republic of the Marshall Islands from 1946-1958; to the Committee on Energy and Natural Resources.

EC-3579. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (Docket No. MT-025-FOR) received on October 4, 2007; to the Committee on Energy and Natural Resources.

EC-3580. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan; San Francisco Bay Area" (FRL No. 8479-4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3581. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio Particulate Matter" (FRL No. 8464-6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3582. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Illinois: Clean Air Interstate Rule" (FRL No. 8477-4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3583. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans; Ohio: Clean Air Interstate Rule" (FRL No. 8481-2) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3584. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Approval of Implementation Plans; Wisconsin; Clean Air Interstate Rule" (FRL No. 8477-6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limited Approval of Implementation Plans of Indiana: Clean Air Interstate Rule" (FRL No. 8481-4) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products" (RIN2060-AO60) (FRL No. 8482-2) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8479-6) received on October 10, 2007; to the Committee on Environment and Public Works.

EC-3588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota" (FRL No. 8479-9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furilazole; Inert Ingredient Tolerances" (FRL No. 8145-2) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Perfluoroalkyl Sulfonates; Significant New Use Rule" (FRL No. 8150-4) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3591. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinetoram; Pesticide Tolerance" (FRL No. 8149-9) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3592. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transfer of Polychlorinated Biphenyl Cleanup and Disposal Program from the Office of Prevention, Pesticides and Toxic Substances to the Office of Solid Waste and Emergency Response" (FRL No. 8150-6) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3593. A communication from the Assistant Secretary for Fish and Wildlife and

Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Removal of Migratory Birds from Buildings" (RIN1018-AV10) received on October 4, 2007; to the Committee on Environment and Public Works.

EC-3594. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-3595. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, an annual report entitled, "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2004"; to the Committee on Environment and Public Works.

EC-3596. A communication from the Chief of the Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Bahrain Free Trade Agreement" (RIN1505-AB81) received on October 11, 2007; to the Committee on Finance.

EC-3597. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2008" (RIN0938-AO68) received on October 4, 2007; to the Committee on Finance.

EC-3598. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premium for Calendar Year 2008 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AO62) received on October 4, 2007; to the Committee on Finance.

EC-3599. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Co-insurance Amounts for Calendar Year 2008" (RIN0938-AO61) received on October 4, 2007; to the Committee on Finance.

EC-3600. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Care and Development Fund Error Rate Reporting" (RIN0970-AC29) received on October 4, 2007; to the Committee on Finance.

EC-3601. A communication from the Program Manager, Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and State Health Care Programs; Fraud and Abuse; Safe Harbor for Federally Qualified Health Centers Arrangements Under the Anti-Kickback Statute" (42 CFR Part 1001) received on October 4, 2007; to the Committee on Finance.

EC-3602. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual review for calendar year 2006 of all programs and projects of the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-3603. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, a report relative to a Presidential waiver on military assistance; to the Committee on Foreign Relations.

EC-3604. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Performance Incentive Award Payments Exceeding \$5,000 to Executive and Excepted Service Employees"; to the Committee on Homeland Security and Governmental Affairs.

EC-3605. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, the report of a proposed amendment intended to extend the period of the pilot program under which the Secretary of Homeland Security may carry out research and development projects; to the Committee on Homeland Security and Governmental Affairs.

EC-3606. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Amendments to Incorporate a Statement Regarding the 'Sole and Exclusive' Nature of the Authority that the Regulations of the Office of Government Ethics Confer on Executive Branch Departments and Agencies" (RIN3209-AA37) received on October 3, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3607. A communication from the Acting Director, Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's Strategic Plan for fiscal years 2008-2012; to the Committee on Homeland Security and Governmental Affairs.

EC-3608. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-122, "Capitol Hill Historic District Protection Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3609. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-119, "Restaurant and Hotel Audit Sufficiency Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3610. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-120, "Disposition of Lot 854 in Square 441 Temporary Approval Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3611. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-121, "Omnibus Sports Consolidation Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3612. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-117, "Workforce Housing Production Program Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3613. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-118, "Disposition of the Skyland Shopping Center Site Temporary Approval Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3614. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-116, "Conflict of Interest Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3615. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-115, "Payday Loan Consumer Protection Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3616. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-127, "Tregaron Conservancy Tax Exemption and Relief Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3617. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-128, "Inaugural D.C. Triathlon Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3618. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-126, "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3619. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-125, "Student Access to Treatment Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3620. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-124, "Establishment of a Hospital Receivership Temporary Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3621. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-130, "Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3622. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-123, "Free Clinic Assistance Program Extension Temporary Amendment Act of 2007" received on October 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3623. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Authorities Delegated to the Director of the Executive Office for Immigration Review, and the Chief Immigration Judge" ((RIN1125-AA27) (EOIR No. 125F)) received on October 11, 2007; to the Committee on the Judiciary.

EC-3624. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled "Privacy" (5 C.F.R. Part 1830) received on October 10, 2007; to the Committee on the Judiciary.

EC-3625. A communication from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Classification of Aliens as Children of United States Citizens Based on Inter-country Adoptions Under the Hague Convention" (RIN1615-AA43) received on October 4, 2007; to the Committee on the Judiciary.

EC-3626. A communication from the Director of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Accreditation of Service Organization Representatives and Agents" (RIN2900-AM29) received on October 10, 2007; to the Committee on Veterans' Affairs.

EC-3627. A communication from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting, pursuant to law, an inventory of commercial activities that are currently being performed by the Department's Federal employees for calendar year 2006; to the Committee on Veterans' Affairs.

EC-3628. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Director of the Indian Health Service, received on October 16, 2007; to the Committee on Indian Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1200. A bill to amend the Indian Health Care Improvement Act to revise and extend the Act (Rept. No. 110-197).

