December 2007, 2008–10–054, Invoice Audit of Fees Paid Under the Private Debt Collection Initiative.

March 2008, 2008–20–078, Private Collection Agencies Adequately Protected Taxpayer Data.

April 2008, 2008–30–095, Trends in Compliance Activities Through Fiscal Year 2007.

Mr. GRASSLEY. It boils down to the fact that we should have a chance to obtain and review this information before killing a program that is going after money owed—$25,000 or less—from people who have said they acknowledge they owe it, that IRS employees would not go after. This affects jobs in a couple States, and I wish to say that when we are having a program—as the stimulus bill did—to keep people from being laid off and to have people being hired, you would at least think we would not think about eliminating jobs in a couple States. I was a supporter of this program before any contracts were awarded. As I said, I will not support the program if it does not prove effective.

Given the propensity to spend the Government seems to be afflicted with, there is going to be a hunger for new sources of revenue which is going to be controversial. What should not be controversial is that we need to collect taxes currently owed in the most effective and most efficient way possible and particularly not ignore a policy of not going after money under $25,000. Since the private debt collection program will accomplish that, I urge support for this amendment when it comes up.

I yield the floor.

RESERVATION OF LEADER TIME

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

The Senator from Illinois is recognized.

AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. DURBIN. Mr. President, before responding to the Senator from Iowa, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Honorable Gordon Brown, Prime Minister of the United Kingdom, into the House Chamber for the joint meeting.

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

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Coburn amendment No. 596, to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this act.

Coburn amendment No. 608, to provide for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program.

Coburn modified amendment No. 623, to prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients.

Coburn amendment No. 610, to prohibit funding for congressional earmarks for wasteful and parochial pork projects.

Wicker amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Mr. DURBIN. Mr. President, Senator GRASSLEY and I do not see eye to eye on this issue, and I wish to state for the record why this section was included in the appropriations bill.

First, it is hard for me to follow his argument that because the Finance Committee created a permissive arrangement where the Internal Revenue Service could enter into contracts with private companies to collect IRS debts, it somehow takes away the authority of the Appropriations Committee to even address this issue. It is a permissive statute. It does not require the IRS to sign up a private company. When the IRS does exercise the right under that statute, it involves Federal expenditures, appropriations.

My provision in this bill is not tax language. My provision in this bill says: None of the funds in this bill may be used to enter into, renew, extend, administer, implement, enforce or provide oversight of such a contract. We go directly to the spending aspects. There is no committee violation here. This is our jurisdiction.

Senator GRASSLEY's committee, the Finance Committee, does not pay for these agencies. The appropriations process does. So we are exercising our authority—no violation of committee jurisdiction, which, of course, means little to those following this debate but means a lot to those of us who serve in this Chamber.

Let me tell you what this is about. This is about collecting debts owed to the Federal Government, specifically the Internal Revenue Service, and the Finance Committee said: Let's see, if we let private collection agencies do it, whether they can save us money and do it more effectively. That is a legitimate inquiry. It is one I would be open to. I think it is reasonable to see if that might happen.

Well, let me tell you what has happened. After the Federal Government spent $71 million in start-up costs to allow two companies, one in Iowa and one in New York, to move forward on this first phase of outsourcing programs, they started operations in September 2006. Presently, the IRS has contracts with two companies—one in Senator GRASSLEY's State of Iowa and one in the State of New York—for the collection of unpaid Federal income tax liabilities. The IRS is currently in the process of determining whether to exercise the option to extend these contracts for a 1-year period. That is why our language came in and said: Stop, don't do it. And I will explain why. There are a host of reasons.

The collection of Federal taxes, of course, is a core Government function, but I am not going to argue with the premise that we should see if we can do it with more cost efficiency by using private collectors. It is true that the information we are talking about here is sensitive information. So the IRS, of course, has access to more information about the debtors than the private collection agencies, and we want to always make certain we protect the confidentiality of certain information all American citizens share with their Government and don't believe it is going to be broadcast to any private company. So there is a natural tension here between the efforts of a private business making money collecting back taxes and the Internal Revenue Service, which has more information at their disposal in making evaluations but also a higher responsibility and duty in protecting the privacy of taxpayers with the information they provide our Government.

Let's get down to the bottom line. Using private companies to collect taxes is far more costly than having qualified, trained IRS employees do the work. I couldn't say that without evidence to back it up. Since the inception of this private collection program, the Internal Revenue Service has spent approximately $80 million to set it up and administer it and we have received back as taxpayers $60 million in net revenue, after paying these private companies in Iowa and New York $13 million in commissions—$13 million to receive back $60 million. According to the IRS, private collection agencies were originally projected to bring in $65 million in fiscal year 2007 and up to $127 million in fiscal year 2008. So what happened? Instead, they raised $32 million in 2007—less than half of what we expected—and only $37 million in gross revenue in fiscal year 2008, about a fourth of what we expected. So their performance was dramatically less than promised, dramatically less than the IRS anticipated when they entered into these contracts.

