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## Senate

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 15, 2007.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SENATOR PETE DOMENICI

Mr. REID. Mr. President, before I outline what we are going to do this afternoon, let me say I had a conversation last week with PETE DOMENICI, who announced he would not run for reelection. I served with Senator DOMENICI for my entire time in the Senate on the Appropriations Committee. We worked on the Energy and Water Subcommittee over many years. During most of that time, he was either chairman or I was chairman, and the other one was the ranking member. We traveled the country looking at different facilities that related to the jurisdiction we had. It was a great subcommittee because all the money we had was discretionary, and it was a subcommittee that did so many good things for the country. There were water projects that were long overdue. We set up the safety and reliability of our nuclear arsenal. It was not easy, but we worked through that.

Senator DOMENICI has a tremendously interesting background. Because of my fascination with athletics, and especially baseball, I was stunned to learn this respectable man—who has so much mental acuity and is good

with numbers and all this—had started out as a great baseball player. He was a pitcher, a left-handed pitcher, as I understand. He played professional baseball. He was in the Brooklyn Dodgers' farm system. He left there to become a junior high school math teacher.

He went on to earn a law degree before he began a storied career in the State of New Mexico as a city councilman and mayor. Now, of course, he is one of the more senior Members of the Senate.

During the time Senator DOMENICI and I have known each other, we have gotten to know each other's spouses. He is very kind and thoughtful to Landra, my wife, as I try to be to his very sweet, personable Nancy. They have eight children.

He is a person for whom I have great respect. I will miss him. He has a unique knowledge of the importance of our National Laboratories. One reason, of course, is we have two of them in the State of New Mexico. But we have them in other places—California, Illinois. I have traveled with him to Missouri.

He is a person who has looked out for the Nevada test site—a place where almost 1,000 nuclear devices were exploded, most of them underground, but not all of them underground. He worked with me to make sure that facility—that is a billion-dollar facility—is still used for the security of this Nation. He has worked on, as I have indicated, the safety of our nuclear stockpile.

He made his decision to retire for reasons that are certainly valid, but that does not take away from the fact we will all miss him.

I must say, one of the other issues he has worked so hard on—originally with Senator Wellstone, but after that much of the time alone—deals with mental health parity. Fortuitously, a week before we adjourned for the Columbus Day recess, we passed that legislation

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

### PRAYER

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

Let us pray.

O Lord, magnificent in mercy, plenteous in grace, and generous in love, we pause to confess our shortcomings. Forgive us for speaking when we should listen and for manipulating facts to suit our purposes. Forgive us also for waiting for opportunities instead of creating them. Lord, we have forgotten, faltered, and failed, and we ask today for Your mercy.

Strengthen our Senators for today's journey. Give them strong hearts and sound minds to do their ethical best in representing You. As they look to the future, give them the wisdom to join their plans to Your will and to do Your work on Earth. Lord, radiate Your hope through them, making them positive people who are expectant of Your best for our Nation and world.

We pray in Your precious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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:

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



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in the Senate. Now we have to make sure our bill and the House bill are conferenced and we finish those two bills. But it certainly is a step in the right direction.

So I do offer Senator DOMENICI my congratulations for the wonderful job he has done as a Senator and, as I told him on the phone, I express how much—after the next 15 months—I will miss him.

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#### SENATOR TED KENNEDY

Mr. REID. Mr. President, I think it is also important to tell everyone Senator KENNEDY is strong and well and happy. He had some minor surgery that was important surgery. A lot of people do not know Senator KENNEDY was nearly killed in an airplane crash. His life was saved by EVAN BAYH's father, Birch Bayh.

He never complains, but Senator KENNEDY has constant pain from his back. As a result of that, he had some work done to see what was going on with his back. They did a CAT scan of his full spine, which normally is not done because most of the trouble in his back is in the low back, not the high back. As a result of that, they fortuitously—with good fortune because of the high x-ray—checked and a carotid artery was plugged.

It was very fortuitous that was done. His wife Jackie thinks that is a miracle, and it certainly is a blessing in their lives because as a result of taking a look at his spine, they were able to spot that and avoid some serious problems in the future.

I cannot possibly overstate the importance of Senator KENNEDY's leadership in this body as we address the critical issues that lie ahead in this work period. For 45 years he has been a person who has been on the cutting edge of doing the right thing for this country and certainly for the State of Massachusetts.

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#### SCHEDULE

Mr. REID. Mr. President, today, we are going to have morning business for an hour after Senator MCCONNELL and I finish our brief remarks to the Senate. The time will be equally divided and controlled. Following the period of morning business, the Senate will resume consideration of the Department of Commerce, Justice, and Science Appropriations Act.

Under an order previously entered, people have until 2:30 p.m. today to file any first-degree amendments to the bill. We are going to finish this bill perhaps not tonight, but I hope we can finish it tomorrow because we are going to move then to the Labor-HHS legislation.

Tonight we are going to have a vote, and we are going to see if we can come up with an amendment to the appropriations bill we are working on. If not, there is still a judge we need to have approved, and we will do that tonight.

I hope everyone understands we need to do the Labor-HHS bill. That would be the sixth bill we will have completed. We are going to start that bill as soon as we finish the bill that is before us, the Commerce, Justice, Science appropriations bill, and we are going to finish that bill this week. We have to do that.

The farm bill is so important all across this country, and the markup of that bill is scheduled for next week. The reason we have to finish the Labor-HHS appropriations bill this week is the chairman of the committee the farm bill will come out of is Senator HARKIN, who is also the chairman of the subcommittee that deals with Labor-HHS. So we have to finish that. I hope it does not spill into the weekend. We have talked about that several times this year and rarely have we had to do it. But we need to get that done.

After this week, we will only have four work weeks before we have our Thanksgiving Day recess. We are all on line to see what we can do to work out our differences with the White House to finish our funding for this year. We need to do that, and finishing this bill will point us in that direction.

Thank you, Mr. President.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### SENATORS DOMENICI AND KENNEDY AND APPROPRIATIONS BILLS

Mr. MCCONNELL. Mr. President, let me commend the majority leader for his comments about our colleague, Senator DOMENICI's long and extraordinarily distinguished career. We are indeed fortunate he will be here for another 15 months and we look forward to serving with him. I will have, obviously, a lot more to say about his remarkable tenure in the Senate later.

It is also good to have a health update on our colleague Senator KENNEDY, and to learn his operation went well and he is doing well and will be back with us soon.

Finally, let me underscore the observations the majority leader made. It is our goal to pass as many of the appropriations bills as possible. There will be significant cooperation on this side of the aisle toward that end. That is, after all, the basic work of Government, and we need to try to complete it as rapidly as possible.

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#### RESERVATION OF LEADER TIME

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

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for a period of 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

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#### PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. BINGAMAN. Mr. President, I rise to discuss the Presidential Records Act Amendments of 2007.

The Presidential Records Act of 1978 declared a President's papers were the property of the people of the United States and were to be administered by the National Archives and Records Administration. The act provided that Presidential papers would be available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents.

In order to fulfill that mandate—that mandate that was in the 1978 law—President Reagan, in 1989, signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, early in his administration, President Bush issued Executive Order 13233, and this executive order by President Bush nullified President Reagan's order and imposed new regulations for obtaining Presidential and Vice Presidential documents. President Bush's new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President, whose papers are involved, and also by the current White House occupant. There is no time limit to the White House review, and the right to review and assert executive privilege has been extended by President Bush in his Executive order to include the Vice President and to include Presidential family members. In this way, the order goes against the spirit of the Presidential Records Act and against the letter of the Presidential Records Act by creating a presumption of non-disclosure and expanding the executive privilege claim, thus allowing the White House to prevent the release of records literally for generations in the future.

H.R. 1255, the Presidential Records Act Amendments of 2007—which is the bill I came to the floor to speak about—was passed in the House by a vote of 333 to 93 on June 20 of this year. I introduced a similar bill, S. 886, in March of this year in the Senate. The bill I introduced is a bipartisan bill which is cosponsored by Senators CORNYN, LEAHY, SUNUNU, FEINSTEIN, and OBAMA. Two weeks ago, Senator FEINSTEIN sought unanimous consent for the Senate to proceed to H.R. 1255, but an objection was heard from another Senator.

H.R. 1255 is a bipartisan bill that merely seeks to clarify the process under which the Presidential Records Act is to be implemented. The bill seeks to nullify President Bush's Executive order by limiting claims of executive privilege to the President and to former Presidents in requiring that the President notify the Archivist of any claims of executive privilege within 60 days preceding a notice of a request for a document with an additional 30 days if requested. These measures essentially return the process to the procedural framework that had been in place since President Reagan issued his original Executive order.

This is an important matter that deserves to be brought to a vote in the Senate. There is strong bipartisan support for the reasonable approach to the Presidential Records Act that is contained in H.R. 1255. Now is not the time, in my view, for political ploys but for, instead, a thoughtful debate and an ultimate vote on this bill.

Two weeks ago, the U.S. District Court for the District of Columbia ruled that Executive Order 13233 is, in part—this is the Executive order President Bush entered—invalid in requiring the Archivist of the United States to delay release of the records of former Presidents at their request as permitted under the order. The Court found that the Archivist's reliance on section 3(b) of that Executive order is without constitutional basis and violates the Administrative Procedures Act. This holding gives us clear direction in legislatively addressing the problems that have arisen as a result of Executive Order 13233.

Under the Presidential Records Act, there is a clear and an unequivocal assumption that the records of a President's administration belong to the people of this Nation, barring the national security interests or an executive privilege claim. The people of this Nation hired the President. His work is undertaken on behalf of the people. Can anyone doubt that the Nation is made stronger and our Government and the electorate are better served by the study of the actions of past Presidents? This is not a matter of trying to uncover dark secrets; rather, it is in everyone's interests and certainly in the interests of this Nation that scholars, students, and the public have access to the records of former Presidents in order to fully understand and appreciate the work of those Presidents and to provide guidance for future Presidents and future administrations.

I strongly urge that H.R. 1255 be brought to the Senate floor for debate and for ultimate passage.

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

Mr. REID. Mr. President, would the Senator withhold?

Mr. BINGAMAN. I certainly do withhold.

#### RECORD CORRECTION

Mr. REID. Mr. President, I made a mistake in my statement a few minutes ago. I have known Vicki Kennedy for many years. My staff tells me I mispronounced her name. That was certainly not intentional. I know Vicki. She was so kind and thoughtful to call me very early Saturday morning to let me know Ted was going into the hospital and I asked her to please call me when the surgery was finished, and Vicki did that. I called her Jackie for reasons unknown to anyone other than whoever puts words in my mouth. I want the RECORD to be corrected.

I note the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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.

#### ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, my understanding is that we are in morning business, and the minority side is actually allocated certain amounts of time. They are not here.

I ask unanimous consent that I may speak in morning business, with the understanding that if someone on the minority side comes to speak in morning business on their time, I will relinquish the floor.

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

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. DORGAN. Mr. President, I believe midweek this week the House will take up the veto override of the President's veto on the Children's Health Insurance Program. There has been a lot of discussion about what this Congress has or has not done. I think despite all of the obstacles and roadblocks we have made progress in a wide range of areas. But the one in which we have made significant progress, which I am very proud of, is expanding children's health insurance coverage.

Regrettably, we have a lot of children in this country who have no health insurance coverage at all. So the question of whether when they are sick they have a doctor to go to is a function, in many cases, of whether the parents have any income or any money in their checkbook or in their pockets. Many times those children get no health care.

In 1997, we put in place the Children's Health Insurance Program. We know it works because we have had it for 10 years. In my State, for example, the Children's Health Insurance Program is not a government program that has

created more bureaucracy. It is a block grant to my State that is used by State government to purchase health insurance from Blue Cross/Blue Shield and cover children who have no health insurance. Most States do that.

This is not a big government program. This Congress passed a bipartisan piece of legislation. Let me emphasize that it is a bipartisan piece of legislation expanding health insurance coverage for children. I am proud that we have done that. In the Senate, we had 67 Senators vote in favor of it. Two Senators who were in favor of that bill were absent at that time, so that is 69 Senators who said, yes, let's expand the program. It was fully paid for. It doesn't increase the debt by one penny. It expands the program and would allow 3.8 million additional children in this country to have access to health care coverage.

Mr. President, I don't know what is in second or third or even fourth place in terms of people's priorities. I know what is in first place for most people: their children and their children's health.

The President says he vetoed this legislation because it is big government. He vetoed this legislation because he says it would cover kids at the family level of income of \$83,000. The President knows better than that. He wasn't telling the truth. Let me just, if I can, speak a bit of truth to this issue. This is not big government. Contrary to most of what the President is sending down to the Congress, this is paid for. Contrast this children's health insurance—a proposal from the Congress that is paid for—with the proposals that sit in front of the Congress from the President for Iraq and Afghanistan to prosecute the war. Right now, we have a \$189 billion request by this President to continue funding the war in Iraq and Afghanistan. Not one penny of it is paid for.

We send the soldiers to war, and the President says let's send them the bill later when they come home and they can help pay for it. Contrast that with what we have done with children's health insurance. It is \$35 billion over 5 years, all of it paid for, and 3.8 million children, who at this point don't have access to health insurance coverage, will get that coverage. Is that something we ought to be proud of? In my judgment, it is. Now, the President, when he vetoed this, he said this is going to provide coverage to kids whose parents are at the \$83,000 level. That is not the poverty level. There is no \$83,000 level. That was a level requested by the State of New York, which was not approved.

It is true that there are a number of States that cover children from families who have incomes above the 200-percent level of poverty, but let me point out that this George W. Bush administration approved these expansions, and I will give an example. In 2003, New Jersey applied for a waiver to be able to cover parents in their program. Secretary Thompson of the Bush

administration said: Absolutely. He signed the waiver saying:

With this waiver, New Jersey will be able to expand health insurance coverage to thousands of residents who otherwise would be uninsured.

California asked for a waiver. The Bush administration said:

By giving parents of children with the CHIP program health insurance, we are providing quality health care to the whole family.

This is the Bush administration that has actually approved these waivers, the very waivers the President seems now to be critical of.

Let me also say this. The President campaigned—he campaigned—on expanding children's health insurance. In 2004, here is what he said:

In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.

So the President vetoed this bill. The sky is the limit when it comes to the other spending, but this bill, which is fully paid for, gets a veto. There are plenty of votes in the Senate to override the President's veto. The question is in the House. My hope is that Members of the House will understand the opportunity to override this veto and to establish a clear priority for this Congress on a bipartisan basis. My hope is they will round up the votes in the House to override this President's veto.

This is about priorities. The fact is 100 years from now all of us will be dead and gone and the record of our service here and the record of this President's service, the record of this Government, will be in the history books. They will be able to tell a bit about our value system by looking at how did we spend our money. They will see there was a time in October of 2007 that this Congress had a couple of choices: First of all, the President says, give me another \$189 billion for Iraq and Afghanistan to prosecute the war; give me another \$189 billion, and by the way, I don't intend to pay for a penny of it. Just add it to the debt. Another priority was the Congress saying, let's expand health insurance for children—\$35 billion over 5 years. Let's expand health insurance for children and, by the way, we will pay for it in the bill, which we did. And the President says the second priority is the one that is inappropriate? What can he be thinking of?

When historians look at this value system and determine that the value system said children are less important, children are not the priority, they are going to scratch their heads and wonder how on Earth we came to that conclusion. I hope that is not the lesson that will come from this effort to override the President's veto. I hope the lesson will be a bipartisan Congress saying to this President: Not this time.

Not today. Your priorities aren't square with what we ought to be doing in this country today. Our priority is, No. 1, expand health insurance coverage for America's children. My hope is at the end of this week that will be the result from the House of Representatives. I know very soon the Senate will vote and easily override the President's veto.

DEFENSE ADVANCED RESEARCH PROJECTS  
AGENCY

In a moment I will talk about General Sanchez's speech this weekend, which I read about in the Washington Post, but before I do that, there is some interesting news about what is happening at the Defense Department in advanced research in something called DARPA—Defense Advanced Research Projects Agency.

The head of DARPA, Dr. Tony Tether, came and spoke at a technology conference I had in Fargo, ND, last week. His speech was extraordinary. He is a good presenter and a wonderful public servant. I know there are some who wonder if the Government ever does anything right. Well, the Government does a lot of things to improve and help the American people and advance this country's interests, and I will describe one of them.

Dr. Tether described experiments that are going on in advanced research in DARPA, in which they have taken a monkey, and the monkey sits at a console with a joystick. He sees a red ball go across in front of him, and he uses the joystick to touch the red ball with the arm of the joystick, and he is then given a treat. That is learned behavior for the monkey. The ball goes across the screen, the monkey exercises the joystick, the joystick aperture touches the red ball, and the monkey gets a treat. Then they took the joystick away and instead put on the monkey a mechanical electrical arm they are working on for those who have lost their limbs. They implanted electrodes in the brain of the monkey. Now, when the red ball goes across in front of the monkey, the monkey has no joystick, but the monkey thinks about touching the ball and getting the treat and so the electrodes capture the thought. Think of that—the electrodes capture the thought, which sends the electric impulse to the prosthetic arm that has been developed, and the arm reaches out and touches the ball, all because the monkey is thinking about touching the ball.

This is about breathtaking new technology and research into approaches that will help those who have lost limbs in warfare, yes, and in every other area of life. There is so much going on that is interesting and breathtaking in the advanced research area, and again I say to Dr. Tether that I appreciated his coming to North Dakota and giving such a wonderful presentation. It was extraordinary.

Well, that is something called DARPA. Not a lot of people know about DARPA at the Department of Defense.

RETIRED GENERAL SANCHEZ ON IRAQ POLICY

Now, let me go from DARPA to the issue of General Sanchez's speech on Iraq policy that he gave this past weekend. General Sanchez was in charge of the war in Iraq and he has now retired and General Sanchez has some very strong things to say about the war in Iraq since his retirement.