By Mrs. FEINSTEIN, from the Committee on Rules and Administration:

Report to accompany S. Res. 89. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2007, through September 30, 2007, and October 1, 2007, through September 30, 2008, and October 1, 2008, through February 28, 2009 (Rept. No. 110-198).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1662. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes (Rept. No. 110-199).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 2165. A bill to amend the Endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected

by the drought; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mr. LUGAR, Mr. DODD, Mr. BIDEN, Mr. OBAMA, and Mr. SUNUNU):

S. 2166. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SESSIONS:

S. 2167. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2169. A bill to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. KYL):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Finance.

By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. Res. 347. A resolution designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month"; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH):

S. Res. 348. A resolution supporting the goals and ideals of Red Ribbon Week; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 626

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1445

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1466

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1494

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

At the request of Mr. DOMENICI, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1494, supra.

S. 1708

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including

the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 1858

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1895

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

At the request of Mr. REED, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mrs. DOLE), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1895, supra.

S. 1962

At the request of Mr. SESSIONS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1962, a bill to amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

S. 2056

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

S. 2123

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2128

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2139

At the request of Ms. KLOBUCHAR, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2139, a bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended period of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes.

S. 2156

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2156, a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

S. CON. RES. 48

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 345

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 345, a resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

AMENDMENT NO. 3208

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 3208 proposed to H.R. 3093, a bill making appropriations for the Departments of Com-

merce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3234

At the request of Mr. COBURN, his name was added as a cosponsor of amendment No. 3234 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3256

At the request of Mr. BIDEN, the names of the Senator from Nevada (Mr. REID), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. BAUCUS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3256 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 3256 proposed to H.R. 3093, *supra*.

AMENDMENT NO. 3274

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3274 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3279

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 3279 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3289

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SHELBY, his name was added as a cosponsor of amendment No. 3289 proposed to H.R. 3093, *supra*.

AMENDMENT NO. 3290

At the request of Mr. SMITH, the names of the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Mr. VITTER) and the Senator from Iowa (Mr. GRASSLEY) were added as co-

sponsors of amendment No. 3290 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3300

At the request of Mrs. MCCASKILL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 3300 intended to be proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3314

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3314 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. DURBIN):

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this month the Nation is observing National Cyber Security Awareness Month and, today, I am pleased to have Senator SPECTER join me in introducing our Identity Theft Enforcement and Restitution Act of 2007. This bipartisan criminal bill will provide new tools to federal prosecutors to combat identity theft and other cyber crimes.

Senator SPECTER has been a valuable partner in addressing the growing problem of identity theft for many years. When he served as Chairman of the Judiciary Committee, we worked closely together on comprehensive data privacy legislation to combat identity theft. During my tenure as Chairman, we have continued our efforts to enact comprehensive data privacy legislation. I appreciate Senator SPECTER's willingness to work with me once again on this important privacy issue and I look forward to our close partnership yielding results in this Congress.

When Senator SPECTER and I first introduced our comprehensive data privacy bill in 2005, we both knew that there was an urgent need to bring data privacy reforms to the American people. The Judiciary Committee has twice favorably reported the Leahy-Specter Personal Data Privacy and Security Act, most recently in May 2007, and that important privacy bill is now

awaiting consideration by the full Senate as S.495. The privacy reforms in that bill are long overdue and I sincerely hope that the Senate will fulfill its obligation to bring meaningful privacy protections to the American people.

The bipartisan Identity Theft Enforcement and Restitution Act that we are introducing today takes several important steps to build upon our past efforts to protect Americans from the dangers of identity theft. First, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft. Unfortunately, under current law, restitution for identity theft victims is only available to recover the direct financial costs incurred by victims, such as recovering funds for unauthorized credit card charges. But, many identity theft victims incur other, indirect costs, such as lost wages due to time taken off from work to resolve credit disputes. Our bill amends the Federal criminal code to clarify that restitution orders in identity theft cases may include a recovery of these kinds of indirect costs, so that identity theft victims can be made whole.

Second, to address the more sophisticated and complex identity theft crimes committed in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. The bill expands the definition of "aggravated identity theft" under existing law, to include the crime of "conspiracy" to commit any of the crimes defined as aggravated identity theft in the criminal code. The bill also adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. In order to better deter this kind of criminal activity, the bill significantly increases the criminal penalties for these crimes.

In addition, our bill addresses several growing and disturbing trends in the area of cyber crime. To address the increasing number of computer hacking crimes that involve computers located within the same state, the bill eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime. Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by amending the criminal code to eliminate the requirement that the loss resulting from the damage to a victim's computer must exceed \$5,000 in order to federally prosecute this offense.

Our bill also addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage ten or more computers, regardless of the aggregate amount of damage

caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses which are more and more becoming the focus of identity thieves. Because in today's digital economy, cyber-criminals often seek to extort money from American businesses without explicitly threatening to shut down or otherwise cause damage to a company computer, our bill amends the Federal criminal code to expressly cover extortion plots that do not involve a specific threat to damage a computer. The current law does not reach this kind of bad conduct; but, our bill corrects this shortcoming by adding two new causes of action under the cyber extortion statute, threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer, so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill also closes several gaps in the federal identity theft and the aggravated identity theft statutes, so that identity thieves who steal sensitive information belonging to a small business or a corporation may also be prosecuted under these laws.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this criminal legislation and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice, the Secret Service and the Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes. The bill is also supported by the business community and consumer groups.