The IRS has not identified any best practices from these private tax collectors, which was one of the stated intentions of the program. These private companies were supposed to show us

the way to collect money more effectively. So far, they haven't, and they have fallen down in their own goals in terms of collection of back taxes. The private companies have collected approximately one-half or less of what they were supposed to bring in, but they continue to be paid 21 to 24 percent in commissions on the easiest cases of all, totaling $13 million we have paid to these private companies.

Now, Senator GRASSLEY made a reference to student loan collection. Of course, he should acknowledge, if he makes that reference, that we cap the commission for student loan collection at 16 percent. Instead, these companies in Iowa and in New York are being paid 21 to 24 percent of back taxes collected, so they are getting a premium and they are collecting far less than they said they would.

The story gets more interesting.

The IRS already has a significant collection infrastructure: thousands of trained employees. I heard Senator GRASSLEY make negative references to unions. That is his point of view. I don't share it, but I do believe union employees should be given an opportunity to be compared in their collection practices with those in private business. Let's be fair about this. This was an experiment, and the premise was that if you just turn it over to a profit-making, private company, it is going to do a better job and it will be cheaper for the Government—cheaper than relying on IRS employees who may or may not be members of the union to which Senator GRASSLEY referred. The automated collection system in the Internal Revenue Service is a critical collection operation. It collects nearly $1.5 million per employee, per year. It works. So the employees at the IRS are collecting the back taxes as they promised they would.

Now, listen to this: The Internal Revenue Service National Taxpayer Advocate, Nina Olsen, has estimated that IRS employees collect $32 for every $1 spent, compared to collections by the private agencies of $4 for every dollar given to them in commissions—8 to 1. If this is about comparing the dollar cost of collecting back taxes, the IRS employees win this 8 to 1. How in the world can anyone justify continuing subsidizing private collection agencies that can't do the job as well as the employees of the Internal Revenue Service?

According to the ''Taxpayer Advocate Annual Report to Congress'' in December 2008, the IRS automated system of collection—using IRS employees—collected more than three times as much as the private collectors did. They went on to say that this automated collection system in the IRS collected 13 percent of the balance due, while private collectors collected 4 percent of the balance due. By every tangible measure, the employees of the IRS are doing a dramatically better job than those in the private collection agencies.

These agencies have failed to meet the goals they set in terms of the amount of money they collect and how much they would charge the Government for all the years they have been doing this—in the 2 straight years. Is it any wonder we have questioned whether we should continue this? This is a subsidy—a subsidy to private companies that have not met the burden they said they would meet to prove to the taxpayers theirs was a more cost-efficient way to collect back taxes.

The last argument made by Senator GRASSLEY is an interesting one. He argued—even though he opposed President Obama's stimulus package—that we needed to keep subsidizing these private collection agencies because we need to create more jobs in America. In other words, this would be Senator GRASSLEY's private stimulus package for this company in Iowa. Well, I would say to the Senator that, sadly, with the state of this economy, collection agencies shouldn't have any problems finding work to do. I just don't think the American taxpayers ought to be subsidizing them. I think basic Midwestern values suggest to us that we have experimented and the experiment results are in. This has turned out not to be a good investment of taxpayers' money. As the chairman of the subcommittee that has to pay for this, I can't justify it. I can't justify it for New York or for Iowa or for any State. We tried this experiment in good faith, and the private collection agencies failed to come through as promised.

Let's put the money, as I suggest in this appropriations bill, into the trained employees, with the automated collection system, who are bringing back, by a margin of 8 to 1, more back taxes than these private companies in Iowa and New York. I believe that is reasonable, and I find it hard to understand how many of my Republican colleagues who criticize this Omnibus appropriations bill for wasting money would vote for the Grassley amendment which would continue the subsidy—wasting taxpayers' dollars—with private collection agencies that have not been as effective as the Internal Revenue Service.

Until these private companies can prove they can do the job better, do it more efficiently, do it at a lower cost, there is no reason we should continue this subsidy. A personal stimulus bill for a company in Iowa and a company in New York is something we can ill afford to do at this moment when we are trying to deal with the costs of this Government and bringing them under control.

The Omnibus appropriations bill increases funding for the IRS with a boost of over $337 million in enforcement activity. With these enhanced funds, the IRS will be hiring new employees who can do this work efficiently, as they have proven time and time again. They have the tools, they have the options the taxpayers have a right to expect, and they will protect the privacy of the taxpayers in the process. Section 106, which Senator GRASSLEY addresses, will ensure that appropriated funds for tax collection work will be put to optimum use within the agency rather than being diverted to outsourced Government work, which has shown that it cannot meet its promises of reducing the cost of Government and increasing collections. We know it works. Let's stick with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I am not going to take long to respond because I think the main point I make is this. My remarks were not addressed by the Senator from Illinois. The issue we are talking about is an IRS policy that they will not go after any amount of money under $25,000, even though those are amounts that individuals agreed they owe.

So any comparisons of what the IRS can do versus what private debt collection agencies can do is not legitimate because you can hire more IRS employees. But I told you the policy of the IRS if they hire more employees, they will not go after amounts of $25,000 or less and I think it is fair to taxpayers that are honest, that every dollar owed is collected. Not one dollar more. And that we shouldn't have a government policy that is not going to go after it, and this program does go after it.