He says the war began with:

A catastrophically flawed, unrealistically optimistic war plan . . . Since the start of this war, America's leadership has known that our military alone could not achieve victory in Iraq. Starting in July 2003, the message repeatedly communicated to Washington by military commanders on the ground was that the military alone could never achieve victory in Iraq.

General Sanchez said the "surge," which he called the "latest revised strategy," is, in his words, "a desperate attempt by an administration that has not accepted the political and economic realities of this war and they have definitely not communicated that reality to the American people."

As a result, the American military, he says:

finds itself in an intractable situation. The best we can do with this flawed approach is stave off defeat. The war in Iraq has been a "catastrophic failure."

This, according to General Sanchez, who was in charge of the war in Iraq from mid-2003 to mid-2004. Over 20 other retired generals have spoken out after they have retired. General Eaton said:

The military ethos is: Give your advice privately to those in a position to make changes, not the media, but this administration is immune to good advice.

So retired General Eaton went public with his criticism of this administration's flawed policies.

General Batiste—I had the opportunity to meet General Batiste—was one of the brightest stars in the military and was considered virtually certain for promotion to the highest ranks. But, he turned down his third star and retired rather than continue to implement a war policy that he felt, and that he had experienced firsthand, was flawed. He retired so he could "speak out on behalf of soldiers and their families."

The point is, General Sanchez has said, and the other retired generals have said—in fact, I believe that most believe—there is not a military solution in Iraq, there is only a solution that embodies substantial diplomatic efforts and efforts in the political system in Iraq as well. The military alone cannot possibly prevail in Iraq.

I wish to make a point I have made before. We have now apparently trained about 350,000 people in Iraq to be soldiers or to be in law enforcement. To the extent that I have numbers, this was from the 2007 report of the General Jones Commission, we have trained 152,000 members of the Iraqi Army—which incidentally, is about the number of American soldiers in Iraq—and 194,000 members of the Iraqi police. That is 346,000 Iraqis to be soldiers and

police men and women. Now, I think one can reasonably ask the question, after we have been in Iraq longer than we were in the Second World War, that if we have trained over 350,000, or roughly 350,000 police men and women and soldiers, when will they have the will to provide for their own security?

They have a new Constitution. The people of Iraq have seen Saddam Hussein executed. They have a new government. And they have had nearly 350,000 of their own trained to be law enforcement and military soldiers. Yet they cannot provide for their own security? My nephew went into the Marines about 10 months ago. He is fully trained and now in Iraq. We do it, and we can train 350,000 Iraqis. Yet they can't provide for their own security? Something is wrong with that.

So, Mr. President, I only make the point that I read with interest General Sanchez's comments this weekend, and they mirrored comments we have heard previously from General Eaton, from General Batiste, from Colonel Hammes, and many others that the current strategy has been flawed all along and must change. We must understand that the solution in Iraq is not going to be a military-imposed solution, it is going to be a diplomatic solution and a solution within the political system in Iraq, the absence of which means there will remain in Iraq a protracted long-term civil war.

While we are going door to door in Baghdad in the middle of a civil war with American soldiers, Osama bin Laden continues to send us messages over the internet and the airwaves. Our National Intelligence Estimate says that he is in a "secure" hideaway in northern Pakistan and has now rebuilt training camps and reconstituted the al-Qaida leadership.

Now, think of that. Those who committed the acts of terror against our country and murdered thousands of Americans are now in a safe, more secure place, according to our intelligence estimates, and is reconstituting training camps and plotting new attacks against our country. We, on the other hand, have our soldiers going door to door in Baghdad in the middle of a civil war. I think General Sanchez's comments and the comments of over 20 other high-ranking military officers upon their retirement represent a basic body of thought most of us have long understood but is not understood at this point by the President.

All of us want this country to succeed. We want our country to succeed in our war against terrorism. But the fact is we have to develop the right processes and the right policies to embrace that war against terrorism and to eliminate the al-Qaida leadership, which represents the greatest terrorist threat to our country. Again, the National Intelligence Estimate that we have all read says the greatest terrorist threat to our country, including to our homeland, is the leadership of al-Qaida and they are in a safe or se-

cure haven and they are plotting additional attacks against our country and they are reconstituting their training camps to train the terrorists. Now, it should be clear to us what our obligations are.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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, JUSTICE, 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 factfinding 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.

Casey (for Biden) amendment No. 3256, to appropriate an additional \$110,000,000 for community-oriented policing services and to provide a full offset for such amount.

Brown amendment No. 3260, to prohibit the use of any funds made available in this act in a manner that is inconsistent with the trade remedy laws of the United States.

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

Mr. DORGAN. Mr. President, Senator MIKULSKI, the chair of the subcommittee, will be here at 4 o'clock. I know Senator SHELBY is here, and I believe he will be out momentarily. I have agreed to be on the floor until Senator MIKULSKI returns.

I did want to take a moment to talk about an amendment I was discussing when we were previously in session on this bill, dealing with law enforcement on Indian reservations. I did not actually offer the amendment. I had filed the amendment.

The subcommittee itself restored some funds that the President had cut. I indicated to the subcommittee that I

hoped we could work between now and next spring, when we begin the new fiscal year legislation, so we could add some funding for these critical areas. I want to make note that Senator MIKULSKI and Senator SHELBY already added funding to accounts the President had decided to zero out. These accounts are accounts dealing with law enforcement on Indian reservations.

We just held a hearing on these issues in the Indian Affairs Committee here in the Senate. It is pretty stark, when you hear from folks who talk about the crisis on reservations with respect to law enforcement.

The U.S. Government made a decision a long time ago, well over a century ago, that law enforcement on Indian reservations is a responsibility of the Federal Government. Our country has a legal obligation to be involved in preventing crime on Indian lands. That obligation is a result of treaty provisions and Federal laws that grant the United States the responsibility and the authority to investigate and prosecute major crimes on Indian reservations. That is not the choice of Indian tribes; that is a decision our Government made over a century ago. The tribal governments on our Indian reservations rely on the Federal Government—specifically, the FBI and the U.S. attorney's office—to investigate and prosecute violent crimes on Indian reservations.

We had a hearing 2 weeks ago. There was testimony at that hearing from some research that had been done that 34 percent of Indian women will be raped or sexually assaulted during their lifetime. One-third of the Indian women will be raped or sexually assaulted during their lifetime. That is the state of violent crime on Indian reservations.

A retired BIA police officer who worked on the Standing Rock Sioux Reservation said we do not have the resources. "We all knew they only take cases with a confession." If there wasn't a confession, there wasn't a case. "We were forced to triage our cases," he said. When this violence becomes so commonplace that the police have to triage rape cases, there is something dreadfully wrong.

One of the big factors in the rise of violent crime on Indian reservations is the lack of a police presence or law enforcement presence on Indian lands. There are little more than 2000 Federal and tribal law enforcement officers who patrol 56 million acres of Indian land. In North and South Dakota, we have two police officers who patrol the 2.3 million-acre Standing Rock Sioux Indian Reservation. We have heard from people who called to report a violent crime as it was occurring, and they waited an hour and 15 minutes for the police to show up. In other cases, they wait days for the police to show up.

The lack of tribal jails and bedspace also adds to the problem because there is no place to put criminals. I have

been in tribal detention facilities. I have seen kids lying on cement floors in tribal detention facilities because there was not a juvenile facility and the other detention facilities did not have proper beds and didn't have enough space, so young children were lying on the floor of a detention facility.

There is a \$400 million backlog for construction for tribal jails. One Federal official said that there is what is called a catch-and-release system—just catch the criminals and release many of them back into the community because there is no space to put them. Because of that, the Indian reservations have become soft targets for organized crime and particularly for organized efforts dealing with methamphetamine.

In May of last year, Federal officials seized a huge methamphetamine organization's business plan, and the business plan outlined how that organization wanted to replace alcohol abuse as it infiltrated Indian reservations with methamphetamine abuse on Indian reservations. The plan also outlined how the tribal police could not arrest them while on the reservation. They described in the business plan how they were going to introduce and use the reservations as the basis for their methamphetamine distribution to run their business.

After creating a system in which we said law enforcement is the Federal Government's responsibility, the administration in its budget now wants to tell the tribes: We are too busy, so you are on your own.

The statistics I have described are really sobering: crumbling jails. What does the administration propose to spend for detention facilities, Tribal Jails Discretionary Grants Program? Well, the administration proposes we spend nothing. Not a thing. Assistance to the tribal courts, what does the administration propose that we spend? Nothing.

Those are all programs that have always been funded. These are programs for which the Federal Government has a responsibility by previous agreement. Tribal COPS Program, the President says let's fund it at zero. Tribal Youth Program, fund it at zero; Indian Alcohol and Crime Demonstration Program, zero.

Every single one of those, all except the last, have always been funded. The President says: Not my responsibility, not this administration; we do not intend to provide funding.

Now, let me thank Senator MIKULSKI and the ranking member as well, Senator SHELBY, because they have provided some funding in this subcommittee mark. It is not as much as I would like. It is not as much as I am sure they wanted to do, but they should be complimented for rejecting the President's recommendation at a time when we have a serious problem, and at a time when that problem is our responsibility to deal with because we

have made agreements and required that we will be responsible for dealing with it.

The President says: Let's not do it. And Senator MIKULSKI and Senator SHELBY said: We reject that. We have a responsibility.

I was intending to offer an amendment 2 weeks ago—I did not do that—to add even further because Senator MIKULSKI and Senator SHELBY indicated they want to work with me. But, first and foremost, I want to compliment them for rejecting the President's suggestion that we ignore our responsibility, and for Senators MIKULSKI and SHELBY deciding these programs are exactly what we should be funding; it is our responsibility to do so.

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.

Mr. DURBIN. 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.

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

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

SCHIP

Mr. DURBIN. Mr. President, the Senate is just returning from a week home. I spent the week in my home State of Illinois traveling from far southern Illinois to Chicago and most points in between. It was a busy week. I met with a lot of people and continue to be amazed that there is such a disconnect between the real world of America and the world of Capitol Hill.

In about 48 hours, the U.S. House of Representatives is going to have a historic vote. It is about children's health insurance. Here we are, the wealthiest Nation on Earth, with the best doctors, the best hospitals, the best technology, amazing medical research. Yet when it comes down to basic health care protection, America falls short. We spent more money per capita than any nation on Earth on health care, but our outcomes do not show it. Countries that spend a lot less get a lot more. Other countries around the world have made a dedicated effort to make sure every citizen in their nation has the protection of basic health care.

But not America. Forty-seven million Americans have no health insurance. We tried to address that with the Children's Health Insurance Program 10 years ago. We looked at the 40 million uninsured Americans and said: 15 million are kids; let's start there. Let's cover these children. Let's make sure they have health insurance, not through a government plan but through private health insurance. We will take money, grants and money,

send it to the States, work with the Governors, share the expense, and bring these kids under hospitalization coverage. In 10 years it worked. From 15 million uninsured, we were able to insure 6.6 million children in America; 300,000 in my home State of Illinois.

Well, with the new Congress and the expiration of this program, we took another look at it and said: Can we do better? Can we extend this beyond 6.6 million kids to more of the 15 million targeted group of children? We found a way to do it. We did it in a bipartisan way, a cooperative effort with the Republican side of the aisle, an effort that involves Senator CHUCK GRASSLEY of Iowa, Senator ORRIN HATCH of Utah, well-known, conservative Republicans who sat down with Senators MAX BAUCUS and TED KENNEDY and hammered out the details—Thirty-five billion dollars more in spending over the next 5 years.

Now, the first reaction, of course, is that most people say: Great, you dreamed up an expansion of a program that costs us \$35 billion. Thanks a lot. Our kids will pay for it.

Wrong. We insisted that it be paid for. How is it paid for? By increasing the Federal tax on tobacco products. That is it. I am not going to beat around the bush and tell you there is some secret way to do it. That is how we did it. We raised the Federal tax on tobacco products, cigarettes and cigars. You can sign me up, incidentally, any day of the week. I am one Senator. I am sure there are many like me who have lost a loved one to cancer brought on by tobacco. Most people in America have been touched by tobacco disease and illness.

I believe one of the best things we can do is to keep tobacco products out of the hands of our kids. When you raise the price by raising the tax, children are discouraged from buying the product. Good. If kids do not get addicted early and stick around until they are about 18 to make the choice, they will decide it is a pretty dumb idea. But if they start smoking at 14, 15, 16, an addiction gets started. So we raised the tobacco tax to come up with the \$35 billion. Over the next 5 years we will expand the health insurance coverage from 6.6 million children to 10 million children in America—still not 15 but clearly moving in the right direction.

We passed the bill over here with an amazing vote. In a time when we have these death-defying votes of 1 vote here, 1 vote here, 69 Senators voted for the bipartisan approach to expand children's health insurance.

We sent the bill over to the House. They were disappointed because they wanted more. I want more. I would like to see all 15 million kids covered, to be honest with you. I would like to see all Americans covered. I will get to that point in a moment. But they passed it, and we sent it to President Bush.

Now, President Bush is in his seventh year as President of the United States.

He has used his veto pen four times—four times—once to veto a plan passed by Congress on a bipartisan basis to change the policy in Iraq and start bringing our troops home; President Bush vetoed it; next, he had two opportunities and used his pen twice to veto the expansion of medical research using stem cells. You will recall the President stopped this research at the Federal level. States are now doing it, private companies are doing it, and foreign governments are doing it. But the Bush administration will not allow our National Institutes of Health, through Federal funding, to do this. Well, the President used his veto pen twice to stop this promising research to find cures for diseases and causes of death.

His fourth use of the veto pen was to kill the Children's Health Insurance Program. What did they say about it? Why did the President veto this bipartisan bill that came out of the Senate and the House? Well, they said, first, it was socialized medicine—socialized medicine. You know that is a cliché that was probably born in the 1960s, maybe before, on the notion that the Government would provide all the health insurance for America.

Well, it did not work then. We created Medicare, and thank goodness we did, for millions of Americans who have had peace of mind at age 65 because of it. Socialized medicine. What the President failed to say was if he gets sick tomorrow, God forbid, he will go to a military hospital. The doctors will be members of the military. The nurses who answer his call will be members of the military. He will be protected by Government health services as President of the United States.

Is that socialism? I think I will leave it to the President to decide. But I think it is troublesome that we have reached a point that we dismiss a program of such value to so many children and call it socialized medicine. What was even more galling was someone in the White House along the way argued the point that this plan would cover individuals who make up to three times the poverty level in the United States.

Let me translate that into terms Americans can understand. If you make up to \$60,000, you get help under this plan. And the argument the White House made was, people making \$60,000 a year—or “well off” in their terms—do not need this help.

Really? Well, let's think about that for a second. Sixty thousand dollars a year is gross pay. Now, let's take about 40 percent of that for all of the taxes that are taken out and all of the deductions that are taken out. That leaves us somewhere in the range of \$36,000 a year, about \$3,000 a month in take-home pay.

Now, go out and look for health insurance for a sick child. I will tell you what you will find. You will be lucky to get by with \$1,000 a month for health insurance for your family if you have a sick child. If you have a healthy family, it may still cost \$600 or \$800.

So out of a take-home pay of \$3,000, they say you are well enough off that you do not need help to pay \$1,000 a month for health insurance. Who is kidding whom? The reality is that families are crippled by these costs. Many of them cannot afford insurance, and they need the help of this program. It is a reasonable thing to do.

Those people in the White House who just want to call this socialism, or whatever the word of the day may be, or dismiss families making \$60,000 as not needing a helping hand with health insurance for children, they are so out of touch they do not understand the drama that these families go through every single month for lack of health insurance.

There is a story closer to home for the Members of the Senate. It does not relate to the Children's Health Insurance Program, but I think it is a story worth telling. It is a story about a member of the Senate family, someone whom most of us have seen many times. Many may not know his name, but he is someone who has gone through a life-changing experience because of no health insurance in his family.

Forty-seven million Americans have no health insurance. We who are privileged in the Senate probably do not lie awake at night worrying about it because a bad diagnosis is not going to lead to bankruptcy for us. We are lucky. We are part of the Federal Employees Health Benefits Program. We have got the best coverage in America. Eight million Federal employees, Members of Congress, we get an open enrollment period every year. You do not like your company, change it. It is like shopping for a car. There are so many choices out there. You want a big plan, you pay more. You have more money taken out of your check. You want less coverage, pay less. You have less money taken out of your check. It has been around for decades.

Members of Congress benefit from it, and we have a peace of mind that comes with it. But we do not have to look far to see families who are struggling and facing terrible decisions because of the high cost of health insurance. They are everywhere. They are in every town, every county, every State, all across our Nation, and they are right here in the family. There is a young man who works just a few feet away from where I am standing. He is an elevator operator. His name is Sergio Olaya. He has worked here off and on as an intern and has been an elevator operator since last May. He always has a big smile on his face, great young fellow, says hello, and most of us, of course, see him and greet him and head off on our business.

He is 21 years old, a bright young man, happy disposition, a great future ahead of him. But a few months ago, Sergio, who works right outside this door, had a tragedy strike his family. His mother died of an aggressive form of brain cancer. She was 61 years old, a

single mom. Sergio was her only child. Doctors think she may have had the tumor for a long time, but the symptoms didn't show up until 2 months ago, and then she died. Before that, she had suffered a stroke which left her paralyzed on her right side. She was an authority on health and nutrition and worked for organizations, including the Centers for Disease Control, USAID, UNICEF, and the Organization of American States, but she had been unemployed and uninsured for 5 months when she got sick. Even COBRA, which is the way to purchase health insurance when one is not working, was too expensive for someone with a limited income such as Sergio's mother. As a result, when she died from an aggressive form of brain cancer, she left \$255,000 in unpaid hospital and doctor bills—a quarter of a million dollars.

The hospital first threatened to sue her son for payment. A lawyer who is helping him pro bono negotiated the hospital charges down, first to \$216,000, then to \$95,000. With another \$40,000 in doctors bills, Sergio, a member of the Senate staff, still owes \$135,000 in medical bills for his mom. How is he dealing with this? He is selling his home in Bethesda where he and his mom have lived for the last 8 years. It is the only home they have ever owned. The proceeds will go for the payment of these medical bills.