Enacting good, bipartisan legislation to combat identity theft and to protect American consumers should be one of the Senate's top legislative priorities. Senator SPECTER and I are deeply committed to bringing long overdue data privacy protections to the American people. I hope that all Members of the Senate will join with us in supporting this important privacy legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2168

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Identity Theft Enforcement and Restitution Act of 2007".

#### SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense."

#### SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (d)(7), by inserting "or other person" after "specific individual".

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "(including an organization as defined in section 18 of this title)" after "person"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting "or a conspiracy to commit such a felony violation," after "any offense that is a felony violation";

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

"(1) section 513 (relating to making, uttering, or possessing counterfeit securities);";

(D) by inserting after paragraph (8), as so redesignated, the following:

"(9) section 1708 (relating to mail theft);";

(E) in paragraph (12), as so redesignated, by striking "or" and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

"(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or"

#### SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking "if the conduct involved an interstate or foreign communication".

#### SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(A)(i) knowingly" and inserting "(A) knowingly";

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated, by striking "and" and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking "(a)(5)(A)(iii);";

(B) in paragraph (3)(B), by striking "(a)(5)(A)(iii);";

(C) by amending paragraph (4) to read as follows:

"(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding

brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

“(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(III) physical injury to any person;

“(IV) a threat to public health or safety;

“(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

“(VI) damage affecting 10 or more protected computers during any 1-year period; or

“(ii) an attempt to commit an offense punishable under this subparagraph;

“(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

“(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

“(ii) an attempt to commit an offense punishable under this subparagraph;

“(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

“(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

“(ii) an attempt to commit an offense punishable under this subparagraph;

“(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

“(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

“(ii) an attempt to commit an offense punishable under this subparagraph;

“(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

“(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

“(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

“(i) any other offense under subsection (a)(5); or

“(ii) an attempt to commit an offense punishable under this subparagraph.”; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking “in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)” and inserting “in subclauses (I), (II), (III), (IV), (V), or (VI) of subsection (c)(4)(A)(i)”;

(B) in the third sentence, by striking “subsection (a)(5)(B)(i)” and inserting “subsection (c)(4)(A)(i)(I)”.

(b) **CONFORMING CHANGES.**—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking “1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)” and inserting “1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)”.

#### SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

“(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

“(A) threat to cause damage to a protected computer;

“(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

“(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;”.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Identity Theft Enforcement and Restitution Act of 2007, which I am introducing with Senator LEAHY.

In 2006, some 8.4 million Americans became victims to identity theft. Victims are often left with a bad credit report and must spend months and even years regaining their financial health. In the meantime, victims have difficulty getting credit, obtaining loans, renting apartments, and even getting hired. On a national level, experts estimate that identity theft costs the U.S. economy \$49.3 billion last year and costs each victim an average of \$617.

Identity thieves frequently acquire a person's existing credit account information and then purchase products and services using either the actual credit card or simply the account number and expiration date. They also use Social Security numbers and other identifying information to open new accounts in a person's name. Identity thieves frequently obtain both existing account information and the information needed to open new accounts electronically—either by gaining unauthorized access to a computer or by fraudulently inducing victims to provide such information.

The Identity Theft Enforcement and Restitution Act will provide Federal prosecutors with new tools to combat identity theft.

First, the bill will expand Federal computer fraud statutes to cover business organizations. Identity thieves frequently impersonate businesses in order to steal sensitive personal information from consumers. However, current law only provides for prosecution of identity theft perpetrated against an individual.

Under the bill, prosecutors will be able to go after identity thieves even when the computer they use to steal information is located in the same State as the victim's computer. Under current law, Federal courts only have jurisdiction if the thief uses an interstate communication to access the victim's computer.

The bill will make it a crime to threaten to steal or release information from a computer. Under current law, prosecutors can only bring extortion charges against those who threaten to shut down or damage a computer.

The bill will make it a crime to use malicious “spyware” to damage a computer, regardless of the amount of damage. Under current law, damage to a victim's computer must exceed \$5,000 before a prosecutor can bring charges.

The bill will also increase the penalties Federal prosecutors can seek for identity theft.

The bill will enable prosecutors to seek enhanced penalties where a violation of the Federal computer fraud statutes includes conspiracy.

Prosecutors also will be able to seek enhanced penalties where a violation of the Federal computer fraud statutes involves passing counterfeit securities, mail theft, and tax fraud.

Finally, and perhaps most importantly, the bill will enable Federal prosecutors to seek restitution for the time and money that victims spend restoring their credit. The impact of identity theft is not limited to direct financial loss. Victims frequently spend significant amounts of time fixing or monitoring credit reports and disputing charges with individual creditors. The Federal Trade Commission has reported that victims spend an average of 30 hours trying to resolve identity theft-related issues with banks, credit agencies, and other institutions. According to the FTC, a total of 297 million hours were expended in 1 year by victims trying to deal with the impact of identity theft.

The Criminal Code currently allows prosecutors to seek restitution for the direct financial losses that victims experience. However, the code does not expressly permit prosecutors to obtain restitution for the time and money victims spend resolving the problems that arise as a result of identity theft. The Identity Theft Enforcement and Restitution Act of 2007 will allow prosecutors to seek restitution from a criminal defendant for the time and resources victims spend trying to repair their credit. The bill will require judges to determine the amount of time reasonably spent and the value of the victim's time.

Many of these provisions were included in the recommendations of the President's Identity Theft Task Force. These changes were recommended by the agency responsible for prosecuting identity theft, the Justice Department. I expect broad bipartisan support for this bill, and I urge my colleagues to support it.