He mentioned start-up costs and this is very important because you cannot judge the cost effectiveness of a program based on how much was spent on start-up costs. There are start-up costs in any Federal agency, for any new agency or program that starts out. You can't weigh the costs incurred for what was supposed to be a permanent program against the benefits of a program that hasn't been fully operational for most of the 2 years of its existence.

And the reason it hasn't been fully operational, is that the union, the taxpayer advocate, and even the chief counsel, continued to throw up roadblocks by weighing in on what type of cases the contractors could work. This means that even though the program was supposed to start in September 2006, it was months later before the contractors received the full allocation of cases they were supposed to get.

The Senator from Illinois asked what happened in regards to why the actual amounts collected to date by contractors was lower than expected. Well, that is what happened. And to his point about paying $13 million for $60 million of revenues. Let's be honest—the contractors are paid on a commission basis so the IRS isn't paying anything out of its pockets. The contractors are getting a percentage of the taxes they collect and they don't get paid for all the work they do that generates no collection. Because of the IRS policy to not collect taxes due under $25,000, the $60 million IRS did get is revenue that IRS would never have received.

He also mentioned this, there is a difference between what is paid to education debt collection contractors and what is paid to tax debt collection contractors. He is right. But there is a factor with collecting taxes that is not true in the case of the Education Department and that is the privacy issues that have been brought up. The contractors with the IRS incur higher expenses than education contractors because they don't have access to all the information IRS has because the law does protect the privacy of taxpayers. And because they have to provide all of the safeguards and protections that IRS provides, the contractors have to incur more security expenses than education contractors.

The Senator from Illinois mentioned the success of IRS's use of automated collection systems. You have to remember that there is nothing automated about the IRS's so-called automatic collection system. The contractors use automated systems to determine which taxpayer to call next. The IRS doesn't even make outbound phone calls—the only phone calls are returning phone calls when taxpayers call the IRS with questions about a letter they received.

Finally, the Senator from Illinois described my efforts to continue to fund the IRS program as my own personal stimulus plan because it will save jobs in Iowa. I want to make clear that it was expected that the IRS would contract with 10 or 15 contractors—not just 2. But because of all the roadblocks put up by the union and others, the IRS apparently claims that there aren't enough cases to provide to even these two contractors. This doesn't make sense to me since there is apparently $25 billion of potentially collectible debt that the IRS is not pursuing. The program, if run properly, would have and should have been expanded to include other contractors. And I would also like to point out that these two contractors are national organizations and between them are likely to have offices and employees in almost all of the 50 States.

So the bottom line of our approach in this program is to make sure that the honest taxpayer is protected. And that we do not support an IRS policy that we aren't going to collect the money from everyone—a policy which is not clear to me that IRS is going to change. And we're showing that we do not accept this policy through this program. We are going after that money that no IRS employee is going to go after. And if you're going to be fair to the taxpayer that pays every dollar that they owe, it seems to me we should make every effort we can to go after all taxpayers who do not pay their taxes. I yield the floor.

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

Mr. DORGAN. Mr. President, my understanding is the Senator from Maryland is going to seek recognition next. I ask unanimous consent to be recognized following the presentation by the Senator from Maryland.

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

Ms. MIKULSKI. Mr. President, I know the Senate is on a tight timeframe because there will be a joint session of Congress to welcome the Prime Minister of England, our greatest ally.

I rise today as the chairperson of the Appropriations Commerce, Justice, Science Subcommittee and to lay out for our colleagues what is in this appropriation and why it is needed and what compelling human needs it meets.

No. 1, why do we have to do this since we passed the stimulus? Actually, we should have done this before the stimulus. We should have done it in October. Why didn't we? We didn't do it in October because we were facing a hostile White House and an OMB Director who was hostile to the very agencies this funds. We didn't want to send this appropriations to the Bush White House because all we would have faced was one more back-and-forth parliamentary quagmire.

This appropriation keeps the U.S. Government going. What my subcommittee does is fund those agencies that are critical and crucial to the economic growth of the United States of America, that will protect the communities of the United States, and will also work to protect our planet. In terms of economic growth, this is the subcommittee that funds all science agencies with the extension of the National Institutes of Health and the Department of Energy. It comes up with the new ideas. It follows the recommendations of the National Academy of Sciences about how we can rise above the gathering storm to be competitive today and be able to be competitive tomorrow. In English, and in the diners around Maryland, that would mean jobs today and tomorrow. It is in basic research that we come up with the new ideas that lead to the new products, that lead to the new jobs.

That is what this CJS funds. At the same time, it funds the Patent Office. Our colleagues on the Judiciary committee will be giving us a new framework for the protection of patents. That is a geek word that means if you invent it, we are going to protect you, and you will be able to harvest the benefits of your new idea. We are going to protect intellectual property because it is right now, in the knowledge-driven economy, the property of choice to be protected.

This subcommittee funds research, innovation, the development of technology. It also funds the Department of Justice—gosh, a Department of Justice that even remembers what the name means. I am so excited about working with our new Attorney General.

In addition to the work of the Justice Department, it funds local law enforcement through cops on the beat and Byrne grants, and our national Federal law enforcement agencies—the FBI, Bureau of Alcohol and Firearms, and the Marshal Service.