Sergio said when his mom got sick she had been waiting to hear about a possible new job with the Federal Government, and it would have had health insurance. When the job offer finally came, his mother had just suffered a stroke and couldn't get out of bed to answer the phone. Two months and \$255,000 in medical bills later, she passed away at the age of 61. In another week or month, she might have had health coverage with a new job. In another 4 years, she would have been eligible for Medicare. Instead, she had the bad luck and bad timing to fall through one of the gaping holes in America's unravelling health care safety net. Now her only child, her son, is paying the price.

I wonder how many Senators have been in the elevator with Sergio, talked to him, shared a smile with him, but had no idea of the terrible burden he and his mother were carrying as a result of the cost of health care and the cost of being uninsured in America today. How many more families will have to sell their homes? How many more bright, talented young people will have to drop out of college so their family can pay medical bills before we finally come up with a real plan to make health care more affordable for all Americans? The truth is, almost every family is at risk because of a fraying and failing health care safety net. Almost all of us could be one pink slip, one election, one bad diagnosis, or one serious accident away from a health and economic disaster for our family.

This affects Sergio, our Senate family. It affects all families. We need to

deal with it. We need to find a way or a combination of ways to give every American access to affordable health coverage. We can't help Sergio pay these bills, but we can sure look to the possibility of 3.4 million children across America and their moms and dads finally having the peace of mind of knowing that their kids are covered. It is a small step for a big nation, but isn't it the kind of step we want to take together in a bipartisan way? President Bush says no. He vetoed the bill. He sent it back to the House of Representatives, and on Wednesday they will take a vote. Fifteen Republican Congressmen who voted against the plan have to change their votes to override his veto. Overall, 62 Republican Senators and Congressmen voted for this plan, so it is bipartisan. I hope the 15 who are thinking about it now will think about the vulnerability of a lot of people such as Sergio, people we don't know who every single day have to wrestle with this terrible challenge in our great Nation.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. The Senator from Illinois has raised the issue of the override of the President's veto that will occur in the House this week. When the President vetoed the bipartisan legislation that would expand opportunities for health coverage for America's children—another 3.8 million kids who don't have health coverage now would have it under that bill—the President referred to it as some kind of socialized medicine, some sort of big-government solution. Then he talked about the prospect of families with \$83,000 in income.

Isn't it the case that most States—my State included—receive a block grant and use the block grant to provide coverage by buying the coverage from BlueCross BlueShield? In other words, it is a block grant the States use to purchase coverage for children. Is that what the President was referring to as big government? If so, isn't the President misrepresenting what this bill does?

Mr. DURBIN. Mr. President, that is the case in almost every State. This isn't a matter of the State of Illinois health insurance plan; it is a matter of our State or the State of North Dakota taking the Federal funds and buying private health insurance, which is something these families currently cannot afford. It strikes me as reasonable for us to give them a helping hand. It is not socialism, whatever that definition may be. It is not a big-government plan.

The President argued that he thought it was unfair to the health insurance industry. I don't understand that. If these 15 million children have not had health insurance for years, that industry has had plenty of chances to sell it. The fact is, it is too expensive for these families.

Mr. DORGAN. If the Senator will yield further for a question, the Presi-

dent, when vetoing the legislation, referred to some families with \$83,000 who will be getting this largess so that their children can get subsidized health insurance coverage. My State, as an example, covers children at 140 percent of poverty, most States at around 200 percent of poverty, which I believe is around \$44,000 gross income, and the \$83,000 to which the President referred does not exist. It was a request from the State of New York which was not granted. In any event, all those requests that have been granted for above the 200 percent have been approved willingly and in a way that allowed this administration to boast that they had approved them. Now the President objects to the very thing they had approved.

The other point is, didn't this President actually campaign in the year 2004 saying he supports expansion of this very program? I ask the question about the \$83,000. That clearly must be a misrepresentation. Is that the judgment of the Senator from Illinois as well?

Mr. DURBIN. The State of New York said: We want to cover families up to \$83,000; it is more expensive to live in New York than it might be in some other State. But ultimately it was a decision to be made by the President. The President had to give them permission, and he denied it. Under this bill, the President still has that authority to deny States permission to go beyond \$62,000 a year. So he still has that authority. Arguing \$83,000 makes no sense. He turned it down. We didn't change that in this bill. The President still has the authority to stop any program that would expand in that direction.

In my State and others, I concede, we have been trying to find every way we can to insure people. Our Governor, the general assembly, and other people have tried to find ways to work with the Federal Government to cover people who don't have health insurance.

As a reminder—I know the Senator from North Dakota is well aware—the poorest children in America are covered by Medicaid. The poorest children have health insurance. The children who are fortunate enough to have parents with health insurance aren't the ones we are talking about. We are talking about the group of children who belong to families who go to work every single day and have no health insurance. That is a lot of Americans and a lot of kids. I have had several press conferences during the break at hospitals with doctors and nurses. They tell the story of these children. These children don't have a regular physician, regular checkups, a regular place to go. So an earache turns into a substantial infection. Asthma at an early stage becomes a serious challenge. Diabetes goes undetected because these kids are not brought into our health care system until they have reached such a grievous situation that they end up in emergency rooms, and we all pay for it.

This really is an ounce of prevention that we would have health insurance for more of these kids to be covered, the children of working families who go to work every single day and don't have health insurance. The President vetoed the bill.

Mr. DORGAN. If the Senator will yield for one additional question, the Senator from Illinois is on the Appropriations Committee with me. My understanding is the President is going to be sending down a second supplemental request within days. I understand the White House might not want to send it down before the override issue on the SCHIP program. But the SCHIP program would spend \$7 billion a year for 5 years. That is \$35 billion. All of it is paid for. None of it is contributing one penny to the debt. The result of that spending? The 3.8 million children who at this point have no health insurance coverage would now be fully covered with health insurance. The President seemed to, when he vetoed the legislation, be saying: I am going to be the guardian of the Federal Treasury and the taxpayers' checkbook. This is big-government bureaucracy—socialized medicine, in fact.

This is fully paid for, \$7 billion a year. Isn't it the case that the President has requested two things of us? One is already here, and the other will come next week. One is \$145 billion in emergency funding for the wars in Iraq and Afghanistan, not a penny of it paid for all this year, and on top of that, we believe another roughly \$44 billion supplemental. So that will be a \$189 billion emergency supplemental this year. In other words, \$7 billion for kids is too much; \$189 billion, which will bring us somewhere close to two-thirds of a trillion dollars, the President has requested we spend, not a penny of it paid for. The implication of all that is, let's send soldiers to fight. When they come back, they can pay for the debt we have incurred because we don't intend to pay for any of it.

Isn't it the case that the very same President who says \$7 billion a year which is fully paid for and which will result in children's health insurance for 3.8 million children is the President who is sending us a \$189 billion additional request for 1 year, none of it paid for?

Mr. DURBIN. The math is right. This President has funded this war in Iraq and Afghanistan borrowing money from future generations. He has not paid for a single day of this war by imposing a tax or cutting spending in some other area. He is the first President in the history of the United States, in the entire history of our Nation, to cut taxes in the midst of war.

I am sure the Senator from North Dakota joined a lot of us in watching the Ken Burns documentary "The War." It has been on for the last couple weeks on public television. One of our great friends and heroes in the Senate, DANNY INOUE of Hawaii, was featured in it, as he should have been. A Congressional Medal of Honor recipient, he

told the story of his life that led to his service to our country. You couldn't help but feel that America was at war. It wasn't just our soldiers and sailors and marines and airmen; America was at war. We were all involved.

This war which has claimed 3,821 American lives, this war which has injured more than 30,000 of our fighting men and women, this war which has left 10,000 grievously injured with amputations and serious burns, this war has been waged in a much different way.

When America was going to wage this war on terrorism, the President said: We are going to invade Iraq. And America, you can help: go shopping.

That isn't what they said in World War II. They said: We can all pitch in together and get behind this effort.

Then he said: We have to sacrifice. We have to give tax cuts to people at the wealthiest levels.

So we end up with a debt, a debt that continues to grow because the President does not pay for a penny of this war. The Senator from North Dakota is right. It will be close to \$750 billion by the end of next year. We are spending \$12 to \$15 billion a month on this war in Iraq, none of it is paid for, none of it is generated by taxes, and none of it is paid for by compensating cuts in other spending. It is added to our debt.

The President who proclaims himself a fiscal conservative when it comes to vetoing a children's health insurance program within the next several days will send us a massive spending bill of \$190 or \$200 billion for the next year of this war. The \$7 billion for health insurance for children is paid for; the President says it is wasted Federal funds. But \$200 billion for a war with no end in sight he considers to be appropriate. I don't understand this. I understand we have to stand behind our men and women in uniform. But a strong America begins at home. It begins with our families and our communities and our parishes and church groups and neighborhoods. It begins with the peace of mind of knowing that you have health insurance. For literally 3.8 million children, the President's veto means no help to buy private health insurance so these families have a chance to have that peace of mind.

I sincerely hope those who feel this is an important program will contact their Members of Congress—both House and Senate—in the next 48 hours. This is a critical moment in our history. We have to decide once and for all whether we are going to start taking important steps forward to bring the peace of mind of health insurance to every family in America. That is a worthy American goal. President Bush's veto should not stand in its way. I certainly hope the House of Representatives, when it votes on Wednesday, will override this Presidential veto.

I yield the floor.

I 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.

Mr. DORGAN. 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.

AMENDMENT NO. 3233, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that amendment No. 3233, previously agreed to, be modified with the changes at the desk. My understanding is both sides have cleared this request.

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

The amendment (No. 3233), as modified, is as follows:

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

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading "GENERAL ADMINISTRATION" is reduced by \$10,000,000;

(2) the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN" is increased by \$10,000,000; and

(3) of the amount appropriated in this title under the heading "VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" under the heading "OFFICE ON VIOLENCE AGAINST WOMEN"—

(A) \$60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) \$4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d-4); and

(C) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

AMENDMENT NO. 3260, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that at 5:15 today the Senate resume consideration of the Brown amendment No. 3260, with the time until 5:45 p.m. equally divided and controlled between Senators BROWN and MIKULSKI or their designees; that no amendment be in order to the amendment prior to the vote; and that at 5:45 the Senate proceed to vote in relation to the amendment; that the amendment be modified with the changes at the desk.

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

The amendment (No. 3260), as modified, is as follows:

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

None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

Mr. DORGAN. Mr. President, I ask unanimous consent, while we are waiting for the ranking member, to speak as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

DO NOT CALL LIST LEGISLATION

Mr. DORGAN. Mr. President, last week I introduced some legislation in the Senate for which it is my hope my colleagues will join in. It deals with the issue of the Do Not Call List that is housed down at the Federal Trade Commission.

I do not think there is much more irritating in life than to receive calls from telemarketers. Almost everybody has received bundles of calls from telemarketers—always during mealtime. They always wait until the family has been able to sit down to start a meal, and then the family gets a telephone call: Would you like to take our cable service? Would you like to take our cell phone service? Do you need new siding? We will have some people in your neighborhood tomorrow selling sheetrock or siding.

So on and on and on, telemarketers are unbelievably annoying. So Congress passed a piece of legislation. It says: We are going to set up a list at the Federal Trade Commission called a Do Not Call List. You call in, put your name on that list, and it says to telemarketers: You may not call the names on that list.

So the list has been very successful, except the Federal Trade Commission did one very inexplicable and dumb thing. I guess that is a gentle description. They said of the people who call in and put their names on a Do Not Call List, the list will expire at a certain time, so you would have to call back in.

So we have had 149 million people call in. Think of this: 149 million Americans picked up their phone and called their Federal Government and said: Put my name on a Do Not Call List. I am sick and tired of getting telephone calls from telemarketers. I want my name on a list.

That is the biggest vote in American history, isn't it? They just voted by picking up the phone. Mr. President, 149 million people voted to say: I do not want those calls anymore. Stop it. So the Federal Trade Commission put their names on a list. Then the Federal Trade Commission said: Oh, by the way, your name goes off the list at the end of 5 years. And by the way, next October, on or about the first day or so

of the month—or within a couple of days of that time—we will have about 50 million people whose names come off the list.

That makes no sense to me. If you put your name on a list saying, “I don’t want people making annoying calls to my house,” that name ought to stay on the list. You ought not have to pick up the phone and recall the Federal Trade Commission.

I do not know who made the decision but what a dumb decision. Let’s put a list together. If you call and get your name on the list and say, “I don’t want irritating, annoying calls from telemarketers,” your name ought to stay on the list until you decide to pull it off.

So I have put in a piece of legislation that says if you put your name on a list, your name is going to stay on the list. You do not have to call in. There is not going to be an automatic expulsion. We did not provide for that in the Congress. The Federal Trade Commission came up with that goofy idea. So my legislation will say that idea is gone. If your name is on a list, it stays on the list. You deserve to have supper or dinner—or whatever you might call it at the end of the day—without having your phone ringing by somebody wanting to sell siding or a new telephone service.

My hope is every Member of the Senate might cosponsor the legislation—except for those Members of the Senate who love to get telemarketing calls. For those who do, I expect they would not sign on, and I will probably come and announce their names soon. But if we can get all of those to cosponsor it, we can get this passed quickly and solve a problem for all American families.

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.

Mr. DORGAN. 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.

#### AMENDMENT NO. 3225, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that amendment No. 3225, previously agreed to, be modified with the changes at the desk.

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

The amendment (No. 3225), as modified, is as follows:

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading “ECONOMIC AND STATISTIC ANALYSIS”, \$950,000 may be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with

the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

Mr. DORGAN. I 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 PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SCHIP

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are working on the Commerce-Justice-Science appropriations. Senator SHELBY and I are working to clear amendments now. All amendments have been filed. We have 60 of them, but we hope some can be cleared. For those Senators who wish to have a vote on their amendment, I wish they would consider offering the amendment and debating it this evening. I certainly will be willing to stay for that.

While we are working on clearing these amendments, I rise to stand up for my constituents, to stand up for a family in Baltimore who has been vilified by the rightwing bloggers because they dare to say that they benefited from and support a public pro-

gram called the Children’s Health Initiative.

I don’t know what is happening in America now, where instead of working to change policies, the right wing tries to change the subject, and they do it by attacking people rather than attacking the problem—the problem of poverty, the problem that our children don’t have health care, the problem that one of my constituents, a little boy named Deamante Driver, died in Prince George’s County because he didn’t have access to dental care and had a severe oral bacterial infection. My colleague Senator CARDIN has taken up the cudgels on that issue, and I support him. It is our Children’s Health Initiative, and I will help to override the veto.

Let me tell my colleagues what happened. I am taking up for a family named Bonnie and Halsey Frost who live in Baltimore. A few weeks ago they stood here in the Congress to say that they benefitted from the SCHIP program. They told the story about how two of their children had been in a horrific accident.

Graeme, the boy who gave the Democratic radio address, spoke about what he needed. He had a brain injury. He was treated at Johns Hopkins Hospital. So was his little sister. Graeme was in a coma for weeks. One of his vocal cords was paralyzed. One of his eyes continues to be damaged. Gemma, his little sister, has suffered permanent injuries, which I will not go through. The families had their business spread all over the right wing blogs. I will not spread it all over the Senate floor. But I want to take up for them, for the fact that when they stood up to talk about how they benefitted from this program, they were attacked because they weren’t seen as worthy. The Frosts have four children: Graeme, who is 12; Max, Graeme’s twin, who saw the accident; Gemma, who also was in the accident; and an older brother named Zeke.

Bonnie and her children were in a car crash in 2004 when the SUV she was driving had an accident. The children had these terrible problems. Who is the Frost family? Well, the Frost family is a family of six. They live in Baltimore and they qualify under the Maryland SCHIP program, which says that if you have a family of this size and an income under \$51,000 a year, you qualify. They qualified. What happened?

Through other friends of theirs who were involved with health advocacy in the State, they were invited to come and tell their story to show why there is a compelling need for the Children’s Health Initiative. Well, they did it. Then guess what happened. After young Graeme, who, along with his sister, had this terrible thing happen to them—after they then spoke up and Graeme gave the Democratic radio address, what followed was unbelievable. It was a firestorm against them that went across the right wing bloggers. It

was vitriolic, volcanic, ugly, nasty, shredding their names and reputations. You ought to talk to them about what they went through. They could not believe they were in the United States of America. One of the right wingers showed up in the area where he has his business to do on-the-spot investigative reporting. I wish we were as good at keeping our borders safe as we are at keeping the boundaries around SCHIP. I wish we were as good at keeping an eye on terrorists. But, no, they went after the Frost family.

Paul Krugman felt so outraged about it that he wrote a column in the New York Times about it. He called it "a teaching moment on politics and health care." He tells the story about this and then he said what happened to this family should be a teaching moment.

I will read from this and then I will ask unanimous consent that it be printed in the RECORD:

. . . The Frosts and their four children are exactly the kind of people SCHIP was intended to help: working Americans who can't afford private health insurance.

The parents have a combined income of about \$45,000.

What they have is that the father is a self-employed woodworker and welder. They bought a house in east Baltimore in a neighborhood that is going gentry, called Butchers' Hill. When they bought it, it was called Butchers' Hill from years and years ago, when there were slaughterhouses where they were killing cows for beef and making sausage for the ethnic communities. But it took on another name about the time they bought it. It was like a frontier town—riddled with drugs and all kinds of problems—but they believed in Baltimore, they believed in their country, and they were willing to be urban pioneers, so they bought this home for a modest price. Now, we have been reclaiming Baltimore. Yes, the houses are selling at very high prices, but that is not what they paid for it.

This man is self-employed. When he married, yes, they were from a prominent family. Their wedding announcement was in the New York Times. Since when does that mean anything? He has a small warehouse that provides a modest rental income. His wife works part time at a medical publishing firm. They don't have health benefits.