By Mr. PRYOR:

S. 2171. A bill to amend the Communications Act of 1934 to establish a uniform set of customer service and consumer protection requirements for providers of wireless telecommunications services; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I rise to introduce legislation that will bring important consumer protections to millions of wireless telephone customers across the country. The Uniform Wireless Consumer Protection

Act requires the Federal Communications Commission to establish uniform national customer service and consumer protection rules for wireless customers that are both timely and necessary. My bill is identical to language approved with bipartisan support by the Senate Commerce Committee during the 109th Congress.

In 1993, through the Omnibus Budget Reconciliation Act, Congress limited State and local regulatory authority on wireless carriers to help the fledgling industry establish itself in the communications arena. That decision has helped to drive today's market of 240 million wireless customers in the U.S. Today, carrying a wireless telephone, a BlackBerry, or some other kind of wireless device has become part of the fabric of many peoples' lives. Wireless technology has become a commonplace communication option, and an increasing number of Americans have replaced their landline telephone in favor of a purely mobile telephone service.

While we have accomplished the goal of growing the wireless industry, we have yet to establish a uniform set of customer service and consumer protection requirements. Now is the time to finish the job we started in 1993 by enacting a national framework that will drive a new era of consumer-friendly wireless services.

This national consumer framework is not without challenges. The ability of wireless to travel beyond State boundaries tests our customary approaches to customer service and consumer protection standards at the state and local level. But nothing in this bill should be misconstrued as a statement against consumer obligations by State and local governments. As a former Attorney General of Arkansas, I feel very strongly about the inimitable ability of State and local governments to oversee and enforce consumer protections. State and local governments are unmatched in their function to provide effective protection and enforcement, and final rules must recognize and require a strong role for states in wireless consumer protection.

In addition, my colleagues Senator KLOBUCHAR and Senator ROCKEFELLER have introduced a bill, S. 2033, the Cell Phone Consumer Empowerment Act of 2007, that shares the same goal of protecting wireless consumers, and I look forward to working with them. Uniform wireless consumer protection rules must be comprehensive and address a broad range of issues, including disclosures of contract terms and conditions, service-area maps, trail periods and early termination fees. We also need to weigh the benefits and the burdens of government fees and taxes, as well as the costs of compliance with government regulations on wireless services.

I know my constituents want to be assured of their consumer protections when they buy and use wireless service, wherever they go and wherever they

use their wireless phones. This bill begins an important debate on building uniform, comprehensive rules that provide a fair, transparent and quality wireless service to consumers across the Nation. While there is much work to be done in achieving a balance of rules that truly work for consumers, there is a clear need for a federal wireless regulatory framework. I am confident that we can reach this goal.

By Mr. McCAIN:

S. 2172. A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes; to the Committee on Foreign Relations.

Mr. McCAIN. Mr. President, the world has reacted with horror and revulsion at the Burmese junta's recent brutal crackdown against peaceful demonstrators. In crushing the Saffron Revolution, killing hundreds and jailing thousands, including countless Buddhist monks, the junta has left no doubt about its blatant disregard for basic human decency. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

Our response must go beyond statements of condemnation, and the time to act is now. That is why today I am introducing the Saffron Revolution Support Act of 2007 in the U.S. Senate. This legislation imposes meaningful and effective punitive action against the cruel, thuggish, and illegitimate Burmese government. We must not sit idly by while the junta continues to deprive the Burmese people of their fundamental human rights.

This legislation would impose targeted sanctions against Burmese officials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta. These individuals would be subject to a visa ban and a ban on business dealings with any United States entity or person. This legislation would also close a loophole that exists in current U.S. import policy that allows imports of Burmese gems and hardwoods, which together add tens of millions of dollars to the junta's coffers. It would eliminate the remaining U.S. energy investment in Burma's gas sector and significantly increase U.S. Government support for democracy in Burma.

Specifically, the Saffron Revolution Support Act of 2007: states that it is the policy of the United States to condemn the Burmese junta's continued repressions, support the democratic aspirations of the Burmese people, provide support to aid a democratic transition in Burma, and hold accountable those individuals responsible for the ongoing repression; imposes targeted financial sanctions against Burmese of-

ficials who played a direct role in the violent repression of peaceful political dissent, and also against those who provide, or have provided, substantial political and economic support for the junta government; imposes a visa ban on these individuals; prohibits the importation of Burmese gems and hardwoods, including materials that are mined or harvested in Burma but shaped, cut, or assembled in other countries not subject to current U.S. sanctions; prohibits investment in Burma by U.S. companies, including investment agreements reached prior to the imposition of the May 20, 1997 sanctions; permits the President to terminate sanctions once the Government of Burma has: unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy; entered into a substantive dialogue with democratic forces on a transition to democratic government under the rule of law; allowed humanitarian access to populations affected by armed conflict in all regions of Burma; authorizes \$20 million for FY 2008 and FY 2009 in aid to democracy activists in Burma, for the expansion of radio and television broadcasting into Burma, and for support to individuals and groups compiling evidence of the junta's crimes; expresses the sense of Congress that the Director of National Intelligence should target intelligence resources to identify those responsible for the crackdown and for other human rights abuses; authorizes the Secretary of State to fund the establishment of an independent, searchable, Internet database that would compile evidence of human rights abuses in Burma, permitting increased international research aimed at holding human rights abusers accountable; requires a report by the Secretary of State on international sources of military aid to the Burmese regime.