So if you want to know, why should we support the CJS? If you want jobs today and tomorrow, you want to vote for this appropriation. If you want to keep neighborhoods safe, you want to vote for this appropriation. If you want the marshals going after sexual predators so there are no more Adam Walshes, vote for this bill. If you want to protect violence against women, victims of domestic violence, and have the shelters and community interventions, you want to vote for this bill. If you are so proud of the great genius of the United States of America and its entrepreneurship that comes up with these new ideas, these new products, you want to vote for this bill because you want a Patent Office where you don't want to stand in line for years to be able to protect your ideas so they are not stolen or hijacked or pirated around the world. You want to vote for this bill. If you want to protect our planet—global warming is a real threat, from the standpoint of our Director of National Intelligence, who says global warming could destabilize populations, and it is a national security issue. It is not only about protecting the polar bears; it is also about protecting the Port of Baltimore, Chesapeake Bay, our coastline, and those around the world. If you want to protect the planet and our homeland, you want to vote for this bill.

In summary, these are the top 10 reasons to support CJS in the 2009 omnibus bill:

I ask unanimous consent to have them printed in the RECORD.

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

1. Funds the FBI, our chief domestic national security agency, to take down terror cells and dirty bombs on U.S. soil ($7 billion).
2. Adds 85 FBI agents and forensic accounting professionals to combat mortgage and financial fraud ($10 million).
3. Funds DEA to fight international drug cartels that finance terrorism and infiltrate our neighborhoods with heroin and meth ($2 billion).
4. Funds ATF to partner with the military to dismantle IEDs that maim and kill our troops on the battlefield ($1 billion).
5. Supports cops on the beat—provides $3.2 billion for state and local law enforcement, $2.1 billion above the previous Administration's request—to help state and local police fight gangs, drugs, crime and child predators.
6. Highest funding level ever for the Violence Against Women Act programs to combat sexual assault and domestic violence and help victims get their lives back together ($415 million).
7. Protects our kids from predators by preventing, investigating and prosecuting crimes against children ($234 million).
8. Advances climate research and restores satellite climate sensors cut by the previous Administration ($270 million).
9. Enhances U.S. competitiveness and innovation by increasing science and technology research at NSF and NIST, a 7 percent increase over last year ($913 million).

10. Restores fiscal responsibility and accountability to ensure stewardship of taxpayer dollars—prohibits funds for lavish banquets, controls cost overruns, and requires IGs to do random audits of grantees.

Ms. MIKULSKI. I am tired of the naysayers who come up with these quirky little congressionally designated projects and make them a subject of ridicule. Our country, our ship of state, right now is leaking. We can right that ship and President Obama is righting that ship. This CJS bill is the right tool to be able to do that.

What are the consequences of not passing this bill? I will tell you right now. Let's go to law enforcement. If we do not pass this bill and we put it on something called a continuing resolution, that is essentially keeping it barely afloat. The FBI will get a half billion dollars less to run their agency for this year. If Director Mueller were here, he would say this means 650 fewer FBI special agents. It means less analysts and other people fighting crime on U.S. soil. It means we cannot hire 100 new FBI specialists in forensic accounting to go after the mortgage fraud people. Remember them—the scammers, the bums? We would not be able to do that.

Let's talk about drug enforcement. There will be $52 million less for DEA. What are some of the biggest threats facing us right now? Let's talk about Mexico. Mexico is on the verge of a state of siege because of the drug cartels that are running rampant. If you watch the news and listen to the Ambassador of Mexico and to their compelling issues down there—look at what was on ''60 Minutes,'' where the drug cartels are roaming streets with assault rifles, shooting police chiefs, shooting elected officials, kidnapping—that is on our border. We need the DEA. Then there are the narcotraffickers in Colombia—in that long, steadfast fight where we are making progress. Then there is Afghanistan, which provides 85 percent of the world's poppy. We are going to send thousands of more troops into Afghanistan.

I am not too excited about that part, but that is a debate for another time. But what is going on in Afghanistan? They are growing poppy like Iowa grows corn. It is an enormous drug crop. What does the money from that do? First, it corrupts Government and elected officials. It corrupts the judiciary. It has a corrupting influence. So we are going to send American troops to fight and die for something that could be bordering on a narcostate?

I say, before we send in more marines, let's send in more DEA agents to work with the Karzai government to do something about the growth of poppy and the funding of the Taliban. Let's send in DEA agents. Under this, we are going to have a hiring freeze. Agents would have to take furloughs. But that is OK, that is just in law enforcement.

Let's talk about the national space agency, NASA, and the National Oceanic and Atmospheric Agency. If we don't do this appropriation, NASA will be funded close to a half billion dollars below what is in the omnibus. This would be a major setback to developing a reliable transportation system to continue our human space flights. We are already going to go dark in space, where we are going to rely on the Russians to get us up to our very own space station. But what this could mean is the loss of several thousand jobs in Florida, Texas, Mississippi, Alabama, Utah, and Louisiana. If we don't pass this by the end of March, layoff notices will begin. Aren't we for jobs today and jobs tomorrow? Aren't we for building rocket ships and spaceships? We have to pass this bill.