To go on with what Krugman said, he said that soon after the radio address, right wing bloggers began insisting that there is something wrong with the Frosts; that they have a house in a neighborhood they said is expensive. I can tell you that when they bought it, it was truly Butchers' Hill. They have two children in private school, but they were on scholarship. Nobody bothered to find that out. The right wing bloggers made unfounded accusations against them all of the time. It was led by a woman who, according to the technocrats, is the most trafficked right wing blog on the Internet.

This tone of vitriol and viciousness has to stop. The attack on this family

was picked up by Rush Limbaugh, the same guy calling dissident military people "microphone marines." And then the smear went on with that. At the same time this was going on, a CNN report suggested that the Democrats made a tactical error because we had this family on.

I don't know what we are doing here. Again, we are attacking a family when we should be attacking the problems of children's health. First, I called the Frost family. I listened to what they have had to endure because they didn't have health insurance, after what happened to their children after this terrible accident and the recovery. Then I listened to what they had to endure because they spoke up for the Children's Health Initiative.

When I listened to them, I said to them I think the Senate owed them an apology that we now have come to this point. Now, I have watched good people be attacked by the right wing. The other day, we sanctioned MoveOn.org because of what they did to General Petraeus. I voted for that sanction. What about my Frost family? Should we have a sense of the Senate on that? I don't know if I am going to put this family through more. But I will tell you this: I think we have to start changing the tone. We have to start changing the tone in our institution to work on a bipartisan basis the way the Senator from Alabama and I have. We are moving forward a solid bill that promotes scientific research, keeps America's space program going, but equally we are funding local law enforcement.

Can we not change the tone? Do we always have to attack each other? Do we have to be so violent in our language, so vicious, so vitriolic? I don't think so. I think our country has to get back to the basics, where you can disagree without being disagreeable, where you focus on the policies, not on the person, where you try to deal with issues and you don't attack people for the simple reason that they have spoken up and they have spoken out.

I think we need to take a timeout in this country. I respect free speech, I respect the bloggers and what they have; but when there is a deliberate attempt from either the right or the left to go after people simply because they have spoken up, I think it is the wrong direction. I think we have been heading in the wrong direction.

I wanted to bring to everyone's attention what happened to this family. I ask unanimous consent that the Krugman article be printed in the RECORD and that the David Herszenhorn article about what happened be printed in the RECORD.

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

SLIMING GRAEME FROST  
(By Paul Krugman)

Two weeks ago, the Democratic response to President Bush's weekly radio address was delivered by a 12-year-old, Graeme Frost.

Graeme, who along with his sister received severe brain injuries in a 2004 car crash and continues to need physical therapy, is a beneficiary of the State Children's Health Insurance Program. Mr. Bush has vetoed a bipartisan bill that would have expanded that program to cover millions of children who would otherwise have been uninsured.

What followed should serve as a teaching moment.

First, some background. The Frosts and their four children are exactly the kind of people S-chip was intended to help: working Americans who can't afford private health insurance.

The parents have a combined income of about \$45,000, and don't receive health insurance from employers. When they looked into buying insurance on their own before the accident, they found that it would cost \$1,200 a month—a prohibitive sum given their income. After the accident, when their children needed expensive care, they couldn't get insurance at any price.

Fortunately, they received help from Maryland's S-chip program. The state has relatively restrictive rules for eligibility: children must come from a family with an income under 200 percent of the poverty line. For families with four children that's \$55,220, so the Frosts clearly qualified.

Graeme Frost, then, is exactly the kind of child the program is intended to help. But that didn't stop the right from mounting an all-out smear campaign against him and his family.

Soon after the radio address, right-wing bloggers began insisting that the Frosts must be affluent because Graeme and his sister attend private schools (they're on scholarship), because they have a house in a neighborhood where some houses are now expensive (the Frosts bought their house for \$55,000 in 1990 when the neighborhood was rundown and considered dangerous) and because Mr. Frost owns a business (it was dissolved in 1999).

You might be tempted to say that bloggers make unfounded accusations all the time. But we're not talking about some obscure fringe. The charge was led by Michelle Malkin, who according to Technorati has the most-trafficked right-wing blog on the Internet, and in addition to blogging has a nationally syndicated column, writes for National Review and is a frequent guest on Fox News.

The attack on Graeme's family was also quickly picked up by Rush Limbaugh, who is so important a player in the right-wing universe that he has had multiple exclusive interviews with Vice President Dick Cheney.

And G.O.P. politicians were eager to join in the smear. The New York Times reported that Republicans in Congress "were gearing up to use Graeme as evidence that Democrats have overexpanded the health program to include families wealthy enough to afford private insurance" but had "backed off" as the case fell apart.

In fact, however, Republicans had already made their first move: an e-mail message from the office of Mitch McConnell, the Senate minority leader, sent to reporters and obtained by the Web site Think Progress, repeated the smears against the Frosts and asked: "Could the Dems really have done that bad of a job vetting this family?"

And the attempt to spin the media worked, to some extent: despite reporting that has thoroughly debunked the smears, a CNN report yesterday suggested that the Democrats had made "a tactical error in holding up Graeme as their poster child," and closely echoed the language of the e-mail from Mr. McConnell's office.

All in all, the Graeme Frost case is a perfect illustration of the modern right-wing political machine at work, and in particular

its routine reliance on character assassination in place of honest debate. If service members oppose a Republican war, they're "phony soldiers"; if Michael J. Fox opposes Bush policy on stem cells, he's faking his Parkinson's symptoms; if an injured 12-year-old child makes the case for a government health insurance program, he's a fraud.

Meanwhile, leading conservative politicians far from trying to distance themselves from these smears, rush to embrace them. And some people in the news media are still willing to be used as patsies.

Politics aside, the Graeme Frost case demonstrates the true depth of the health care crisis: every other advanced country has universal health insurance, but in America, insurance is now out of reach for many hard-working families, even if they have incomes some might call middle-class.

And there's one more point that should not be forgotten: ultimately, this isn't about the Frost parents. It's about Graeme Frost and his sister.

I don't know about you, but I think American children who need medical care should get it, period. Even if you think adults have made bad choices—a baseless smear in the case of the Frosts, but put that on one side—only a truly vicious political movement would respond by punishing their injured children.

CAPITOL FEUD: A 12-YEAR-OLD IS THE FODDER  
(By David M. Herszenhorn)

WASHINGTON, Oct. 9.—There have been moments when the fight between Congressional Democrats and President Bush over the State Children's Health Insurance Program has seemed to devolve into a shouting match about who loves children more.

So when Democrats enlisted 12-year-old Graeme Frost, who along with a younger sister relied on the program for treatment of severe brain injuries suffered in a car crash, to give the response to Mr. Bush's weekly radio address earlier this month, Republican opponents quickly accused them of exploiting the boy to score political points.

Then, they wasted little time in going after him to score their own.

In recent days, Graeme and his family have been attacked by conservative bloggers and other critics of the Democrats' plan to expand the insurance program, known as S-chip. They scrutinized the family's income and assets—even alleged the counters in their kitchen to be granite—and declared that they did not seem needy enough for government benefits.

But what on the surface appears to be yet another partisan feud, all the nastier because a child is at the center of it, actually cuts to the most substantive debate around S-chip. Democrats say it is crucially needed to help the working poor—Medicaid already helps the impoverished—but many Republicans say it now helps too many people with the means to help themselves.

The feud also illustrates what can happen when politicians showcase real people to make a point, a popular but often perilous technique. And in this case, the discourse has been anything but polite. The critics accused Graeme's father, Halsey, a self-employed woodworker, of choosing not to provide insurance for his family of six, even though he owned his own business. They pointed out that Graeme attends an expensive private school. And they asserted that the family's home had undergone extensive remodeling, and asserted that its market value could exceed \$400,000.

One critic, in an e-mail message to Graeme's mother, Bonnie, warned: "Lie down with dogs, and expect to get fleas." As it turns out, the Frosts say, Graeme attends

the private school on scholarship. The business that the critics said Mr. Frost owned was dissolved in 1999. The family's home, in the modest Butchers Hill neighborhood of Baltimore, was bought for \$55,000 in 1990 and is now worth about \$260,000, according to public records. And, for the record, the Frosts say, their kitchen counters are concrete.

Certainly the Frosts are not destitute. They also own a commercial property, valued at about \$160,000, that provides rental income. Mr. Frost works intermittently in woodworking and as a welder, while Mrs. Frost has a part-time administrative job at a firm that provides services to publishers of medical journals. Her job does not provide health coverage.

Under the Maryland child health program, a family of six must earn less than \$55,220 a year for children to qualify. The program does not require applicants to list their assets, which do not affect eligibility.

In a telephone interview, the Frosts said they had recently been rejected by three private insurance companies because of pre-existing medical conditions. "We stood up in the first place because S-chip really helped our family and we wanted to help other families," Mrs. Frost said.

"We work hard, we're honest, we pay our taxes," Mr. Frost said, adding, "There are hard-working families that really need affordable health insurance."

Democrats, including the House speaker, Nancy Pelosi, have risen to the Frosts' defense, saying they earn about \$45,000 a year and are precisely the type of working-poor Americans that the program was intended to help.

Ms. Pelosi on Tuesday said, "I think it's really a sad statement about how bankrupt some of these people are in their arguments against S-chip that they would attack a 12-year-old boy." The House and Senate approved legislation that would expand the child health program by \$35 billion over five years. President Bush, who proposed a more modest increase, vetoed the bill last week. Mr. Bush said the Democrats' plan is fiscally unsound; the Democrats say Mr. Bush is willing to spend billions on the Iraq war but not on health care for American children.

Republicans on Capitol Hill, who were gearing up to use Graeme as evidence that Democrats have overexpanded the health program to include families wealthy enough to afford private insurance, have backed off, glad to let bloggers take the heat for attacking a family with injured children.

An aide to Senator Mitch McConnell of Kentucky, the Republican leader, expressed relief that his office had not issued a press release criticizing the Frosts.

But Michelle Malkin, one of the bloggers who has levied harsh criticism against the Frost family, insisted that Republicans should hold their ground and not pull punches. "The bottom line here is that this family has considerable assets," Ms. Malkin wrote in an e-mail message. "Maryland's S-CHIP program does not means-test. The refusal to do assets tests on federal health insurance programs is why federal entitlements are exploding and government keeps expanding. If Republicans don't have the guts to hold the line, they deserve to lose their seats."

As for charges that bloggers were unfairly attacking a 12-year-old, Ms. Malkin wrote on her blog. "If you don't want questions, don't foist these children onto the public stage."

But Mr. and Mrs. Frost said they were bothered by the assertion that they lacked health coverage by their own choice. "That is not true at all," Mrs. Frost said. "Basically all these naysayers need to lay the facts out on the page, and say 'How could a

family be able to do this?'" S-chip is a stop-gap."

Ms. MIKULSKI. Mr. President, they speak more eloquently about it than I have been able to. I felt badly about what happened to the Frost family. I hope we can focus on dealing with the Children's Health Initiative. It is for protecting all of the children. Today I stand up here for the Frost family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to speak on the pending bill before the Senate for a few minutes.

This is the second day of consideration of the fiscal year 2008 Commerce, Justice, Science Appropriations bill. This bill funds the Departments of Commerce and Justice, NASA, and the National Science Foundation. Given the extremely diverse subject matters contained within this bill's jurisdiction, we must entertain a wide range of amendments on the Senate floor. This has been true in the past and is true again this year.

Chairwoman MIKULSKI and I are currently reviewing a substantial list of amendments and are working with various Members and staffs to determine appropriate resolutions to the list of amendments. I ask Members to come to the floor to discuss with the chairwoman and myself your concerns so we can move this critical funding bill forward.

We hope and expect to finish this bill no later than mid-day tomorrow, but to accomplish this we will need every Senator's help.

It is Monday afternoon and we can move some things tonight and get this bill moved tomorrow with the help of a lot of our colleagues on both sides of the aisle.

I yield the floor.

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

Mr. BINGAMAN. Mr. President, I have an amendment that has been filed. I will call it up so it can be considered at the appropriate time. I gather that to do that I must ask unanimous consent to set aside the pending amendment, and I do so now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3208

Mr. BINGAMAN. Mr. President, I call up amendment No. 3208.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself, and Mr. SMITH, proposes an amendment numbered 3208.

Mr. BINGAMAN. Mr. President, 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 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)

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”; and

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

(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).”; and

(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”.

Mr. BINGAMAN. Mr. President, this amendment would ensure that communities throughout Indian country have the resources they need to fight the meth epidemic.

The amendment is based on a bipartisan bill I introduced along with Senator SMITH entitled the Native American Methamphetamine and Treatment Act of 2007. It would ensure that Native American communities are able to access essential Federal funding to fight the use of methamphetamines.

Senators DORGAN, CANTWELL, FEINGOLD, SALAZAR, and BAUCUS are also cosponsors of this amendment.

This last March, after hearings were held in the House Judiciary Committee and the Energy and Commerce Committee, the House of Representatives overwhelmingly passed this legislation by a vote of 423 to 0.

We all know that Indian country has been hard hit by the use of meth. Over 70 percent of Indian tribes surveyed by the Bureau of Indian Affairs identified meth abuse as the greatest threat to their communities, and about 40 percent of violent crime cases investigated in Indian country involve meth in some capacity.

According to the Substance Abuse and Mental Health Services, or SAMHSA, American Indians, Alaskan natives, and native Hawaiians have the highest rate of meth abuse of any ethnic group in our country. Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants under some of the newly authorized grant programs. They were left out of the Department of Justice Hot Spots Program, which helps local law enforcement agencies obtain the tools they need to reduce the production, distribution, and use of meth and to clean up meth labs, support health and environmental agencies, and purchase equipment and support systems. The Combat Meth Act authorized \$99 million in new funding under this program.

Tribes were also left out of the Drug Endangered Children Grant Program, which helps children who live in a home in which meth has been used or manufactured or sold. Under this program, law enforcement agencies and prosecutors, child protective services, social services, and health care services work together to ensure that these children get the help they need. The act authorized \$20 million for this program.

I can see absolutely no reason Native-American communities that are struggling to contain the meth epidemic should be denied the resources necessary to address the problem, and to this end I hope my colleagues will agree with me and support this important amendment when the time comes for its important consideration.

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

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

Ms. MIKULSKI. Mr. President, I wish to say to my colleague from New Mexico that we agree with him on the amendment. Certainly there are challenges facing the West. We see the scourge of meth, and that is one of the largest areas of requests we have for congressionally designated projects. I know my colleague wants them to be eligible for grants and to compete for them, and so we support the intent.

Right now, there is an objection from two Senators, and we also understand that the Senator from Arizona would like to have further conversations with my colleague about the possibility of a modification. If you could have that conversation and see if we can come back, we could either move to a vote or see if it could be accepted.

Mr. BINGAMAN. Mr. President, first, I thank the manager of the bill, my colleague from Maryland, and respond that, yes, I am anxious to deal with any concern any Senator has, and I have spoken to the Senator from Arizona about his concerns and have tried to accommodate them. To date, we have not been able to get his agreement to an accommodation that has been suggested. So I just want to be sure we have reserved the right to have a vote on the amendment if we are still not able to get agreement.

Ms. MIKULSKI. I think the Senator has our word that he will have—Mr. President, what is the parliamentary mechanism to reserving the right to a vote?

The PRESIDING OFFICER. There is no particular order.

Ms. MIKULSKI. I would say to the Senator from New Mexico that he has our word that if he can work it out, we will see whether we can take it, and if not, we will have the vote.

Mr. BINGAMAN. Mr. President, I very much appreciate that assurance. As I say, I hope very much we can get language that is acceptable to the Senator from Arizona. If not, I think we can allow the Senate to work its will, and hopefully the amendment will pass.

Ms. MIKULSKI. I would further like to say to the Senator from New Mexico, in keeping with what my colleague from Alabama said, we would like to finish this bill before the caucuses tomorrow. So I will discuss this with the Senator from Alabama, but it would be our intention to see how much we can get cleared and then have some stacked votes tomorrow morning. So if the Senator from New Mexico could let us know by tomorrow morning—say, 9:30—whether he has been able to reach an accommodation—or this evening—we will be here and would welcome that.

Mr. BINGAMAN. Mr. President, I appreciate that, and I am glad to advise the Senator if we reach an accommodation. I think, for purposes of ensuring a vote, if there is a group of stacked votes scheduled for tomorrow, if this

can be included in that list, and then, of course, if agreement is reached prior to the time of the vote, we could delete it.

Ms. MIKULSKI. The Senator has our word on that.

Mr. BINGAMAN. I thank my colleague, and I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, we are working very well, here again on a bipartisan basis. I thank Senator SHELBY and his staff for the way we are working. We have been able to look at a variety of amendments colleagues have offered, and we are ready to accept them.

Mr. President, I ask unanimous consent the pending amendment be laid aside.

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

AMENDMENT NO. 3309

Ms. MIKULSKI. I now call up amendment No. 3309 offered by myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3309.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that certain funds be available for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program)

On page 72, line 14, before the period insert the following: “: *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, \$10,000,000 shall be made available, and distributed in equal increments, to each of NASA’s 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States”.

Ms. MIKULSKI. I ask unanimous consent the amendment be modified with the modification at the desk.

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

The amendment (No. 3309), as modified, is as follows:

On page 72, line 14, before the period insert the following: “: *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, \$10,000,000 may be made available, and distributed in equal increments, to each of NASA’s 10 centers for the development of educational activities in science, technology, engineering, and mathe-

tics related to the civilian space program of the United States”.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3309), 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.

AMENDMENT NO. 3251

Ms. MIKULSKI. Mr. President, I call up amendment No. 3251 offered by Senator LAUTENBERG of New Jersey and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LAUTENBERG, proposes an amendment numbered 3251.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds for the National Research Council study on acidification of the oceans as authorized by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006)

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary shall be set aside to initiate the study to be completed within 2 years on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3649).”.