The next phase of political life in Burma has begun. The junta's thugs cannot forever postpone the blossoming of freedom and democracy within its nation's borders. By enacting the Saffron Revolution Support Act of 2007, the Congress can help ensure that they do not. I urge my colleagues to support this vital piece of legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 347—DESIGNATING MAY 2008 AS “NATIONAL BE BEAR AWARE AND WILDLIFE STEWARDSHIP MONTH”

Mr. BAUCUS (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 347

Whereas wildlife and wildlife viewing enrich the shared outdoor heritage of the people of the United States;

Whereas it is possible to enjoy wildlife in a way that is prudent, safe, and educational

and that has minimal adverse effects on wildlife;

Whereas the people of the United States should be aware of the potential for conflict between humans and wildlife;

Whereas the people of the United States should learn the safety and stewardship techniques that can prevent such conflicts;

Whereas some groups, such as the Center for Wildlife Information and State and Federal wildlife associations, in cooperation with State and Federal wildlife and land management agencies, have taken important proactive steps to create educational toolkits and design programs to educate outdoor enthusiasts; and

Whereas educational efforts can raise awareness of the potential for such conflict, help minimize such conflict, and promote the responsible enjoyment of wildlife: Now, therefore, be it

*Resolved*, That the Senate designates May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

#### SENATE RESOLUTION 348—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. CHAMBLISS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INOUE, Mr. MENENDEZ, Mr. PRYOR, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

#### S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth, methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3320. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3321. Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3322. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3323. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3320.** Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used—

(1) to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention;

(2) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(3) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

**SA 3321.** Mr. COBURN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for for the Bethel Performing Arts Center.

(b) The amount made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV is reduced by \$1,000,000, and the amount made available under the heading "HEALTH RESOURCES AND SERVICES" under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION" in title II is increased by \$336,500, which \$336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.

**SA 3322.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be made available for—

(1) the Lyndon Baines Johnson Foundation in Austin, Texas, for the Presidential timeline project;

(2) the ECHO Center in Burlington, Vermont, for the Lake Champlain Quadracentennial; or

(3) the Virginia Aquarium and Marine Science Center in Virginia Beach, Virginia, to expand outreach programs.

(b) Amounts available as a result of the prohibition under subsection (a) shall be transferred to the Secretary of Education to be used to increase funding for special education programs authorized by the Individuals with Disabilities Education Act.

**SA 3323.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—

(1) the total number of Department of Education employees, including employees whose salaries are paid by the Department but are employed by contractors or grantees of the Department;

(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;

(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;

(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—

- (A) in the classroom;
- (B) on student tuition assistance;
- (C) on overhead and administrative costs and expenses; and
- (D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and
- (5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to review the efforts of the Transportation Security Administration, to meet the requirements in the Implementing Recommendations of the 9/11 Commission Act of 2007, and other plans the agency has to strengthen transportation security in the U.S.

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

**COMMITTEE ON FOREIGN RELATIONS**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 11:45 a.m. to hold a briefing on the Gulf Security Dialogue.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 10 a.m. in order to conduct a hearing entitled "One Year Later: A Progress Report on the SAFE Port Act."

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

**SELECT COMMITTEE ON INTELLIGENCE**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 16, 2007 at 2:30 p.m. to hold a closed hearing.

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

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Man-

agement, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, October 16, 2007, at 3:15 p.m. in order to conduct a hearing entitled "Improving Financial and Business Management at the Department of Defense."

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

**EXECUTIVE SESSION**

**NOMINATION DISCHARGED**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session, that the HELP Committee be discharged from further consideration of the nomination of Williamson Evers to be Assistant Secretary at the Department of Education, PN 230; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

**DEPARTMENT OF EDUCATION**

Williamson Evers, of California to be Assistant Secretary for Planning, Evaluation, and Policy Development.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

**THE CALENDAR**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 405, S. Res 326; and Calendar No. 406, H. Con. Res. 193.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, that the concurrent resolution be agreed to, that the preambles be agreed to, and the motions to reconsider be laid on the table, that the consideration of these items appear separately in the RECORD, and that any statements be printed in the RECORD.

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

**NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS**

The resolution (S. Res. 326) supporting the goals and ideals of a National Day of Remembrance for Murder Victims, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 326**

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance for Murder Victims on September 25 of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits offered by the organizations that provide services to the loved ones of murder victims.

**RECOGNIZING HUNTERS' COMMITMENT TO SAFETY**

The concurrent resolution (H. Con. Res. 193), recognizing all hunters across the United States for their continued commitment to safety, was considered and agreed to.

The preamble was agreed to.

**SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 348, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 348) supporting the goals and ideals of Red Ribbon Week.

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

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the Annual Red Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985, Special Agent Enrique "Kiki" Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered in the line of duty by drug traffickers. Shortly after Agent Camarena's death, Congressman Duncan Hunter and high school friend Henry Lozano launched "Camarena Clubs" in the agent's hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an 8-day event proclaimed by the U.S. Congress and chaired by then-President and Mrs. Reagan.

This campaign is now the oldest and largest drug prevention program in the

Nation, reaching millions of youth through Red Ribbon Week events. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against illicit drugs. The red ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life decisions.

In Alaska, Red Ribbon Week is a statewide celebration involving thousands of school children and other supporters. On October 22, the Municipality of Anchorage, in conjunction with the Alaska Red Ribbon Coalition and the Boys and Girls Clubs of Alaska, will host a Red Ribbon Week kickoff. The Red Ribbon Coalition is comprised of the Anchorage School District, the Alaska State Troopers, the U.S. Drug Enforcement Administration, and the U.S. Department of Justice. In addition, the Alaska National Guard and 43 Boys and Girls Clubs across Alaska will help other Alaskan communities celebrate Red Ribbon Week throughout the State.