Then when we look at NOAA. We all love the weather reports. We rely upon them for early warnings of tornadoes and hurricanes and, at the same time, to be able to give us traffic. Weather reports don't come from the Weather Channel. The Weather Channel gets its information from the weather services provided by our Government at NOAA. We ought to rename it the ''National Oceans Atmospheric and Weather Administration.'' Right now, they are weathering their own storm. If this continuing resolution hits them, it means more layoffs. We won't be able to develop the right technology to predict and give the early warnings that are so important to our people.

Then I wish to talk about education. Through the National Science Foundation, and other science agencies in here, we work to promote education, to get our young people excited and participating in science and technology, so that they want to come into these exciting new possible careers, where they are going to come up with new ideas and inventions. This makes a major downpayment so we can coordinate with our new Secretary of Education and our President, who is such a strong advocate of this.

If you wish to have a country that is meeting the day-to-day needs of our own people, yet looking ahead to the long-range needs of our country, you want to vote for this appropriation. You want to vote for the subcommittee portion of this appropriation. The other reason, for those who are concerned about the issue of bipartisanship, is we developed this jointly and collegially and civilly with my colleague from Alabama, Senator RICHARD SHELBY. This bill has his endorsement and it will have his vote. Senator SHELBY and I have worked together for many years, and we believe that good people can find common ground, find an accessible center in the rough and tumble of politics that enables us to come before the Senate with a bipartisan approach to the Commerce, Justice, Science bill.

I want to thank Senator SHELBY and his staff for their cooperation and collegiality in crafting the CJS portion of the bill we are considering.

The CJS Subcommittee's top priority is keeping Americans safe from terrorism and violent crime. To that end, our bill provides $26.1 billion for the Justice Department, which is $3 billion above the previous President's budget request. We fund the FBI our domestic counterterrorism agency with mission of dismantling terror cells and weapons of mass destruction on U.S. soil at $7.3 billion, which is $155 million above the previous President's budget request.

The CJS bill is the major Federal funding source for our State and local police departments. The previous President's budget request proposed dramatic cuts totaling $2 billion to State and local grant funding. We reject those cuts and instead provide a total of $3.2 billion to support our thin blue line.

Among those funds, the CJS bill provides $550 million for COPS grants, which pay for gear and technology—such as bulletproof vests and crime scene analysis—to keep our cops safe, and to help them catch criminals. We also have $546 million for Byrne-justice assistance grants, a formula-based program that is the main Federal funding tool for State and local police operations, which was zeroed out by the previous administration. For juvenile justice and delinquency prevention mentoring and antigang programs we provide $374 million, which is $189 million more than that the previous President request. Lastly, we provide $415 million to prevent violence against women, which is the highest level ever allocated for Violence Against Women Act programs.

In addition to helping our State and locals keep our communities safe, the CJS bill funds our major Federal law enforcement agencies. We provide $1.9 billion for the DEA to fight international narcoterrorists and drug kingpins. There is also $1.1 billion for the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, to combat violent gun crime and gangs and investigate arson.

The CJS bill contains $954 million for the Marshals Service to apprehend fugitive sex offenders and other violent criminals. We included $1.8 billion for our U.S. Attorneys to prosecute gang leaders, gun traffickers and drug dealers. Lastly, we provide $6.2 billion for management and construction of Federal prisons to ensure our Federal prisons are safe and secure.

These agencies are the backbone of our criminal justice system. They enforce our laws, catch criminals and keep our communities safe.

Most importantly, this bill protects the most vulnerable among us: our children. We provide over $234 million to keep our kids safe from predators and violence.

The CJS includes $5 million to hire 20 new U.S. marshals to track down and arrest fugitive sex offenders, $47 million for the FBI Innocent Images program to catch deviants who use the Internet to prey on children, $5 million to hire 25 new assistant U.S. Attorneys to prosecute sex offenders, $70 million

for state and local law enforcement efforts to find and apprehend child predators, and $16 million for grants to school districts to keep kids safe at school.

I am proud to report that the CJS bill follows the framework of the America COMPETES Act and makes investments to improve America's competitiveness.

The bill provides $819 million for the National Institute of Standards and Technology, which includes $65 million for the new Technology Innovation Program and $110 million for the manufacturing extension partnership, MEP. This is important funding to develop new technologies and new products and make American manufacturers more competitive.

We also provide $6.5 billion for the NSF, including $845 million dedicated for education. These funds focus on science, technology, engineering, and mathematics, and will develop our next generation of scientists and engineers.

For the National Oceanic and Atmospheric Administration, NOAA, we provide $4.4 billion, including: $945 million for our weather service to predict and warn us about severe weather, and $758 million for our fisheries service to protect our marine resources.

The bill also provides $17.8 billion for NASA, which is $200 million more than the previous President's budget request. We meet our obligations to fully fund the space shuttle at $3 billion, the space station at $2 billion, and the next generation space vehicle at $3.1 billion this year.

Finally, the CJS bill supports an innovation friendly government by providing full funding at $2 billion for the Patent and Trademark Office, PTO, to reduce backlogs of patent applications and protect our intellectual property; and $430 million for the International Trade Administration to enforce our trade laws.