Ms. MIKULSKI. I ask the amendment be modified with the modification at the desk.

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

The amendment (No. 3251), as modified, is as follows:

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary may be set aside to initiate the study to be completed within 2 years, on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3649).”.

Ms. MIKULSKI. This amendment has been cleared on both side of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment, (No. 3251), 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.

AMENDMENT NO. 3275

Ms. MIKULSKI. Mr. President, I call up amendment No. 3275 by Senator LEVIN of Michigan and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LEVIN, proposes an amendment numbered 3275.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the FBI to submit an annual report to Congress regarding the length of time taken by the FBI to conduct background checks)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.**

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—

(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(2) the average time taken to complete each type of background check;

(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and

(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(b) RECIPIENTS.—The congressional committees listed in this subsection are—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3275) 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.

AMENDMENT NO. 3247

Ms. MIKULSKI. Mr. President, I call up amendment No. 3247 by Senator MCCASKILL of Missouri and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], FOR MRS. MCCASKILL, proposes an amendment numbered 3247.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Departments, agencies, and commissions to establish and maintain on their website homepages a direct link to the websites of their Inspectors General, and for other purposes)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Ms. MIKULSKI. I ask that I be added as a cosponsor of the amendment.

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

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle, and I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3247) 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.

#### AMENDMENT NO. 3234

Ms. MIKULSKI. Mr. President, I call up amendment No. 3234 by Senator OBAMA of Illinois and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. OBAMA, for himself and Mr. DURBIN, proposes an amendment numbered 3234.

The amendment follows:

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant

that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Ms. MIKULSKI. Mr. President, this amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3234) 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.

#### AMENDMENT NO. 3263

Ms. MIKULSKI. Mr. President, I call up amendment No. 3263 by Senator PRYOR of Arkansas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. PRYOR, proposes an amendment numbered 3263.

The amendment follows:

(Purpose: To establish a pilot program for digital and wireless networks to advance online higher education opportunities for minority students)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **DIGITAL AND WIRELESS NETWORKS FOR HIGHER EDUCATION PILOT PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “ED 1.0 Act”.

(b) **APPROPRIATIONS.**—Notwithstanding any other provision of this Act, from the amount appropriated under title I under the heading “Technology Opportunities Program”, \$4,500,000 may be available for the pilot program under this section, to remain available until expended.

(c) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Telecommunications and Information Administration.

(2) **ELIGIBLE EDUCATIONAL INSTITUTION.**—The term “eligible educational institution” means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the

Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “historically Black college or university” means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(d) **MINORITY ONLINE DEGREE PILOT PROGRAM.**—

(1) **PILOT PROGRAM ESTABLISHED.**—

(A) **IN GENERAL.**—There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (c)(2).

(B) **GRANT NUMBER AND AMOUNT.**—

(i) **NUMBER.**—The Administrator shall award a total of 9 grants under this subsection.

(ii) **GRANT PAYMENT AMOUNTS.**—The Administrator shall make grant payments under this subsection in the amount of \$500,000.

(2) **PRIORITY.**—

(A) **IN GENERAL.**—In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

(iii) that has an unemployment rate of 7 percent or greater;

(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

(v) that has a negative population growth rate; or

(vi) that has a family income of not more than \$32,000.

(B) **HIGHEST PRIORITY.**—In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

(3) **USE OF FUNDS.**—An eligible educational institution receiving a grant under this subsection may use the grant funds—

(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;

(B) to develop and provide educational services, including faculty development; or

(C) to develop strategic plans for information technology investments.

(4) **MATCHING NOT REQUIRED.**—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

(5) **CONSULTATIONS; REPORT.**—

(A) CONSULTATIONS.—The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

(6) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this subsection only with amounts appropriated in advance specifically to carry out this subsection.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3263) 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.

AMENDMENT NO. 3271

Ms. MIKULSKI. Mr. President, I call up amendment No. 3271 by Senator SHELBY of Alabama and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3271.

The amendment follows:

On page 30 line 4 strike the “.” and insert “: Provided, That within 200 days of enactment of this act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.”

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3271) 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.

AMENDMENT NO. 3272

Ms. MIKULSKI. Mr. President, I call up another amendment by Senator SHELBY, No. 3272, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3272.

The amendment follows:

(Purpose: For the review of IT and 2010 Census related activities at the Bureau of the Census)

On page 18 line 13 strike the “.” and insert the following:

“: Provided, That of the amounts provided to the Secretary within this account, \$10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: *Provided further*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau’s website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet.”

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3272) 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.

AMENDMENT NO. 3273

Ms. MIKULSKI. Mr. President, I now call up amendment No. 3273 by Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3273.

The amendment follows:

On page 69 line 13 after the second “.” strike all through page 70 line 10 and insert: “Of the funds appropriated in this Act for the Federal Bureau of Investigation’s Sentinel program, \$25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: *Provided*, That the report shall be submitted simultaneously to the Government Accountability Office: *Provided further*, That the Government Accountability Office shall review the Bureau’s performance measurement baseline for the Sentinel program and shall submit its findings to the Committee on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.”

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation’s Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the

performance measurement baseline validated by the integrated baseline review referred to in SEC. 215 of this Act: *Provided*, That this restriction does not apply to planning and design activities for future phases or increments: *Provided further*, That the Bureau will notify the Committees of any significant changes to the baseline.”

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3273) was agreed to.

Mr. SHELBY. 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. 3288

Ms. MIKULSKI. Mr. President, I call up amendment No. 3288 by Senator SHELBY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SHELBY, proposes an amendment numbered 3288.

The amendment follows:

(Purpose: To provide transparency and accountability in funding for conferences and meetings of the National Aeronautics and Space Administration)

After the period on page 97 line 9, insert the following:

SEC. xx. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

Ms. MIKULSKI. This amendment also has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3288) 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.

## AMENDMENT NO. 3318

Ms. MIKULSKI. Mr. President, I call up amendment No. 3318 by Senator COBURN of Oklahoma and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. COBURN, proposes an amendment numbered 3318.

The amendment follows:

(Purpose: To provide additional transparency and accountability in funding for conferences and meetings of the National Aeronautics and Space Administration)

At the appropriate place, insert the following:

**SECTION . . . LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES**

(a) In this section, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during Fiscal Year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation how the conference advanced the mission of the agency; and

(E) the total number of individuals who travel or attendance at the conference was paid for in part or full by the agency.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3318) 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.

Ms. MIKULSKI. Mr. President, we have now cleared 28 amendments. As

we continue to move toward a vote that we will be having at 5:45 on the Brown amendment dealing with international trade, we hope if colleagues do have amendments on which they wish to have a vote they will please come now and offer the amendment and let's have a debate on it. We would like very much to debate as many amendments as we could to have stacked votes tomorrow, and even to come to final passage before the 12:30 caucus.

Colleagues out there on both sides of the aisle, Senator SHELBY and I are here. We are open for business. We are ready to hear your ideas and ready to debate them and follow through on our regular process. Either that, or if you do not wish to offer it, come see us and withdraw it and perhaps offer it at another time.

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.

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

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

Mr. SALAZAR. Madam President, I rise this afternoon to raise my voice in strong support of H.R. 3093, the Commerce, Justice, Science Appropriations Act of 2007. I wish to thank and congratulate Chairwoman MIKULSKI and Ranking Member SHELBY, Chairman BYRD and Ranking Member COCHRAN for their strong leadership on this bill.

As a former attorney general for Colorado, I am particularly proud of the investment that this bill will make in the local, State, and Federal law enforcement agencies across our country, the more than 800,000 officers who patrol America's streets and put their lives on the line every day to help make our communities safe and secure. They are truly the frontlines of America's homeland security.

In my 6 years as attorney general of Colorado, and in the last 2½ years as a Senator, I have traveled thousands of miles through my State to visit with county sheriffs, police chiefs, and law enforcement officers working in our small towns, rural counties, and big cities. They are public servants through and through. They know that security is the foundation of a free society. They know that to enjoy our liberties and a prosperous economy, Americans must live in a society governed by the rule of law, free from the threat of violence and secure in their place of residence.

It is the voices of these men and women in uniform across our country, America's peace officers, that should help guide our law enforcement efforts in this country. They should help us make sure we are prepared to meet the emergency we will confront and that will help us address the domestic security priorities we face in the Nation.

We should therefore take notice when sheriffs and police officers tell us they do not have the resources they need to combat the scourge of meth that is devastating so many communities across our Nation.

Meth is tearing families apart and financing an underground economy in abandoned farm buildings, fire traps, and houses that are shrouded with plastic. When police go to raid a lab, they never know what they are going to find; whether it is going to be a drug armed to the teeth, whether it is going to be chemicals that are ready to burn and to explode or drug users who are in desperate need of medical attention.

In my State, on a raid on a meth lab in Aurora, CO, this past summer, police found a 2-year-old boy lying in the basement next to a highly toxic cocktail of chemicals. The police rescued him. But what his parents were doing or thinking one can only imagine. Stories such as this story have been too common across our country.

We should also take notice when people such as the U.S. attorney in Colorado, Troy Eid, tell us we do not have enough Federal law enforcement officers to serve Native American communities in southwestern Colorado. Last year, we had a total of five Bureau of Indian Affairs officers policing 600,000 acres in one corner of my State. This is astonishing—five Bureau of Indian Affairs officers policing 600,000 acres.

Criminals, in fact, were calling in false crime reports on one side of the reservation, drawing police away from their target they were aiming to hit on the other side of the reservation.

With this shortage of law enforcement, the murder rate on the Ute Mountain Ute and Southern Ute reservations in Southwestern Colorado has climbed to almost 20 percent of the national average. We need to take notice when people such as recently retired Sheriff Liggett, of Mineral County, CO, tell us our communications equipment in rural communities is woefully inadequate.

I have known Sheriff Liggett for many years. On snowy nights, Sheriff Liggett would call ahead and make sure that I and other travelers made it safely over Slumgullion Pass or Wolf Creek Pass on our way to our destinations.

That is the way things are done in rural Colorado. Sheriff Liggett knows very well the boundaries of his department's communications coverage and the risks that the limitations of that coverage pose to residents and travelers.

The Mineral County Sheriff's Department, similar to so many rural sheriffs' departments, need broader communications coverage and a better ability to talk across agencies and jurisdictions in case an emergency arises.

In late 1990, we made some progress in helping bring safety and security to American's communities. The Federal Government, seeing the homicide rate on the rise, responded to the public's

call for a crackdown on crime by making smarter investment in law enforcement and crime prevention. These investments paid off, with violent crime in the United States dropping by nearly 40 percent from the record highs of the early 1990s.

Unfortunately, these investments have lagged in recent years, and the administration has tried to cut key programs at the very moment, at the very moment that our law enforcement officers are facing a set of growing challenges from homeland security and emergency preparedness to combating meth, to all of the other issues that the 800,000 men and women who keep the security in our country face every day.

I know this administration has been focused on Iraq and that this has consumed a massive proportion of Federal spending; almost \$750 billion in the last 4½ years. But this focus on Iraq and our security objectives abroad should not come at the expense of American security right here at home in our United States.

Too many Americans live with fear of drug-related violence in their communities. Too many Americans have seen meth destroy the lives of a family member or of a neighbor. Too many Americans worry that when a disaster strikes, the way it did with Katrina, help will come but help will not come quickly enough.

This bill, which the chairperson from Maryland and Ranking Member SHELBY have put together, resets our priorities to where they should be, on the safety and security of America's families. For that I thank and applaud the leadership of Senator MIKULSKI.

The Appropriations Committee has reported a bill that restores critical investments on law enforcement that this President had proposed to cut. I wish to briefly talk about a few of those provisions that will benefit the peace officers of my State of Colorado.

First, I am pleased the bill we are considering today includes \$1.4 billion for State and Local Law Enforcement Assistance, including \$660 million for the Byrne Memorial Justice Assistance Grants and \$190 million for Byrne discretionary grants.

This program, which the President had—beyond my understanding—proposed to eliminate, provides grants to State and local governments for law enforcement, for prosecution and court programs, for prevention and community education programs, drug treatment, and community corrections programs. These are the kinds of programs that the men and women in law enforcement in this country know do, in fact, work to make our communities safe.

Secondly, this bill includes \$550 million for the Community Oriented Policing Services, known as COPS. These funds go to tribal, State, and local law enforcement agencies for community policing initiatives which put law enforcement professionals on the streets with a beat so they can build relation-

ships with the people they serve and they protect.

By earning the trust of the members of their communities and making these individuals stakeholders in their own safety, community policing makes law enforcement safer and more efficient. Some of the COPS Program funds that are set forth in this bill will go directly to the drug task forces that have been operational and effective in my State of Colorado. They include: The San Luis Valley Drug Task Force, my native valley; they include the 22nd Judicial District Drug Task Force, the North Metro Task Force, the Delta/Montrose Drug Task Force, the Eagle County Drug Task Force, the Greater Routt and Moffatt Narcotics Enforcement Team, the Weld County Drug Task Force.

Rest assured that from my point of view as a former attorney general of the State of Colorado, I know these task forces are at the point of the spear in combating the scourge of drugs in my State of Colorado, and these important funds will allow us to keep up that fight.

Finally, I am pleased this bill provides \$5.6 billion for the Bureau of Prisons to help curb the staff shortages, construction needs and operations budgets for the Federal prison system.

The correctional officers who handle some of the most dangerous criminals in America will tell you the funding levels over the past few years have been inadequate.

At the Supermax Prison in Florence, CO, which houses inmates such as Ted Kaczynski, al-Qaida terrorist Zacarias Moussaoui, and the shoe bomber, Richard Reid, at that Supermax facility, where we house the most dangerous of the most dangerous of America's enemies, funding cuts have left them short staffed and short on beds.

At the prison that houses terrorists, gang leaders and the most violent members of society, this is a dangerous game that we cannot afford, and this legislation moves forward in a way to address those shortfalls.

I am not going to take time to go through all the other good that is included in this bill, but I would mention very briefly the \$340 million this bill provides to the juvenile justice program and the investment this bill makes in all our Federal law enforcement agencies such as the DEA, the FBI, and the ATF.

When you look at these investments, you begin to understand how important this bill is to our Nation's law enforcement authority. Anyone who has worked or who works in law enforcement today and who takes the time to look at this bill, will understand this is a strong statement of support for peace officers and for protecting our public across the country. That is why I am perplexed that there is a veto threat by the President on this bill.

There should not be that veto threat because this is a bill that takes a strong position to secure Americans

here in the homeland. I hope that as this bill makes it through the Congressional process and to the President's desk, President Bush will decide he is going to stand up for the Nation's law enforcement and for the security here in the homeland and will, in fact, sign this bill.

I end where I began. This is a very good bipartisan product that Senator MIKULSKI and Ranking Member SHELBY have put together for the consideration of this Chamber. I am proud to be a supporter of this bill. I urge my colleagues to support it.

Ms. MIKULSKI. Will the Senator from Colorado yield for a question?

Mr. SALAZAR. I will.

Ms. MIKULSKI. I thank the Senator for his comments about our bill that were so complimentary and for speaking out. As a former attorney general of the State of Colorado, who is essentially the top cop in Colorado, knows one of the hallmarks of good law enforcement is strong law enforcement opportunities, along with prevention in terms of intervening with our young people. But is the Senator aware why this bill is under a veto threat?

Mr. SALAZAR. I have understood that the President has said he doesn't like the funding levels in this bill which I interpret to mean that he doesn't support funding of these very important programs.

Ms. MIKULSKI. The Senator is exactly right. We face a veto threat not because we have done bad legislation but because we have done good funding.

Is the Senator aware that the legislation called for the elimination of the COPS Program?

Mr. SALAZAR. Madam President, I am aware that the President has called for elimination of the COPS Program. I am also aware that when I speak to the law enforcement community throughout the country and throughout my State, sheriffs and chiefs of police across the board say the COPS Program is, in fact, working, and when we see what happened with the dip in violent crime in the 1990s, it occurred precisely because we had programs such as the COPS Program which were very effective.

Ms. MIKULSKI. So then it is the belief of the Senator that our addition of over \$500 million to guard the streets and neighborhoods and communities of America will be well spent?

Mr. SALAZAR. I can think of no more important priority for all of us. As we deal with issues of crime and violence and the rule of law in places far away such as Iraq and Afghanistan, it ought to be an important priority, a high priority for us to make sure we are enforcing the rule of law and providing security for Americans at home; that we take care of the homeland first.

I strongly agree with the Senator from Maryland that, in fact, this bill moves us in that direction.

Ms. MIKULSKI. I thank the Senator from Colorado. I appreciate his comments and support.

Madam President, by way of information for our colleagues, when we talk about the COPS Program, one might recall, as the Senator from Colorado said, violent crime really skyrocketed in the mid-1990s. President Clinton, working then with our colleague who continues to be in the Senate, Senator JOE BIDEN, a leader on the Judiciary Committee, came up with the COPS Program. During the Clinton administration, from 1993 to 1998, they put 118,000 extra police officers on the streets of America. They were in 13,000 communities, and violent crime dropped 10 percent. Cops do make a difference. We are concerned that by eliminating the COPS Program, the thin blue line that protects us in our communities is even getting smaller. So working on a bipartisan basis within the Senate, we have added over \$500 million to restore that COPS Program; not that we micromanage from the national level, but we empower the local communities to apply for these grants and deploy where they know best to protect their citizens.

We think we have a great bill. We want to move it along. We thank the Senator for the kind words. Now our colleagues can help us not only with words but with deeds, which is, if they have an amendment, offer it or send their staff to either see if we can modify it or have it withdrawn.

AMENDMENT NO. 2360

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 2360 offered by the Senator from Ohio, Mr. BROWN. There will be 30 minutes of debate equally divided between the Senator from Ohio and the Senator from Maryland, Ms. MIKULSKI, or their designees, prior to a vote in relation to the amendment.

The Senator from Ohio.