As people across the country stand together against drugs, I thank my colleagues for joining me in what will hopefully be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 348) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 348

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for our families;

Whereas drug and alcohol abuse contribute to domestic violence and sexual assault, and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics such as the abuse of prescription medication—the second most abused drug by youth, methamphetamine, and inhalants demand attention;

Whereas drug dealers are specifically targeting children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

ORDERS FOR WEDNESDAY,  
OCTOBER 17, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, October 17; that on Wednesday, 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 reserved for their use later in the day, there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the majority and minority, with the majority controlling the first half and the Republicans controlling the final half; provided that Senator STEVENS be recognized to speak in morning business for up to 7 minutes prior to the start of the controlled time; that following morning business, the Senate proceed to H.R. 3043, as provided for under a previous order; that on Wednesday, the Senate stand in recess from 1 to 2 p.m.

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

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. SANDERS. If there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Wednesday, October 17, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH J. MURIN, OF PENNSYLVANIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE ROBERT M. COUCH, RESIGNED.

DEPARTMENT OF TRANSPORTATION

SIMON CHARLES GROS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE ROGER SHANE KARR, RESIGNED.

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR, EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (MANAGEMENT), VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF HOMELAND SECURITY

GUS P. COLDEBELLA, OF MASSACHUSETTS, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE PHILIP J. PERRY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

ALBERT R. AGNICH, 9545  
ANTHONY J. ALARID, 1412  
MICHAEL S. ANTONELLIS, 5030  
WAYNE R. ARGUIN, 5574  
CARRIE M. ASH, 8350  
DANIEL P. BEARAVIK, 7217  
EDWARD K. BEALE, 7399  
SCOTT A. BEAUREGARD, 6053  
MATTHEW T. BECK, 1659  
BENJAMIN A. BENSON, 3424  
DAVID F. BERLNER, 6106  
EDWARD L. BOCK, 9943  
GEORGE L. BOONE, 9283  
RUSSELL S. BURNSIDE, 9517  
JOSEPH R. BUZZELLA, 9459  
KENT R. CHAPPELLKA, 2243  
PATRICK W. CLARK, 4993  
LESLIE W. CLAYBORNE, 8504  
MICHAEL A. CLYBURN, 6160  
MICHAEL A. COCKRILL, 7825  
JASON C. COLLINS, 4367  
RICHARD W. CINDIT, 6705  
BRYAN E. DAILEY, 2760  
JOHN P. DAILEY, 8803  
BENJAMIN L. DAVIS, 7810  
JOSEPH E. DEER, 4579  
NICHOLAS DELAURA, 5178  
EDWIN DIAZROSARIO, 7357  
DOUGLAS C. DIXON, 8485  
DEREK A. DORAZIO, 8617  
BRYAN L. DURR, 0817  
DAVID M. EHLERS, 8010  
THOMAS M. EMERICK, 0148  
DENNIS C. EVANS, 2583  
BRIAN E. FIEDLER, 4368  
JAMES H. FINTE, 4037  
GEOFFREY P. GAGNER, 3787  
ERIC J. GANDEL, 6250  
EDWARD J. GAYNOR, 5376  
PAUL E. GERECKLE, 9649  
GREGORY S. GESELE, 5001  
THOMAS W. GESELE, 5000  
MICHAEL W. GELANDER, 8276  
ERIC S. GLEASON, 7795  
DAVID J. GODFREY, 4785  
MARK D. GORDON, 0616  
THOMAS A. GRIFFITTS, 2199  
JASON R. HAMILTON, 9913  
KEVIN J. HANSON, 3914  
BENJAMIN J. HAWKINS, 0980  
JAMES A. HEALY, 7844  
KATHERINE A. HOWARD, 5315  
KERRY A. HUBBARD, 8249  
JOHN S. IMAHORI, 0611  
CHAD L. JACOBY, 0937  
JEFFREY A. JANSZEN, 4464  
TERRENCE M. JOHNS, 9778  
EUGENE E. JOHNSON, 2742  
MATT N. JONES, 9156  
SAMUEL R. JORDAN, 5346  
BRENDAN D. KELLY, 1704  
THOMAS H. KING, 4018  
TAMARA I. KOERBER, 7880  
NICHOLAS R. KOESTER, 0771  
AMY E. KOVAC, 2137  
SEAN F. LESTER, 9700  
MICHAEL C. LONG, 8213  
KEVIN J. LOPES, 4258  
JESS P. LOPEZ, 9464  
JUAN LOPEZ, 7254  
JOHN S. LUCE, 3517  
LISA K. MACK, 9536  
SEAN C. MACKENZIE, 8795  
JOSEPH P. MALINAUSKAS, 1645