The CJS bill also makes important investments in America's future. We provide $240 million for economic development grants—$140 million more than requested by the previous administration—to help communities create jobs and opportunity. We also provide $20 million for public television infrastructure grants.

The CJS bill funds the science we use to monitor and predict changes in our weather and climate, and make policy decisions on actions we should take to save our planet. In fact, the CJS bill funds 85 percent of all Federal climate change science.

Specifically, we provide $1.4 billion for NASA Earth science for satellite missions that tell us how much pollution is in our atmosphere, our rainforests and ice sheets are shifting, and the height and chemistry of our oceans are changing. Funding for Earth science includes $150 million for new NASA earth science missions, which is $50 million above the previous President's request. This funding is recommended by the National Academy of Science to measure our ice sheets, climate, and atmosphere so we can better predict changes to our planet.

We provide $606 million for NASA science into how the sun affects the Earth. This helps predict and warn about events like solar flares that can knock out our communications and power grids.

The CJS has $966 million for NOAA weather satellites, which are important early warning tools. If we can better predict and warn when tornadoes and hurricanes are coming, we can save lives and save money. We provide $74 million to restore critical climate sensors that had been deleted from our next generation polar satellites because of cost overruns. We also include $420 million for NOAA research to help us better understand our oceans and atmosphere and how they interact and change.

Finally, the CJS bill continues to emphasize congressional oversight, accountability and fiscal stewardship.

We meet our constitutional obligations for a timely and accurate Census by providing $3.1 million for the 2010 Census. This will keep the Census on track, despite the previous administration's mismanagement of an information technology contract.

The CJS Subcommittee continues its oversight role by cracking down on cost overruns or mismanagement of taxpayer dollars. The bill insists on discipline and vigorous oversight by requiring each agency to notify the committee when costs of projects grow by more than 10 percent, thereby creating an early warning system.

We also require that inspectors general conduct random audits of grant funding to ensure compliance.

Finally, the bill complies fully with legislative transparency and accountability rules.

Again, I want to thank Senator SHELBY and his staff—Art Cameron, Goodloe Sutton, Allen Cutler and Augusta Wilson—for their cooperation and collegiality.

The CJS bill meets the day to day needs of our constituents by keeping them safe from terrorism and violent crime. It looks out for the long-term needs of our Nation by making investments in America's physical and intellectual infrastructure to create and sustain jobs for today and jobs for tomorrow.

For these reasons, I urge my colleagues to support it.

AMENDMENT NO. 608

Mr. President, I rise to oppose the amendment No. 608 offered by the Senator from Oklahoma. Simply put, this amendment is a solution in search of a problem. The CJS portion of the omnibus does provide funds for the Department of Justice to solve civil right cold cases. This amendment is a distraction.

Before I speak about why I oppose this amendment, however, we must first talk about Emmett Till.

Emmett Till was a 14-year-old African-American boy from Chicago who was murdered in Money, MS, on August 28, 1955. He was dragged from his uncle's home and shot in the head. His body was dumped in the Tallahatchie River, tied to a 70-pound cotton gin with barb wire, and found 3 days later by fishermen. Emmett's mother demanded an open casket to show the world the brutality of his murder.

The murder of Emmett Till was a key event igniting the civil rights movement. Emmett's two killers never served a day in jail for their heinous crime. An all-White jury acquitted them in 67 minutes. The killers later admitted to murdering Emmett Till, but could not be prosecuted for the crime because they had already been found innocent by a jury.

In May 2004, 49 years after the murder, the Department of Justice reopened the case to finally determine if anyone else was involved in the killing. The FBI exhumed Emmett Till's body and performed an autopsy. Two years later, the FBI determined no one else was involved and officially closed the case.

On October 7, 2008, President Bush signed a law named after Emmett Till. The purpose of the legislation is to make sure Justice Department has the necessary resources to investigate civil rights cold cases.

Cold cases are extremely difficult to solve. Investigators run into many dead ends, as witnesses are hard to find and evidence can be easily misplaced, mishandled or destroyed. Additionally, investigations use up a lot of time and money resources.

However, solving these cases is important. This is about more than just bringing killers to justice. Solving these cases is about letting victims' families get on with their lives, about moving beyond racial hatred, and reconciliation.

I want to be clear I support funding for investigating cold cases. That is why I fought hard to make sure there is money in the Federal checkbook for fiscal year 2009 to support the Emmett Till law. The CJS portion of the omnibus provides the Department of Justice with the resources it needs to investigate civil rights cold cases.

To boost resources for civil rights cold case investigations, the CJS bill provide $123 million for the Department of Justice's Civil Rights Division, which is $7 million more than 2008, and charged with heading up the investigation and enforcement responsibilities set forth in the Emmett Till bill. We include $151 million for funding to reduce enormous backlog of untested DNA evidence. There is a backlog of 500,000 unsolved cases with untested DNA evidence sitting in evidence lockers today.

So that State and local law enforcement have the means to carry out their roles in investigating civil rights cold cases, we provide $30 million for competitive funds for State and local government to investigate and prosecute civil rights violations. There is also $25

million for competitive grants to State and locals to reduce forensic evidence backlogs.