Mr. BROWN. Madam President, I begin my thanking Senator MIKULSKI and Senator SHELBY, as well as Senators BAUCUS and GRASSLEY, for their support of this amendment. The amendment is cosponsored by Senators STABENOW, BYRD, ROCKEFELLER, and LEVIN. I should note that the Finance Committee chair has drafted a bill to boost trade enforcement. I look forward to working on that very important piece of legislation.

This amendment will help America's manufacturers compete on even terms with foreign manufacturers. For generations American manufacturing has been a tremendous source of pride and work for our whole country. Especially for working families, it has been a ladder to the middle class. American manufacturing fuels our economy and supplies our national defense infrastructure. It would be dangerous on many levels for our country to ignore the anticompetitive forces that are buffeting every day our manufacturing sector. In the State of Michigan, in Ohio, across the Midwest, throughout the country, it would be and is dangerous to ignore that.

Over the last several years, U.S. manufacturing has faltered. Millions of good jobs have been lost. In my State of Ohio, from Toledo to Gallipolis, from Ashtabula to Middletown, well over 200,000 manufacturing jobs have disappeared in the last 6 years.

American industry, we know, can compete with anyone in the world when it is a fair fight. Our international trade laws are intended to secure a level playing field. Unfortunately, some of our trading partners have repeatedly found ways to circumvent these laws to gain an unfair advantage against our workers and our companies. This has led to record-breaking trade deficits—some \$800 billion in 2006—which threaten the long-term health of our economy and massive job losses which have wreaked havoc on the middle class. Foreign governments have unfairly and illegally doled out massive subsidies to their own companies and others willing to reestablish offshore, contributing to the migration of manufacturing jobs overseas and artificial price advantages for imported products. Despite ample evidence that something is very wrong—when I first ran for Congress in 1992, the U.S. multilateral trade deficit was \$38 billion. Last year it was literally more than 20 times that, and we can look at job loss figures, the trade deficit, outsourcing figures, offshoring figures—the Bush administration needs to aggressively enforce American trade law.

Recent WTO decisions threaten to create enormous loopholes in trade law enforcement. This affects industries and local economies throughout the country. We know about steel. We know about paper. But it affects all American manufacturing. That is why we need to be more aggressive in enforcement of the trade laws. If the WTO continues to target U.S. trade remedy laws, we in this Chamber need to fight back. This amendment is a modest reminder to the administration that we need to vigorously enforce our trade laws.

I thank the chairman and ranking member of the subcommittee for their support. I ask my colleagues for their support.

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.

Ms. MIKULSKI. 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. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I stand here with my colleague from Alabama to tell all of our colleagues on

both sides of the aisle it is the intention of Senator SHELBY and myself to finish this bill tomorrow. We have some amendments that have been filed, and yet we do not know what the intent is of the Senators who have filed such amendments. We are going to be voting very shortly—in a matter of minutes—and we would like every Senator who has filed an amendment to come and tell us what their intent is. Do they intend to offer it? When do they intend to offer it? Or do they wish to seek another accommodation?

We would like to present to the leaders on both sides of the aisle—the majority leader and the Republican leader—a finite list tonight before Senator SHELBY and I go home so we can have the finite list for tomorrow and assiduously, earnestly, thoroughly work through these amendments. But we must know the intent of the Senators.

I believe there is an old-fashioned saying: It is now time to fish or cut bait. We would prefer Senators actually cut their bait. But being an old Maryland fisherwoman myself, we want to talk to our colleagues. Talk to us during this vote. Senator SHELBY is at his desk. I will be at mine. Let's talk things over and see how we can move this bill and make America proud of us. Too often when all is said and done, too much gets said and nothing gets done.

I yield the floor.

Mr. SHELBY. Madam President, I join with Senator MIKULSKI. She is telling our colleagues—and I join with her—that we have accepted and are working through a lot of amendments on both sides of the aisle. There are a number of amendments that have been filed. We, as she pointed out, need to know if people are going to insist on amendments or if there is some way we can accommodate Senators, if they would come to the floor and meet with us, because in a few minutes we are going to vote. The leaders will be on the floor and they are going to want a report from us as to what is pending, because tomorrow we want to move this bill. This is a very important bill, as the Presiding Officer knows. We need to move on with it and not delay it more. We are back now in a new week and I think we can make some progress. If my colleagues on both sides of the aisle will meet with us and tell us if they want a vote, we will debate it and vote. If they want to see if we can work out something with them, we will do that. But it is our intention again to move this bill tomorrow.

Thank you, Madam President.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3260, as modified, offered by the Senator from Ohio, Mr. BROWN.

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 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 Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—85

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

NAYS—3

Allard Hagel Lugar

NOT VOTING—12

Alexander	Clinton	Murkowski
Bayh	Dodd	Murray
Biden	Kennedy	Nelson (NE)
Brownback	Lott	Obama

The amendment (No. 3260), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. 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. VITTER. 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. VITTER. Mr. President, I ask unanimous consent to lay aside any pending amendment or business so that the Vitter amendment, No. 3277, may be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. SESSIONS and Mr. DEMINT, proposes amendment numbered 3277.

Mr. VITTER. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

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

SEC. 217. None of the amounts made available in this title under the heading "COMMUNITY ORIENTED POLICING SERVICES" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. VITTER. Mr. President, this is amendment No. 3277, and it is very simple and straightforward and, I believe, very needed. The amendment would simply prohibit COPS funding, which is governed under this bill, from going to so-called sanctuary cities. In doing so, it would do nothing more than to enforce current Federal law.

Mr. President, as you know, in 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act. In that 1996 legislation, which is current law, there is a very clear section on sanctuary city policy. It is section 642(a), and it states in clear unmistakable terms:

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 immigration status, lawful or unlawful, of any individual.

Mr. President, the idea behind that policy is very simple. Law enforcement around the country should be free to cooperate with Federal authorities regarding immigration, regarding immigration enforcement, and no State or local government should be able to contradict Federal law by establishing a State or local law which bars this sort of commonsense cooperation. Unfortunately, that is exactly what several local jurisdictions and at least two States on a statewide basis have done. They have established, by State law, by local law, by local ordinance, so-called sanctuary policies absolutely prohibiting law enforcement and other public personnel in their jurisdiction from working with or cooperating with Federal authorities with regard to immigration enforcement.

This is by no means the majority policy of jurisdictions around the country.

Far from it, Mr. President, because I think a clear overwhelming majority of the American people and their State and local elected officials support commonsense cooperation with the Federal Government in enforcing our laws. But it is a very significant trend, a very significant happening around the country. Many local jurisdictions and at least two States have adopted this very conscious and very boldly proclaimed policy, calling themselves sanctuary cities, or sanctuary jurisdictions.

My amendment would simply prohibit COPS funding from going to these jurisdictions. It would say this is our Federal law, and that States, that localities must cooperate with Federal immigration officials. And if they are not going to do that, if they are going to pass laws clearly in contravention, 180 degrees opposed to Federal law, then they will not get COPS funding under this bill.

Again, Mr. President, it couldn't be simpler. It couldn't be more straightforward—COPS money, COPS funds, will not go to sanctuary cities, so-called sanctuary jurisdictions, if my amendment passes. And, again, this is doing nothing more than enforcing present Federal law, a policy or law that has been on the books for over 10 years. So why shouldn't we put some meaningful teeth in that Federal law and prevent these local and State jurisdictions from simply flaunting Federal law and not abiding by Federal law?

I would note that the House of Representatives has already acted on this issue in the companion bill to this CJS appropriations bill. In the House bill, a similar amendment to mine passed by voice vote. Having said that, I would hope that a huge majority of the Senate similarly votes to pass this Vitter amendment, to adopt it, and to put it on the CJS appropriations bill.

This is common sense. It does nothing more than enforce current Federal policy and Federal law. It is clearly the sort of commonsense, straightforward legislation that a huge majority of the American people support. I know there will be a vote on this sometime tomorrow, Mr. President, so I urge all my colleagues, Republican and Democrat, to join with the huge majority of the American people behind this reasonable and commonsense policy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak against the Vitter amendment. I don't believe it is common sense, I don't believe it is reasonable, and I want to lay out the reasons.

This body has, during the immigration debate, actually acted on a very similar amendment and defeated it. And the reason this body was wise enough to defeat it was because they understood that some of the toughest law enforcement officials in our country, from sheriffs to prosecutors, and a whole host of law enforcement officials in between, understand that the cooperation of a community is essential

for police and law enforcement entities to do their job.

Under Senator VITTER's amendment, denying money to municipalities across the landscape of the country—and this would deny monies to about 126 cities in a whole host of States represented by people on both sides of the aisle—would set up a series of circumstances under which a crime could be committed and the witness to that crime happens to be someone who is undocumented in some fashion. Do we want the witness to be able to come forward and provide essential, crucial eyewitness testimony about the crime or do we want them to hide in the darkness and not talk to the police because they are afraid of their immigration status?

I want to solve the crime, Mr. President. I want to get the perpetrator. I want to convict that person and put them in jail. I don't want the opportunity to do that to go wasted because of some political statement that has nothing to do with the core issue of security in our communities.

I want to make sure a witness comes forth and testifies against a perpetrator and has no fear to do so.

Senator VITTER's amendment would undermine that ability. Senator VITTER's amendment would undermine the ability of someone who is a victim of a crime and who happens to be in an undocumented capacity to come forward because they might very well be concerned that their status is such that it might create a problem for them. So victims of a crime would not come forward, which not only is inhuman as it relates to the victim of that crime—and that crime could be of all types and manner that was committed against the individual—but the unwillingness of that person to come forward because of fear—fear—may lead to another crime committed against someone else by that same individual in that same community; perhaps to a child who might be molested, to a person who might be assaulted, to a family who might get robbed.

So instead of catching the perpetrator, the criminal element, and being able to prosecute them either through the witness or through the victim, no, we prefer to deny monies to that community because they have a view that in their own interest—and I hear so many times in debates that States and municipalities know best, but when it comes to this, they know nothing. They know nothing about how best to secure their communities. They have made decisions across the landscape of the country—urban, suburban, and rural—to say we care more about prosecuting the crime and having witnesses come forward to tell us about the crime than we care about the person's status, and we are not going to put a chilling effect across the landscape of our community to being able to achieve those goals.

That is what tough law enforcement will tell you—sheriffs will tell you,

prosecutors will tell you, and police chiefs will tell you. They will tell you that they want the community to participate.

Now, when Secretary Chertoff was before the committee recently testifying in a House hearing, he responded to a question about this issue. He said: I am not aware of any city that actually interferes with our ability to enforce the law.

So let's not mix apples and oranges. The suggestion is that these cities interfere with the Department of Homeland Security and ICE's ability to go ahead and pursue someone to be deported. That is not the case. But that is the argument that is trying to be made in pursuit of an amendment that is all about immigration and nothing about security. We need to be about security in our communities. We need to be able to have witnesses come forward and be able to have victims come forward.

Now, local governments have taken the initiative to reassure these communities in order to deliver services vital to the public health and safety. And these may be immigrant families who also, in fact, have perfect status in this country. But the message being sent out is: Don't talk to the local police.

We have had incidents where people who, in fact, have total legal status, and who, because they came forward as witnesses to a crime, ended up feeling more like a criminal themselves than the person they were trying to testify against. That sends a chilling effect across immigrant communities which says: Do not participate.

It would not be in the interest of security in our communities to have that be the message. If immigrant families are afraid to access the opportunities for local law enforcement to have their participation as the eyes and ears of what is happening, it would have a negative effect and be a ripple effect of what would happen. If that is the message, then if you are a perpetrator of a crime and you want to do breaking and entering, robbing in a community, God forbid you want to do rapes, you say: This community will not go to the police. Let's do it in that sector. Then the crime continues and the perpetrator continues to be free and the process gets worse and worse.

It seems to me all Americans are at higher risk of preventable crimes when the population fears coming forward to give information.

This is also about telling municipalities that they cannot figure out for themselves what is the best way to combat crime in their communities. Our whole effort under the fantastic bill that Senator MIKULSKI has put together is to ensure communities have the wherewithal to combat the rise in crime we have seen over the past 2 years, according to recent reports. The way to do that is to have citizens come forward and participants in communities come forward and tell the police about what is happening. It is not to put a chilling effect on it.

The Senate has in the past already largely rejected these amendments—in good judgment. Let's listen to the cops, let's listen to the prosecutors, let's listen to the sheriffs, let's listen to the tough law enforcement people, let's listen to the communities that have elected officials who are in the midst of these communities and who say: When it comes to identifying crime and victims of crime, we want them to come forward. That is in the public interest.

Nothing in these cities is used in a way, as Secretary Chertoff said, to impede the opportunity for ICE to do what they want to do should they want to deport somebody.

For all those reasons, I urge my colleagues to reject the Vitter amendment when it comes up for a vote and preserve the security of our communities.

I yield the floor.

Ms. MIKULSKI. Mr. President, I, too, rise to oppose the Vitter amendment. For the benefit of our colleagues, they should know a similar amendment was defeated on the immigration bill this year. I opposed the amendment then and I oppose it now. I oppose it on substantive grounds, and I oppose it also on the grounds related to States rights and home rule.

To refresh everyone, what the Vitter amendment would do is ban local governments from receiving Federal law enforcement funds if a city or a locality has passed a law prohibiting police from asking an immigration status.

Why is this bad? First of all, local law enforcement officers all across America are opposed to this amendment. Their opposition has been very well articulated by our colleague from New Jersey. What has been articulated by local law enforcement communities is they believe they should not be held responsible for enforcing Federal immigration laws; that Federal laws on immigration should be enforced by Federal immigration authorities.

This amendment would also make it harder for local police to enforce laws and stop crime. One of the things that would happen, if police are forced to do this, it would foster great mistrust in our immigrant communities—meaning immigrants who are here legally. You know, there are many immigrants who are here legally. Because you might have a last name such as Sanchez doesn't mean you are an illegal immigrant. You might be the owner of an IT business in Silver Spring, MD.

One of the things we are concerned about is that immigrants, then, will not report crimes or will not give information to those who could go after serious crimes—such as the gang effort.

We are also concerned when people will not come forward particularly related to domestic violence. If there is domestic violence, a battered spouse might not call the police because it could trigger some type of raid in their own community.

This is not a good way to go. Let's go to the consequences of local communities deciding what they want to do.

What we are talking about is a situation where a city or a locality has passed a law prohibiting police from asking an immigration status. That is their right. That is their right, to say what they want to do in their own community. Then to deny Federal funds for law enforcement, funds for all the other things they might be applying for funds for, I think is outrageous. What happens if they are applying for interoperable communication equipment so they can fight violent crime? Oh, no, they can't have it.

What happens when they have applied for funds for the Violence Against Women Act, to deal with battered spouses or abused children? Oh, no, they would not be able to get their Federal funds.

What happens, then, in the issue of sexual predators? We have a robust effort to go after sexual predators in our communities. If they have applied for grants to be able to protect our children, they will not be able to get them under the Vitter amendment. So the Vitter amendment is not targeted at illegal aliens or illegal immigrants. What the Vitter amendment does is target law enforcement. If the Vitter amendment is agreed to, in many of these communities it will stifle, shackle, and impede local law enforcement from applying for Federal funds to which they would otherwise be entitled.

I think this is misguided. I think it is misdirected. For those of us who are very concerned about the issues of protecting our borders, we understand we need to protect our borders, but we also need to protect our communities. One of the ways we protect our communities is to let law enforcement apply for Federal funds for a variety of things, from cops on the beat, which they wouldn't be able to get; Byrne grant money for technology or bullet-proof vests, they wouldn't be able to get it; violence against women funds, they wouldn't be able to get that. I think the Vitter amendment is misguided and misdirected. We should defeat it.

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.

AMENDMENT NO. 3256, AS MODIFIED

Ms. MIKULSKI. Mr. President, we are making great progress. We have some amendments we wish to clear.

I call up amendment No. 3256, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending and will be so modified.

The amendment (No. 3256), as modified, is as follows:

AMENDMENT NO. 3256, AS MODIFIED

On page 57, line 7, strike "\$550,000,000" and insert "\$660,000,000".

On page 60, line 2, strike "and" and all that follows through "Funds" on line 3, and insert the following:

(12) \$110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, \$110,000,000 are rescinded: *Provided*, That within 30 days after the date of enactment of this section the Attorney General shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3256), 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.

AMENDMENT NO. 3310

Ms. MIKULSKI. Mr. President, I call up amendment 3310 for myself and Senator COLLINS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Ms. COLLINS, proposes an amendment numbered 3310.

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

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

The amendment is as follows:

(Purpose: To provide for certain public-private competition requirements)

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3310) 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.

AMENDMENT NO. 3239

Ms. MIKULSKI. Mr. President, I call up amendment No. 3239 by Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. KENNEDY, proposes an amendment numbered 3239.

The amendment is as follows:

(Purpose: To clarify that student loan repayment assistance does not violate section 209 of title 18, United States Code relating to Federal salary)

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

SEC. \_\_\_\_ . Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.

Ms. MIKULSKI. This amendment has been cleared on both sides of the aisle. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3239) 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.

Ms. MIKULSKI. Mr. President, we are making great progress. Our staffs are going to be working through the night. We have about 36 amendments pending; 10 on the Democratic side, about 26 on the Republican side. We know the staffs are working well after 7. This is a good time to come over and work with us. We hope tomorrow morning we will be able to have some votes and also further progress. It is the intention of the majority leader and the Republican leader to finish this bill tomorrow, even if we have to work through the night tomorrow night is to work through the night tonight. So come over, help clear up some of these amendments. It would be a great help.