CHRISTOPHER K. MARCY, 6902  
 THOMAS W. MCDEVITT, 4910  
 MATTHEW R. MCGLYNN, 8313  
 MALCOLM R. MCLELLAN, 5745  
 PATRICK W. MCMAHON, 5758  
 MATTHEW T. MEILSTRUP, 8815  
 JASON A. MERRIWEATHER, 1212  
 JAMES B. MILLICAN, 4131  
 JAMES W. MITCHELL, 1953  
 MICHAEL A. MULLEN, 9964  
 PATRICK J. MURPHY, 4093  
 LEE B. MYNATT, 8798  
 NICOLE S. NANCARROW, 2108  
 RANDALL J. NAVARRO, 3988  
 RANDALL K. NELSON, 8024  
 JASON D. NEUBAUER, 0262  
 THERESA M. NEUMANN, 5287  
 JACK C. NEVE, 2871  
 ANTHONY J. NYGRA, 9006  
 KEVIN D. ODITT, 4345  
 STEVEN F. OSGOOD, 0310  
 KEITH A. OVERSTREET, 4897  
 GEOFFREY D. OWEN, 3140  
 EDWIN W. PARKINSON, 7735  
 JAMES A. PASSARELLI, 2110  
 DARYL R. PELOQUIN, 5796  
 CORNELL I. PERRY, 7094  
 DAVID L. PETTY, 6682  
 ZACHARY H. PICKETT, 2955  
 KENNETH A. PIERRO, 6696  
 MICHAEL E. PLATT, 3176  
 NATHAN A. PODOLL, 7508  
 GARY K. POLASKI, 2160  
 SUSAN POLIZZOTTO, 2217  
 KELLY M. POST, 2206  
 STEVEN J. PRUYN, 5380  
 GREGORY M. RAINEY, 6693  
 DAVID W. RAMASSINI, 8864  
 WILFORD R. REAMS, 6891  
 JOHN D. REEVES, 5620  
 FRANCISCO S. REGO, 9178  
 KEVIN W. RIDDLE, 9475  
 SHANNAN D. ROONEY, 9051  
 KILEY R. ROSS, 0559  
 AARON E. ROTH, 9026  
 MATTHEW P. ROTHER, 0531  
 MATTHEW A. RYMER, 9954  
 MARTIN G. SARCH, 6247  
 ROSS L. SARGENT, 8992  
 SEAN R. SCHENK, 7640  
 RONALD K. SCHUSTER, 6416  
 JAMES W. SEEMAN, 7067  
 MICHAEL A. SHIRK, 4896  
 CHARLES G. SMITH, 9733  
 MATTHEW J. SMITH, 9753  
 PATRICK T. SMITH, 8349  
 ROBERT L. SMITH, 9066  
 WILLIAM G. SMITH, 9221  
 JAMES P. SPOTTS, 4085  
 JOSEPH E. STAIER, 5987  
 GREGORY STANCLIK, 0645  
 BION B. STEWART, 4651  
 JEFFREY D. STEWART, 5556  
 PATRICK J. STJOHN, 2226  
 ANTHONY A. STOBBE, 0824  
 ROSS A. STROEBEL, 4072  
 DAVID W. STRONG, 9124  
 CLIFFORD D. TAYLOR, 9056  
 CHARLES W. TENNEY, 3941  
 GARY M. THOMAS, 5398  
 JOSEPH G. UZMANN, 3423  
 JOHN C. VANN, 7390  
 ALDANTE VINCIGUERRA, 4905  
 MATTHEW R. WALKER, 1683  
 SCOTT WASHBURN, 6656  
 KATHERINE E. WEATHERS, 7162  
 MICHELLE R. WEBBER, 8933  
 LAURA H. WEEMS, 7627  
 MICHAEL C. WESSEL, 1833  
 KEVIN E. WIRTH, 9925  
 GREGORY D. WISENER, 4098  
 STEVEN P. WITTROCK, 3763  
 MARK S. YOUNG, 6551  
 MICHAEL B. ZAMPERINI, 8558

NATIONAL OCEANIC AND ATMOSPHERIC  
 ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE  
 FOLLOWING FOR PERMANENT APPOINTMENT TO THE  
 GRADE INDICATED IN THE NATIONAL OCEANIC AND AT-  
 MOSPHERIC ADMINISTRATION:

*To be captain*

MICHAEL S. GALLAGHER  
 GERD F. GLANG  
 WILLIAM B. KEARSE  
 GUY T. NOLL  
 THOMAS E. STRONG

*To be commander*

RICHARD A. FLETCHER  
 RALPH R. ROGERS  
 MARK B. NELSON  
 DEBORA B. BARR  
 ERIC W. BERKOWITZ  
 JON D. SWALLOW  
 JOSEPH A. PICA  
 MICHAEL J. HOSHYLYK  
 RICARDO RAMOS

*To be lieutenant commander*

PHILLIP W. EASTMAN  
 STEPHEN S. MEADOR  
 CHRISTIAAN H. VAN WESTENDORP  
 GEORGE M. MILLER

BRADLEY H. FRITZLER  
 MARC S. MOSER  
 HOLLY A. DEHART  
 KRISTIE J. TWINING  
 FRANK K. DREFLAK  
 BENJAMIN K. EVANS  
 JEREMY B. WEIRICH

*To be lieutenant*

MATTHEW R. RINGEL  
 ERICH J. BOHABOY  
 LINDSAY R. KURELJA  
 PATRICK D. DIDIER  
 KELLEY E. STROUD  
 MICHAEL C. DAVIDSON  
 DAVID E. FISCHMAN  
 SILAS M. AYERS  
 NICOLA SAMUELSON  
 PATRICK L. MURPHY  
 COLIN D. LITTLE  
 LEAH A. HARMAN  
 JASON R. MANSOUR  
 BRIANA J. WELTON  
 ABIGAIL S. HIGGINS

*To be lieutenant (junior grade)*

DAVID M. GOTHAN  
 WILLIAM G. WINNER  
 MARY A. BARBER  
 VICTORIA E. ZALEWSKI  
 MATTHEW C. DAVIS  
 MATTHEW GLAZEWSKI  
 CHRISTOPHER W. DANIELS  
 RAUL VASQUEZ DEL MERCADO  
 SARAH A. T. HARRIS  
 MEGHAN E. MCGOVERN  
 FRANCISCO J. FUENMAYOR  
 LECIA M. SALERNO  
 PHEBE A. WOODWORTH  
 JOSHUA J. SLATER  
 BENJAMIN M. LACOUR  
 RYAN C. WATTAM  
 MARK K. FRYDRYCH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL AC-  
 TION IN THE REGULAR CORPS OF THE COMMISSIONED  
 CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT  
 TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW  
 AND REGULATIONS.