The CJS bill provides $9.8 million for the Justice Department's Community Relations Service to train local law enforcement how to mediate racial tensions in communities. We also have $75.6 million for the inspector general at Department of Justice, which is $5 million more than 2008. Under the Emmett Till law, the Inspector General has the authority to investigate missing children cold cases.

In addition to cold case investigations, the CJS bill provides robust funding to enforce our Nation's civil rights laws. It includes $1.84 billion, which is $88 million more than 2008, for the U.S. attorneys office at Department of Justice. These are the attorneys who investigate and prosecute civil rights violations. The bill also has $9 million for the Commission on Civil Rights, which is responsible for making agencies are complying with Federal civil rights laws and raising public awareness on civil rights. Lastly, we include $343 million for the Equal Employment Opportunity Commission, whose mission is to end workplace discrimination. This is $14.8 million above 2008 and will help reduce the current backlog of EEOC cases.

I urge my colleagues to oppose amendment No. 608 and support the omnibus. The omnibus gives Department of Justice the resources it needs to investigate civil rights cold cases and enforce our country's civil rights laws.

I have a letter from Attorney General Eric Holder stating his support for the goals of the Emmett Till Act. Attorney General Holder is committed to the goals of the Emmett Till Act, and this letter gives his personal commitment to continuing to use funding to pursue these serious crimes.

If the Senate does not pass the omnibus, the Department of Justice will be forced to operate at 2008 levels. This means we will have to lay off investigators and prosecutors, and civil rights enforcement and investigations will be compromised.

For all these reasons, I urge a ''NO'' vote on this amendment.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

THE ATTORNEY GENERAL,
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center. and the National Urban League to investigate the unsolved racially-motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, Jr.

Ms. MIKULSKI. It is time to move the appropriations. We have to make sure our Government can function so our economy can function.

I yield the floor.

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

Mr. DORGAN. Mr. President, prior to the statement by the Senator from Maryland, I was listening to the discussion between Senator GRASSLEY and Senator DURBIN on an issue that I know Senator GRASSLEY feels strongly about. I don't believe there is an amendment yet offered. I hope it is not offered, frankly. I have great respect for the Senator from Iowa, Mr. GRASSLEY. He and I have worked together on a range of issues, and he is a good legislator. He and the Senator from Illinois, Mr. DURBIN, were having a disagreement about this.

I come down on the side of the Senator from Illinois. This discussion is about the issue of using private collection agencies to collect certain Internal Revenue Service delinquent taxes. First, let me say that I think people who are delinquent on their taxes ought to be squeezed a bit to pay them. Unless there is some extraneous circumstance, I think most Americans voluntarily pay their taxes. They do not necessarily like to but they do because that is part of the cost of citizenship in this country. We have to do things together. We build roads together, and we have a law enforcement function in our communities together. We build schools, we have defense—we do all these things together. It costs money, so we pay taxes. That's part of the cost of citizenship.

There is great disagreement at what level those taxes should be and who actually pays it. I understand all that. But because we have a responsibility to pay some taxes and because there are some who do not, we have taxes that are delinquent in the Internal Revenue Service that need to be collected.

The Internal Revenue Service has on two occasions begun experiments with hiring private collection agencies to collect those taxes. The experience with those experiments has not been good. Because there has been a great move toward privatizing everything, we have hired private collection agencies to collect lower level delinquent taxes and, in fact, we have actually lost money in doing so.

It is almost unthinkable that someone who is going to collect taxes is going to lose money doing it. That is like being in business to sell tomatoes and someone is going to give me the tomatoes and you lose money.

Here is what the taxpayer advocate says. The tax advocate is someone who works independently inside the Internal Revenue Service on behalf of taxpayers. Taxpayer Advocate Olson says that since its inception—this latest iteration of using private collection agencies—the IRS has spent roughly $80 million to set up and administer this program to collect delinquent taxes. They have spent $80 million but collected net revenues of only $60 million.

Think of that. You hire some private companies to collect delinquent taxes. It costs $80 million to get it going and administer it, and you collect $60 million. I took rudimentary math in a high school senior class of nine students in a town of 300 people. I can understand that equation. You spend $80 million and collect $60 million. It means you lost $20 million. It makes no sense to me.

By the way, the firms that did this also made $13 million in commissions. That is part of the shortfall here.

It is also estimated by the taxpayer advocate in the Internal Revenue Service that had they not hired a private collection agency and instead hired collectors at the IRS, they would have collected 13 times more money. This is about, in my judgment, common sense and waste. Common sense suggests you select the best alternative for collecting these taxes. The alternative that would give the taxpayers the most for their investment and waste is about deciding you are going to hire private collection agencies and spend $80 million and collect $60 million.

Let me make a couple of observations about what the tax advocate has said about these issues. The tax advocate has said—and again, this is an employee inside the Internal Revenue Service:

> Private debt collection initiatives are failing in most respects. . . . Not meeting revenue projections, its return on investment is dismal. Private collectors are no better at locating or collecting tax liabilities than the IRS itself.

If the taxpayer advocate that we fund inside the Internal Revenue Service to look after the taxpayers says this is a failure, let's decide it is a failure.