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

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

#### SUPPORTING THE WORK OF FIREFIGHTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 345.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 345) 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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 345

Whereas firefighters have maintained their dedication to the health and safety of the American public since the first American fire departments were organized in the colonial era;

Whereas today's firefighters provide a multitude of services, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas more than 1,130,000 firefighters protect the United States through their heroic service;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and dispatch to fire emergencies every 20 seconds;

Whereas approximately 1,600,000 fires are reported annually;

Whereas firefighters respond with courage to all disasters, whether they be acts of terrorism, natural disasters, or other emergencies;

Whereas 343 firefighters sacrificed their lives responding heroically to the events of September 11, 2001;

Whereas firefighters from across the Nation responded with remarkable selflessness throughout the areas affected by Hurricane Katrina;

Whereas 89 firefighters lost their lives in 2006, and over 80,000 were injured in the line of duty;

Whereas we have honored firefighters for educating the American public since President Harding declared the first Fire Prevention Week in 1922;

Whereas the National Fire Protection Association has designated the week of October 7-13, 2007 as Fire Prevention Week; and

Whereas educating Americans on methods of fire prevention and escape planning continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters to educate and protect the Nation's communities; and

(2) supports the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

#### NATIONAL TEEN DRIVER SAFETY WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Con. Res. 36, and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) supporting the goals and ideals of National Teen Driver Safety Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 36) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable;

Whereas almost 7,500 drivers between the ages of 15 and 20 years were involved in fatal crashes in 2005 throughout the United States;

Whereas the fatality rate in the United States for drivers between the ages of 16 and 19 years, based on miles driven, is 4 times the fatality rate for drivers between the ages of 25 and 69 years;

Whereas the majority of teen driver crashes in the United States are due to driver error and speeding, and 15 percent of the crashes are due to drunk driving;

Whereas roughly two-thirds of the teenagers killed in motor vehicle accidents in the United States each year do not use seatbelts;

Whereas approximately 63 percent of teen passenger deaths in the United States occur while other teenagers are driving;

Whereas it is necessary to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving safety;

Whereas the National Teen Driver Survey, developed with input from teenagers and administered by The Children's Hospital of Philadelphia, demonstrates a national need to increase overall awareness about the safe use of electronic handheld devices, the risk of nighttime and fatigued driving, the importance of consistent seatbelt use, and the practice of gradually increasing driver privileges over time as a young driver gains more experience under supervised conditions;

Whereas in 2005, 1,553 crash fatalities involving a teen driver occurred in the fall, when teenagers are in the first months of the school year and faced with many decisions involving driving, including whether to drive with peer passengers and other distractions; and

Whereas designating the third week of October as National Teen Driver Safety Week is expected to increase awareness of these important issues among teenagers and adults in communities throughout the United States, as additional research is conducted to develop and test effective interventions that will help teenagers become safe drivers: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) supports the goals and ideals of National Teen Driver Safety Week; and

(2) encourages the people of the United States to observe the week with appropriate activities that promote the practice of safe driving among the Nation's licensed teenage drivers.

#### DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPRO- PRIATIONS ACT, 2008—Continued

Mr. REID. Mr. President, we have on this bill that is now before the Senate—the Commerce-Justice appropriations bill—about eight amendments that Democrats have pending or wish to offer, and we have 26 Republican amendments. Everyone should understand we are going to finish this bill tomorrow. It does not matter what events are going on around town, we are going to work and finish this bill. If it takes until 8 o'clock tomorrow night, fine; there will be no windows. We are going to work right through this. If people try to hold this up, we will have a bunch of votes. We will have the Sergeant at Arms instructed. We are going to move through this.

I am told we want to finish appropriations bills. This is our second week on this bill. We are going to finish this bill tomorrow or sometime early Wednesday morning. We are going to continue working on this until it is completed or until we find there is such intransigence by the Republicans that they do not want us to finish this bill. I hope that is not the case.

We have had on our appropriations bills some decent cooperation from the Republicans, for which I am appreciative, but we have other bills we have to do. If we finish this legislation, we will still have seven appropriations bills to do.

I am aware we have had to file cloture 49 different times this year to defeat Republican filibusters or to turn them around, and if it is necessary to file the 50th, we will do that. I think that would be a shame to have to do that.

We have a finite number of amendments now, and we need to try to work through them. What we could do, of course, here—there are more Democrats than Republicans—we could move to table all the Republican amendments. It would take a lot of time to do that. I hope we do not have to do that. I hope we can work through these amendments and some of them will be accepted and some will be voted upon.

I want to be as reasonable as possible, but I have the Nation's business to be concerned about. We have to

work through this. We have been off work now doing other things in our districts. We all worked hard. Now we are back to legislating. As part of that legislation is this bill that is before the Senate now. We are going to work on it and complete it. I was hopeful that with the 2:30 deadline we would come back with a reasonable number of amendments, but that is not, in fact, the case.

We have on the Republican side a number of Senators who are offering multiple amendments. I know they are important, and I understand that, but I hope that we can, as I have said, work our way through these. We will one way or the other work through these, because I do not want and do not intend to file cloture. I intend to work until we finish this bill.

I don't know how I can be more clear than that. We have to move after this to another appropriations bill, one that is extremely important, the Labor-HHS bill, an extremely important piece of legislation involving so many different and important issues, as the Presiding Officer, for example, is well aware.

It is my understanding the distinguished junior Senator from South Dakota wishes to call up an amendment before I do the closing matters, and I am happy to wait. I ask now to return to legislative business.

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

Mr. REID. What is the matter before the Senate now, Mr. President?

The PRESIDING OFFICER. The Vitter amendment is the pending question.

AMENDMENT NO. 3317

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. THUNE. Mr. President, I thank the majority leader for yielding to give me an opportunity to offer this amendment. I call up amendment No. 3317 and ask unanimous consent that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3317.

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

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

The amendment is as follows:

(Purpose: To provide, in a fiscally responsible manner, additional funding for United States attorneys to prosecute violent crimes in Indian country)

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "UNITED STATES ATTORNEYS SALARIES AND EXPENSES" under the heading "LEGAL ACTIVITIES" under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes de-

scribed in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading "PAYMENT TO THE LEGAL SERVICES CORPORATION" under the heading "LEGAL SERVICES CORPORATION" under title IV is reduced by \$20,000,000.

Mr. THUNE. Mr. President, this appropriations bill, as all appropriations bills, comes down to a matter of priorities. We have a limited amount of resources and we have to figure out where to put those limited resources to the most effective use for the taxpayers.

My amendment is very simple. It takes \$20 million from an authorized program that has problems with wasteful spending and it spends that \$20 million instead to give Federal prosecutors badly needed additional funding to fight violent crime in Indian country. Violent crime has become a serious problem on reservations in South Dakota and elsewhere, and I am determined to put an end to it. If our tribal communities are to have a chance to be prosperous, they must first have strong public safety.

A few weeks ago I cosponsored an amendment with Senator DORGAN to provide more law enforcement presence in Indian country. I strongly support this effort. The other part of the equation, though, is to ensure that those who have been arrested for violent crimes are prosecuted to the fullest extent of the law. Because the Federal Government has a trust responsibility to the tribes, the task for prosecuting violent crimes in Indian country lies with our U.S. attorneys. However, our U.S. attorneys often cannot prosecute crimes because of a lack of resources. An article published last June in the Wall Street Journal by Gary Fields about crime in Indian country pointed out that Federal prosecutors often do not intervene in cases involving serious crimes due to the long distances involved, lack of resources, and the cost of hauling witnesses and defendants to Federal court. The same article goes on to say that in the past two decades, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56 percent for all other cases. I ask unanimous consent that the June 12, 2007 Wall Street Journal article headlined "Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THUNE. I hasten to add that the U.S. attorney in South Dakota is doing a fantastic job prosecuting violent crime and white-collar crime on South Dakota's Indian reservations. However, I am certain he can put more funding to good use in his office, as could every U.S. attorney prosecuting violent crime in Indian country.

The rate of violent crime in Indian country is disproportionately high. The Department of Justice reported that from 1992 to 2001, the average rate of violent crime among American Indians was 2½ times the national rate. According to one report in the Indian Country Today newspaper, Native American women are 7 times more likely to be victims of domestic violence than all other women are, and more than 60 percent of Indian women will be victims of violent assault during their lifetimes. According to the same report, nearly one-third of all Native American women will be raped. This is unacceptable.

The FBI estimates that 40 to 50 percent of Indian country violent crime is now methamphetamine related. In fact, we know that meth traffickers and dealers target Indian country jurisdictions because they believe they will not be prosecuted, even if they are apprehended. According to Chris Chaney, the BIA Deputy Director of the Office of Justice Services, meth distribution on tribal lands often occurs due to the belief that it is easier to get away with such a crime in Indian country. That is why we must dramatically ramp up prosecutions of violent crime, of meth-related violent crime in Indian country.

I offer my amendment today to help provide more resources to U.S. attorneys in Indian country to prosecute more crimes referred to them. Specifically, my amendment would provide an additional \$20 million to U.S. attorneys that can only be spent to prosecute crimes under the Major Crimes Act of 1885 and the Indian Country Crimes Act of 1834. The amount will be paid for by subtracting \$20 million from the amount appropriated under this bill to the Legal Services Corporation.

This bill provides \$390 million to the Legal Services Corporation, a program that has not been reauthorized since 1980. This is a 12-percent increase over the amount appropriated to the LSC in fiscal year 2007, and a 30-percent increase above the administration's recommendation. This substantial increase comes at a time when the Legal Services Corporation has faced serious questions about its management and expenditure of taxpayer dollars.

In August, the GAO published a report entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened." In the report, the GAO noted that a dozen officers and employees of the Legal Services Corporation had received compensation in excess of the statutory compensation limitation. According to the GAO, an outside legal counsel issued an opinion last May concluding that the Legal Services Corporation 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 process for overseeing

compensation, the Legal Services Corporation remains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

The GAO also noted in the report that:

In recent years, LSC management has engaged in practices that may have been prevented through effective implementation of strong ethics policies.

These practices are reported by the LSC's inspector general. The inspector general found that food costs at meetings exceeded per diem allotments by 200 percent and that LSC used funds to pay travel expenses for its president for business related to her positions with outside organizations. The inspector general also found that LSC hired acting special counsels from grant recipient organizations, causing potential conflicts of interest, and could not complete an investigation into this practice because of the failure to provide documentation required by Federal law and LSC grant agreements. The GAO concluded that:

Without the presence of a strong ethics committee providing effective oversight in the development, implementation, updating, and training for the code of ethics, the LSC is at increased risk of fraud or other ethical misconduct.

I ask unanimous consent that the executive summary of the LSC Office of Inspector General "Report on Certain Fiscal Practices at the Legal Services Corporation," dated September 25, 2006 be printed in the RECORD at the end of my remarks. Also, I commend to my colleagues a GAO report entitled "Legal Services Corporation Governance and Accountability Practices Need to be Modernized and Strengthened," dated August of 2007.

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

(See exhibit 2).

Mr. THUNE. Mr. President, I do not believe an organization that has received such stinging criticism from the GAO about management practices and its handling of taxpayer dollars should be receiving such a substantial increase in funding that is reflected in the underlying bill. My amendment simply reduces a \$40 million increase to a \$20 million increase for the Legal Services Corporation for fiscal year 2008. That is, the Legal Services Corporation would still receive an increase under my amendment, just not nearly as substantial as originally reflected in the underlying bill.

As I said earlier, we must begin to choose priorities. Should we provide more badly needed funding to fight violent crime in Indian country or should we reward an organization that is engaged in wasteful spending of taxpayer dollars by providing a massive increase over the President's recommendation of \$300 million, and a massive increase even compared to the amount of funding it received in the last fiscal year of \$348 million?

I urge the Senate to join me in voting for more funding to help reduce

violent crime in Indian country and to address what is a very desperate need across Indian reservations in South Dakota, and to do it in a way that is consistent, I believe, with what the priorities in this underlying bill ought to be, by paying for it with a \$20 million increase, actually, that is going to be allocated this year to the Legal Services Corporation. In my judgment, in my view, that makes sense. It is an issue that needs to be addressed, and my amendment would take us down that road, coupled with the agreement that was earlier reached on the Dorgan amendment, to provide more of a law enforcement presence on Indian reservations. So I hope we can accomplish both of those objectives through the appropriations process this year, and it starts right here with adopting this amendment.

I urge my colleagues to do that. I again thank the distinguished majority leader for his patience in yielding me time to speak to this amendment.

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

#### EXHIBIT 1

[From the Wall Street Journal, June 12, 2007]

#### ON U.S. INDIAN RESERVATIONS, CRIMINALS SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

"We put him away twice for a year, that's all we could do," says James Kilbourne, prosecutor for the tribe. "Then he got out and committed the same crime again."

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians

living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

"Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?" asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. "We would not allow this anywhere else except Indian country."

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

"If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty," says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. "My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it."

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. "I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation."

Often cases don't rise to the level of felony Federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases. Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

"It requires stitches, almost a dead body," says Mr. Davis. "It is a high standard to meet."

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of \$6,286 at the time. Only Buffalo County, SD, was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1998, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74-year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

"All I could do was to escort him off the reservation," says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. "He kept coming back. After a while I just left him alone and let it go. It was just a waste of time."

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and \$13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and "terroristic threats" related to his wife, in Dawes County, NE. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival—all of whom died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

"The holes in the system are more practical than legal, and the victims of crime pay the price," says Larry Long III, the South Dakota attorney general. "The crooks and the knotheads win."

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the "Trail

of Tears." Today the tribe is spread across five counties and is economically well off: It takes in more than \$200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that "we'd need 50 kilograms in a typical federal case" to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. "What I remember is his domestic-violence incidents. He just wouldn't stop," Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. "He said I was using the miscarriage as an excuse," says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

"One year," says Ms. Hicks. "He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long."

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. "He had threatened her, and dug a grave, and said no one would ever find her. We believed him," Mr. Reed said. "Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up." At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats

and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

#### EXHIBIT 2

[From the Office of Inspector General, Sept. 25, 2006]

#### REPORT ON CERTAIN FISCAL PRACTICES AT THE LEGAL SERVICES CORPORATION EXECUTIVE SUMMARY

In response to a Congressional request, the Office of Inspector General (OIG) initiated a review of allegations concerning fiscal practices, conflicts of interest, and general mismanagement at the Legal Services Corporation (LSC). This report presents our findings with respect to certain LSC fiscal practices, including allegations of fiscal abuse and wasteful spending. Other matters identified for review will be addressed in subsequent reports.

With respect to many of the allegations, our review found spending practices that may appear excessive and inappropriate to LSC's status as a federally-funded non-profit corporation, particularly in light of its mission in distributing taxpayer dollars to fund legal services for the poor. We also found a number of transactions which did not follow LSC's own policies and a number which would be impermissible under the rules governing federal agency spending. While generally those rules are not directly applicable to LSC, they provide a familiar reference point for Congressional overseers and the public. Our principal findings and recommendations are summarized below:

We found the cost of food at Board of Directors meetings appeared excessive in some instances and should be reduced. In nine of the eleven Board meetings that we were able to examine, we found that the total cost of food was equivalent to more than 200 percent of the applicable per diem food allowance.

We found lunch costs at the January 2006 Board meeting to be more than \$70 per person, afternoon snack breaks costing as much as \$27 per person, and a total hotel food cost (breakfast, lunch, and snacks) of \$8,726 for the entire two-day meeting. We also found the contracting process for Board meetings was not in compliance with LSC's own policies. LSC did not generally follow its competitive contracting practices in selecting a hotel venue for Board meetings or properly document the selection process or the justification for the selection. Finally, we found LSC could save thousands of dollars by holding its local, Washington, D.C., board meetings at its headquarters rather than at a hotel.

We found that the LSC Chairman's authorization to allow the LSC president to travel to or from any of her homes in connection with official travel was contrary to the terms of the General Services Administration (GSA) travel contract and LSC's obligations as a mandatory user thereunder. We

also found that the LSC president's use of a foreign air carrier violated GSA's regulations implementing the Fly America Act, which LSC is contractually bound to follow. Further, we question the use of LSC funds to pay expenses associated with the LSC president's continued service in various capacities with outside organizations with which she was involved prior to her selection as LSC president.

We found that LSC officials traveled first or business class in three instances. In one instance in 2005, the LSC Chairman traveled first class round trip from Atlanta, Georgia, to Washington, D.C. The first class ticket was less than a government ticket on the same flights. In a second instance in 2005, the LSC president traveled one-way first class to an international legal aid conference in Ireland at an additional cost to LSC. Instead of using the government fare initially booked, the president was ticketed full fare coach, allowing her to secure an immediate first class upgrade as a frequent flyer member, which would not be available immediately with a government ticket. Finally, an LSC vice president traveled business class round trip to Melbourne, Australia, to attend the 2001 International Legal Aid Conference. As the trip was well in excess of 14 hours, it appears that business class would have been authorized for this trip under the Federal Travel Regulation.

We estimate that LSC spent over \$100,000 on coffee, holiday parties and picnics, working lunches, and business entertainment, going back as far as August 2000. These expenditures did not violate LSC policy. While LSC is generally not subject to Federal spending practices, these expenditures would be impermissible under those practices and we question whether many of them were reasonable and necessary, and whether they were appropriate for LSC.

We found LSC has spent over \$1 million in the past 10 years in settlement agreements with departing employees.

We concluded that some of the allegations were unfounded, or could not be substantiated. Specifically:

We found no evidence of excessive or undisclosed bonuses or of other confidential or indirect payments by LSC to the LSC president. We found no evidence of any "secret deal" between the LSC president and the LSC Board of Directors.

We did find, however, that the LSC president has been receiving a "Locality Pay" supplement at a rate that is 1 percent of salary greater than that received by any other LSC employee, all of whom work in Washington, D.C. (The Inspector General also received locality pay with a 1 percent differential for the first four months of his employment. This ended December 2004.) We questioned the propriety of such a payment. Locality pay rates by their nature are geographically based; under the Federal system there would be no variation for an individual payee within a given area.

We did not find unreasonable LSC's justification for holding a board meeting in Puerto Rico. LSC stated that it was appropriate to visit the largest LSC grantee and meet with various judicial officials and members of the bar who are involved in promoting the delivery of legal services to low-income individuals in Puerto Rico.

We did not find widespread first-class travel and found only one instance of questionable first-class travel.