*To be medical director*

HARRY J. BROWN  
 THERESA A. CULLEN  
 ARON PRIMACK

*To be senior surgeon*

ALBERT J. EXNER  
 CAROL FRIEDMAN  
 ANA M. OSORIO  
 LYNNE E. PINKERTON

*To be surgeon*

FRANCISCO ALVARADO-RAMY  
 EDUARDO AZZIZ-BAUMGARTNER  
 MARY M. DOTT  
 JOHN M. HEUSINKVELD  
 MILTON IRIZARRY  
 MICHELLE K. LEFF  
 MELISSA A. MERIDETH  
 JUAN E. PALACIO  
 CHARLES T. REDHEAD  
 ARJUN SRINIVASAN  
 THOMAS C. WHITE

*To be senior assistant surgeon*

CHINETA R. EURE  
 MICHELLE S. MCCONNELL  
 KEVIN J. NOLAN  
 DREW L. POSEY  
 JOSHUA G. SCHIER

*To be dental surgeon*

VIRGILIO A. BELTRAN  
 JAN C. COLTON  
 PHILLIP G. DRISCOLL  
 LOUIS J. MARCHIORI III  
 RANDALL B. SMITH  
 SCOTT A. TRAPP  
 PHILLIP D. WOODS

*To be senior assistant dental surgeon*

MARISOL CORDERO  
 AMANDA L. CRAMER  
 JANICE J. KIM  
 KATRINA J. LESLIE

*To be nurse officer*

MICHELLE J. BRAUN  
 MICHAEL P. BRYCE  
 JANICE E. DAVIS  
 MARILYN L. DEYKES  
 FRANCIS F. FRAZIER  
 COLLEEN O. LEE  
 KELLY KATHERINE MURPHY  
 ELIZABETH M. OSBORNE  
 PATRICIA A. PETTIS  
 MICHELLE E. POINDEXTER  
 MARYANN E. ROBINSON  
 CARRISSA V. SANCHEZ  
 DORNETTE D. SPELL-LESANE

*To be senior assistant nurse officer*

TAMMY L. GRAGG

PAULINE KARIKARI-MARTIN  
 TZU-CHING LIU  
 DAVID M. MAGNOTTA  
 DALE P. MISHLER  
 SUSAN E. THOMPSON  
 KATHLEEN M. WALLACE  
 FAITH M. WALSH  
 TRACY S. WILLIAMS  
 EDWARD W. WOLFGANG

*To be assistant nurse officer*

JOSHUA E. HARDIN

*To be engineer officer*

SHUN-PING CHAU  
 MARY LENA DAHL  
 PAUL S. GAGLIANO  
 KATHLEEN J. MERCURE

*To be senior assistant engineer officer*

CRAIG J. HAUGLAND

*To be assistant engineer officer*

JEREMY B. NICKELS

*To be scientist*

RICHARD P. GUSSIO  
 DENNIS R. SPEARS  
 NOVELLA C. WILLIAMS

*To be senior assistant scientist*

KARON ABE  
 SARA B. NEWMAN  
 SHARON H. SAYDAH  
 JACQUELINE C. SRAM

*To be environmental health officer*

WILLIAM D. JUSTICE, JR.

*To be senior assistant environmental health officer*

JENNIFER L. HORNSBY-MYERS  
 CHRISTOPHER S. LAFFERTY

*To be veterinary officer*

MARTA A. GUERRA  
 ELVIRA L. HALL-ROBINSON  
 CHARLOTTE A. SPIRES

*To be senior assistant veterinary officer*

RENEE H. FUNK

*To be pharmacist*

CHRISTINE M. BINA  
 JONATHAN C. DANDO  
 TIA M. HARPER-VELAZQUEZ  
 CONNIE T. JUNG  
 ROBERT KANG  
 LINDA M. SCHRAND  
 TARA P. TURNER

*To be senior assistant pharmacist*

JOHN G. BEARDEN  
 GREGORY R. DILL  
 ZACHERY L. MILLER  
 PATRICK L. ROMERO  
 SHEILA K. RYAN  
 REBECCA D. SAVILLE  
 JIALYNN K. WANG

*To be dietitian*

CARMA J. PAULI

*To be senior assistant dietitian*

SUSAN R. JONES

*To be senior assistant therapist*

JOSEPH S. GOLDING

*To be health services director*

HENRY S. CHAN

*To be senior health services officer*

NANCY M. BILL

*To be health services officer*

RENDI M. BACON  
 FRED A. CARPITCHER  
 GEORGE A. DURGIN, JR.  
 MARCELLA LAW  
 MICHELLE L. MARKLEY  
 TIMOTHY J. PAPPALARDO  
 ANGELA J. SANCHEZ

*To be senior assistant health services officer*

KELLY D. BROWN  
 JEFFREY A. COADY  
 PAUL L. DEXTER  
 DAVID A. DIETZ  
 SUSANNA K. PARTRIDGE  
 MICHELLE A. PELKEY  
 DESTRY M. SILLIVAN  
 CECILE M. TOWN  
 WILLIAM R. WALDRON II

*To be assistant health services officer*

BRIAN T. BURT  
 THOMAS J. JANISKO  
 JEREMY R. PARMLEY  
 JOSEPH M. SHURINA III

ELAINE C. WOLFF

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLENN F. SPEARS, 2012

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN R. MIXON, 7168

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. HUNTOON, JR., 1919

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. ERIC B. SCHOOMAKER, 8284

THE JUDICIARY

BRIAN STACY MILLER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE GEORGE HOWARD, JR., DECEASED.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, October 16, 2007:

DEPARTMENT OF EDUCATION

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 16, 2007 withdrawing from further Senate consideration the following nomination:

ANDREW R. COCHRAN, OF VIRGINIA, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 31, 2007.

DISCHARGED NOMINATION

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination:

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.