The underlying legislation brought to the floor in this omnibus package effectively says let's get rid of this program. Let's have the collections done as they should have been done and were done for a long time at the Internal Revenue Service. They will not lose money. We will collect 13 times more revenue, in my judgment, based on the estimates.

Former IRS Commissioner Mark Everson in congressional testimony said:

> I have freely acknowledged it is more costly to use private collection agencies than it would be were the IRS to do it.

That is from an IRS Commissioner.

Former Acting Commissioner Kevin Brown told the House Ways and Means Committee:

> We can do it more efficiently. We have the tools under the law that obviously are going to lead us to being more efficient.

My only point is, I hope there is not an amendment on this issue. I have great respect for my colleague from Iowa. But I think this is a program that should not have been started. Now that it is started and losing money, it ought to be abandoned. If we are looking after waste, fraud, and abuse issues and trying to protect the American taxpayer and shut down the waste of taxpayers' money, there is no better candidate, in my judgment, than the candidate that is in this omnibus package and this particular subcommittee by which we shut down the use of private collection agencies that have actually lost money for the American taxpayers. My hope is we do not have an amendment on this point. In any event, it is long past the time for us to have shut down a program that is costing the American taxpayers money—$20 million to hire private tax collectors who are collecting less money than it is costing us to hire those collectors.

One might, by the way, look at this and say: Man, how can that be controversial? It seems to me that is a slam dunk, that is common sense. If that is the case, if that is what you think, you do not understand how the system works because even things that are demonstrable failures are often hard to shut down. This is an example of that. We are close to getting that done.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF GREAT BRITAIN

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon in order to attend a joint meeting of Congress.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of Great Britain.

(The address delivered by the Prime Minister of Great Britain to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding officer (Mr. CASEY).

OMNIBUS APPROPRIATIONS ACT, 2009—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. 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. INHOFE. 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. 596

Mr. INOUYE. Mr. President, amendment No. 596, offered by the Senator from Oklahoma, prohibiting funding from being used for no-bid contracts would appear on its face to be a good amendment, an amendment that some are asking: Why would I vote against this?

When this amendment first appeared as an amendment to the recovery act, the Senate passed it by a unanimous vote because it appeared to be a good-government amendment. However, what we quickly learned as we began conference negotiations with the House is that the consequences of this amendment are more far reaching than simply prohibiting no-bid contracts.

Because of the way this amendment is drafted, it is destructive to small business and minority-owned businesses in this country, as well as to Native American funding. This amendment states the only procedures that can be used to award funds in this act are the procedures in accordance with only section 303 of the Federal Property and Administrative Services Act. As a result, this amendment prohibits agencies from making any awards to small businesses through statutes that have been enacted over the years that provide assistance to small businesses, including small veteran-owned businesses, service-disabled, veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUBZone-qualified businesses, and other entities covered through the SBA programs, as well as the Javits-Wagner-O'Day Act, just to name a few.

Mr. President, in terms of Native American funding, this provision would essentially overturn the so-called ''638'' contracts whereby a tribe contracts with the Bureau of Indian Affairs or Indian Health Service or other agency to perform the function of that agency. These contracts are not competitive pursuant to the Indian Self-Determination Act and other statutes enacted to help Native Americans.

In fact, efforts were made to correct this language during the conference negotiation of the recovery act so that small businesses—the backbone of this country—and Native American funding would not be unnecessarily penalized by language that combined the broad dismissal of authorization statutes and the narrow citing of one procurement law. Even with the significant improvements made to the original text, the Senator from Alaska, who is the ranking member on the Energy and Natural Resources Committee, asked that I enter into a colloquy with her during consideration of the conference report to clarify that the language did not impact existing Federal procurement law applicable to programs that allow for set-asides and direct-award procurements.

Mr. President, I cannot speak to the intentions of the Senator from Oklahoma as to what he wants to accomplish with this amendment. To be clear, however, I can speak to the consequences of the pending amendment. It will have a destructive impact on the small business programs and Native American programs mentioned above.

Do we really want to prohibit small veteran-owned businesses, service-disabled, veteran-owned businesses from Federal funding opportunities unless they compete in the same manner as large corporations? Do we really want to prohibit small women-owned businesses from Federal funding opportunities unless they compete in the same manner with large corporations? Do we really want to say our Federal agencies must ignore existing Federal procurement laws that govern these small business programs and Native American programs and allow only these small businesses to compete subject to section 303 of the law?

This amendment systematically ignores years of Small Business Committee and Indian Affairs Committee authorizations enacted into law by insisting that all contracts be awarded through one specific section of one specific law. This is the exact language the Senator from Oklahoma offered during Senate consideration of the recovery act and not the provision that was amended after Members were made aware of the negative impacts on our small business community.

Consequently, while it appears to be a good-government amendment, it is in fact the opposite. If this amendment is adopted, it will cause significant disruptions to small businesses across this country, and I don't wish to be part of that effort. Small businesses make up 99.7 percent of our Nation's employers and 50.3 percent of our Nation's private sector employment. Denying the ability of these small businesses to compete on a level playing field would severely impact small businesses that are