We did not find LSC spending practices violated any laws. However, we did find that LSC is not adhering to its contractual obligations under the GSA City Pair Contract, as well as instances where it is not following its own controls and procedures regarding spending, contracting, and travel.

Our overall recommendations to the LSC Board and LSC management include the following:

Undertake a comprehensive review to bring LSC's spending policies and practices, particularly in the areas of travel, meals, meetings, and entertainment, in line with those applicable to Federal agencies, and require that the board review and approve any deviation from Federal practice.

Review the overall cost of LSC board meetings to determine whether there are ways to reduce costs. Also, require that LSC's competitive requirements are followed in contracting for board meeting locations.

Provide training and education for LSC staff to ensure that all LSC policies are followed, particularly in the areas of contracting and the Federal Travel Regulation related to the GSA City Pair Contract.

Review LSC employment policies and practices to determine if there are opportunities to reduce its potential liability, and review its settlement policies and practices to determine whether costs can be reduced and whether they are in the best interest of the corporation and appropriate expenditures of public funds.

LSC Response: The LSC Board and management responded positively to a draft copy of this report. They have agreed to implement substantially all of the report's recommendations. In some cases, they have already taken steps to do so, as noted in the specific recommendations within the report.

#### BACKGROUND

LSC is a private, non-profit corporation established by Congress in 1974 to help provide equal access to the system of justice in our nation to those who otherwise would be unable to afford adequate legal counsel by making financial support available to provide high quality civil legal assistance. In establishing LSC, Congress explicitly recognized "providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice, assist in improving opportunities for low-income persons," and that the availability of legal assistance "has reaffirmed faith in our government of laws." LSC has said, "The goal of providing equal access to justice for those who cannot afford to pay an attorney remains the reason for LSC's existence and the benchmark for its efforts."

LSC's statutory mission is to provide "financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance." Pursuant to its mission, LSC funds 138 non-profit legal aid organizations across the United States and its territories to address the most basic and critical civil legal needs of the poor. Controlling statutes require that LSC choose grantees to provide such legal assistance to the poor through a process of competitive bidding, and also require LSC to ensure grantee compliance with applicable laws and implementing regulations and guidelines, and to ensure the maintenance of high quality service. LSC is required to ensure that grant dollars are provided so as to make the most economical and effective use of its taxpayer-provided resources in the delivery of legal assistance to eligible persons.

LSC is wholly funded through taxpayer dollars; its 2006 annual appropriation was \$326.6 million, including \$12.7 million to support LSC headquarters operations (not including the OIG). Given its mission as the principal provider of federal funds for legal assistance to the poor and its status as a quasi-federal agency, it is reasonable to expect that LSC management should conform to the highest standards with respect to fiscal responsibility and accountability. In-

deed, LSC, "[a]s a matter of principle, [is] committed to being a careful and frugal steward of taxpayer funds [and declares that it has] strict policies in place to ensure LSC funds are spent wisely and appropriately."

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before my friend leaves the floor, one of the areas we need to get to—and I want to do it before we leave on November 16—is Indian health, which is something that is long overdue. If we talk about people who need health care, everybody would stand in line as second in need to the Indians around this country. We have a bill, and the Finance Committee is in the process of getting money to get it done. It is not everything we need, but it is starting something that is long overdue.

I say to my friend, who has the most needy reservation—Pine Ridge—in the country that we need to have the time to get rid of some of these appropriations bills so we can do something about Indian health. I have made a commitment that we are going to do that some way before we leave this legislative year. We have to do that piece of legislation. I know my friend from South Dakota understands the need in Indian Country for health care. As I said, it is great that we want to take care of the children's health initiative, which is important because we have 50 million people with no health insurance. All those problems are really in the shadows of how badly it is needed in Indian Country.

Mr. KERRY. Mr. President, today I filed an amendment with Senator GRAHAM as a cosponsor which may provide up to \$2 million, within the Department of Justice Office of Justice Programs account, for the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, SMART, Office. The funding will be used to help hire additional staff and cover expenses for the office. The SMART Office was created by the Adam Walsh Act to help States change their sex offender registry statutes to come into compliance with the law. Currently, the SMART office is only funded through various discretionary accounts, so it is critical that we ensure they have enough staff and resources to help enforce this important law to protect our communities.

Mr. President, today I filed an amendment with Senator KENNEDY as a cosponsor which would authorize the Director of the Federal Prison System to carry out a pilot program to assist the children of female prisoners. The pilot program can be developed at any Federal correctional facility that houses women in the United States. Specifically, the amendment gives the Director of the Federal prison system discretion to make expenditures to institute a pilot program for nonviolent female offenders and their children up to age 36 months to allow the children

to be housed, fed, and cared for in Federal, or federally contracted, correctional facilities housing women, in programs specifically designed to benefit mother and child.

Mr. LIEBERMAN. Mr. President, I rise today to thank my colleagues Senator MIKULSKI and Senator SHELBY for their first-class work on the Fiscal Year 2008 Commerce, Justice, Science, and Related Agencies Appropriations bill. They have written legislation that strengthens communities against crime and terrorism, provides important research dollars for science and technology, and protects jobs here in the United States against unlawful trade practices.

Unfortunately, we know from Federal crime statistics that violent crime is on the rise in the United States. To combat this increase, we must make a commitment to boost Federal support for State and local law enforcement. This bill contains \$2.66 billion for community police departments, \$26 million to hire an additional 100 FBI agents to fight violent crime, and \$5 million for the FBI to create a task force on gang violence. Since the terrorist attacks on September 11, we have asked our local law enforcement officials to assume yet another role in protecting citizens, namely homeland security. I believe that the Federal Government must step in and provide a share of the resources to community policing for their efforts.

I also commend my colleagues for the impressive funding package they have devised for science and technology. This year, along with Senator BOND, I helped lead the charge in the Senate for an increase in the National Science Foundation's budget. This bill includes over \$6.5 billion for the NSF, with a substantial \$850 million for educational programs to develop the next generation of leaders in science, technology, and math. The future of innovation rests upon our ability to recruit more talented students who want to pursue careers in science and engineering. Looking at the challenges the United States faces in maintaining global economic leadership, a comparatively small investment now in the National Science Foundation will provide exponential benefits for years to come.

Finally, I commend the adoption of Senator MIKULSKI and Senator SHELBY's amendment to add \$1 billion to NASA's budget for this upcoming fiscal year. Along with several other Senators, I was a proud co-sponsor of this amendment, and I laud its adoption by unanimous consent. The additional funding will enable NASA to revive its basic science programs, such as its earth science and aeronautics research initiatives. Global warming is a reality, and NASA's capabilities make it uniquely positioned to provide the world's scientific community with vital data about changes in Earth's atmosphere and the subsequent impact on climate. Furthermore, we must remember that there are two "As" in

NASA, and forgetting the "Aeronautics" component of the agency's mission would be a grave mistake. Once again, I congratulate my colleagues on a well formulated piece of legislation, and I urge the President to sign this bill into law.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to 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.

#### DOMESTIC VIOLENCE MONTH

Mr. REID. Mr. President, I rise today in recognition of Domestic Violence Month. During the month of October, I urge my fellow colleagues and Americans to join me in committing to end violence in our homes. It is my hope that we can stand together this month and show abusers that we will not tolerate their actions.

We must never forget that domestic violence is a wide spread ailment with devastating implications. Domestic violence affects not only the victims of abuse, but their families and communities as well. The consequences of domestic abuse do not end with the violence. Victims lucky enough to escape their abusers are sometimes left with no home, no money, and no means to support themselves. And most unfortunately, children are often caught in middle of this tragedy. With as many as three million women experiencing abuse a year, it is clear we must do more to prevent these crimes and help those who are victims.

That is why I would like to recognize several organizations that have done extraordinary work to protect the victims of domestic violence in Nevada. For almost 20 years, the Shade Tree has provided shelter to abused women, and their families. Now, Shade Tree has taken on another aspect of domestic violence. On October 9, 2007, Shade Tree opened Noah's Animal House, a shelter for the animals of battered women. Shade Tree realized that animal abuse occurs in 85 percent of homes from which battered women arrive. Of those, 20 percent refuse to leave their abusers without their pets. Shade Tree's commitment to ending domestic violence knows no boundaries, and I know its impact on countless lives will continue.

The Safe Nest is another important organization that has made tremendous strides in ending domestic violence in Nevada. Safe Nest recognizes the importance of addressing all sides of domestic violence and helps with a range of services from court advocacy to crisis intervention. Safe Nest also serves Nevada by sheltering victims and educating the public. On October 19, Safe Nest will hold its annual Domestic Violence Awareness Month

luncheon. On this day, I hope that Nevada and our Nation will recognize Safe Nest's years of success and hard work.

Finally, I would like to recognize the S.A.F.E.—Stop Abuse in the Family Environment—House for their work. S.A.F.E. House is a community based organization that provides counseling, advocacy, and intervention for victims of domestic abuse. In addition, S.A.F.E. House collaborates with organizations across Nevada to search for ways to end domestic violence. For example, on October 25, S.A.F.E. House and the state chapter of National Organization for Women will team up to bring awareness to domestic violence. I am pleased to commend S.A.F.E. House for motivating hundreds of Nevadans to take action in their community.

It is also important to recognize thousands of other organizations in Nevada and our Nation that have committed time, labor, and financial resources to help victims of domestic abuse. Please join me in commending the dedicated efforts of those individuals who work each day to stop aggression in our homes. With their example in mind, I hope that Congress can reflect and take action during this important month. I urge all Americans to participate in Domestic Violence Month activities and pledge to make this issue their own.

#### NATIONAL LATINO AIDS AWARENESS DAY

Mr. REID. Mr. President, October 15 is the fifth annual National Latino AIDS Awareness Day, NLAAD. I rise in observance of this important day to increase our understanding of the Latino community's struggle with the HIV/AIDS epidemic. As we draw attention to the devastating impact of the HIV/AIDS crisis on the Nation's Latino population, let us recognize the resulting call to action as well.

When America first observed the annual National Latino AIDS Awareness Day in 2003, we took stock of the dismaying statistics on HIV/AIDS among Latinos. Even though they comprise 14 percent of the U.S. population, they accounted for 19 percent of the new HIV infections estimated to occur in the country each year. Over 71,000 Latinos were thought to be living with AIDS, constituting one-fifth of all AIDS patients in America. Of those, teens and women were among the Latino population subgroups considered especially hard hit by the HIV/AIDS epidemic.

These troubling disparities persist today. Latinos continue to be over-represented among HIV/AIDS patients, the greater barriers they face in accessing care have not gone away, and too many remain in the dark about the importance of prevention. While advances in medical technology have improved the outcome for HIV/AIDS patients in general, these benefits are also not reaching Latinos on par with the rest of the population. Underlying

all these statistics is the sobering message that HIV/AIDS still devastates real people and real families across the Latino community. It is a message with special significance for me as the senior Senator from Nevada, where 18 percent of the newly diagnosed are Latinos.

We must be mindful of other statistics that provide context. According to the U.S. Census, individuals of Latino or Hispanic origin numbered over 44 million in 2005. They are also the fastest growing minority group in the Nation. In Nevada alone, the Hispanic population has soared by 40 percent from 2000 to 2005.

All these factors highlight the need to reverse the course of the epidemic among Latinos, if we are to make headway against HIV/AIDS in America. Fortunately, the disparities and challenges facing the Latino community also point to the steps we can take. From teaching health care providers to deliver culturally competent care to funding vital programs like the Ryan White CARE Act, these steps are critical to winning the fight against HIV/AIDS.

Educating and engaging the public remains a cornerstone of our efforts. In southern Nevada, for example, nonprofit organizations are partnering with public health officials to provide HIV testing and information to the public in observance of National Latino AIDS Awareness Day. Similar events are expected to take place across the Nation.

National Latino AIDS Awareness Day is a time not just to spread the word about HIV/AIDS issues specific to the Latino community. It is also a day of hope, an opportunity to reflect on the milestones we have reached and to reaffirm the goals and ideals of this day. So, in looking toward the future, let us all renew our commitment to ending the HIV/AIDS crisis—among Latinos and all Americans everywhere.

#### HONORING OUR ARMED FORCES

SERGEANT JOSEPH B. MILLEDGE

Mr. GRASSLEY. Mr. President, it is with great sadness that I must inform the Senate of the death of Sergeant Joseph B. Milledge a Glenwood, IA, native who was killed in Iraq on October 5, 2007, during combat patrol in Baghdad. Sergeant Milledge was part of the 3rd Squadron, 2nd Stryker Cavalry Regiment, 1st Armored Division stationed in Vilseck, Germany. My thoughts and prayers go out to his family and friends, especially his wife Amanda and their 1-year-old son Joseph, Jr., as well as his parents, Carla and Jack.

Joseph Milledge was born in Council Bluffs, IA, and later moved to Glenwood with his family where he attended high school. He enlisted in the U.S. Army in August 2003, a year after he graduated. By all accounts, Joseph was a highly literate man who enjoyed reading books on religion and philos-

ophy and writing poetry. In fact, I understand he gave his wife a book of his unpublished poetry this summer. Joseph loved his family unconditionally and cherished spending time with his son, nieces, and nephews.

Sergeant Milledge was very dedicated to his country and the cause for which he was fighting. His mother explained that he didn't want to go back for a second tour because of his family but did so because he knew it was his duty to his country. Carla Milledge said, "You couldn't have asked for a better father or husband. He loved his wife and son. He loved them with his whole being."

I know his loss will be felt very strongly, not least by his infant son. But, as his wife Carla said, "He'll know his daddy was a hero and died for what he believed in." Sergeant Joseph B. Milledge is indeed a great American hero who will be remembered for his courage, his strength, and his love. He gave the ultimate sacrifice for his family, friends, and country, and we are forever grateful.

#### TRIBUTE TO JO ANN DAVIS

Mr. WARNER. Mr. President, the First Congressional District of Virginia is, like all of Virginia, a unique treasure. Beginning not far from the Nation's Capital, it stretches down Virginia's eastern coast along the Chesapeake Bay, as far south as the cities of Newport News and Hampton. Today, the First District is home to crucial national defense resources, like the Marine Corps' installation at Quantico and Langley Air Force Base. It is also home to national historic landmarks like Jamestown, Yorktown, and Williamsburg, places that gave birth to Virginia and that are forever tied to the independence of our Nation and our Constitution.

On October 6, 2007, the people of Virginia's First Congressional District lost one of its most respected and admired leaders, a dedicated Member of Congress and loyal friend, Representative Jo Ann Davis. It is with deep sadness that I share my thoughts on the passing of my colleague.

Born in North Carolina, Jo Ann Davis attended Hampton Roads Business College in Virginia, later obtaining her real estate license and real estate broker's license over the next several years. In 1990, she started her own company, Jo Ann Davis Realty, and followed this successful endeavor with a run for public office in 1997. Serving as a delegate in the Virginia General Assembly for 4 years, Jo Ann Davis became the first Republican woman to serve Virginia in the U.S. Congress after winning election in 2000.

Representative Davis was a relentless champion for the needs of the First District. It was my privilege to work with her on many matters, ranging from national defense to the environment, and in that regard she worked hard to improve the health of the

Chesapeake Bay. Also, I commend her diligent leadership in the removal of the James River Reserve Fleet from Newport News. From her support for the Rappahannock River Valley National Wildlife Refuge to her concern with the preservation of Dragon Run or providing funding for oyster restoration, she always put the quality of Virginia's environment above politics.

With sincere passion and concern, Representative Davis worked to improve our Nation's armed services and the lives of the men and women who bravely answer the call to duty. She provided strong representation for the communities in and surrounding the Naval Surface Warfare Center at Dahlgren and the Marine Corps base at Quantico, ensuring that these facilities continue to make important contributions to protecting the Nation and to the economic foundations of their respective areas. Her initiative to increase the life insurance benefit paid to survivors of military members and her advocacy on behalf of the rights and benefits of Federal employees will continue to be appreciated in the years ahead.

I have always admired Representative Davis for her strong convictions and the tenacity that she brought to bear in acting on them. She fought a courageous struggle against cancer, and I will miss her insights and her friendship in our Virginia congressional delegation.

I close with a personal note that we both shared interests in equestrian activities. There is an old English saying that "the outside of the horse is good for the inside of the man." As an avid, accomplished rider, she often quipped with me that the saying applies equally to a woman. She loved the noble horse.

I join with my colleagues from the Commonwealth and from the entire U.S. Congress in expressing my deepest sympathies to her husband, her two sons, and her extended family. They will remain in our thoughts and prayers during the difficult days ahead.

#### BAN ASBESTOS IN AMERICA ACT

Mrs. MURRAY. Mr. President, In the nearly 7 years that I have worked to pass the Ban Asbestos in America Act, I have been aided by so many dedicated and driven individuals without whom this day would not have been possible. I wish to take a minute to thank them for all they have done.

I would like to begin by thanking my entire personal staff who have taken on this fight with me. Over 7 years many of them have come and gone, but I know they are all very proud today because each and every one of them, in their own unique way, has helped this effort along.

In particular I would like to thank Bill Kamela who, as the head of my HELP Subcommittee on Employment and Workplace Safety, has carried the torch on this issue for so many years.

Bill has sat with me in countless meetings reassuring widows, clearing legislative hurdles, and pledging to all to make this ban a reality. Bill's hard work and expertise have been essential to making this possible. I would also like to thank Anna Knudson, a former member of my staff who had the vision and passion to begin this effort.

I would like to thank Bill's hard-working staff Crystal Bridgeman, Mike Waske, and Janice Camp who lent their know-how and support to this effort at a critical juncture.

I would like to thank Alex Glass and my entire press office for their work in spreading the word about the importance of this effort. And I would like to thank Pete Weissman who recently left my office but whose words often helped drive home the urgency of this effort. I would also like to thank Mike Spahn who worked with me on the Senate floor to guide this bill to passage.

I also want to recognize and thank Dr. Barry Castleman, Chris Hahn from the Mesothelioma Applied Research Foundation, MaryAnne Dunlap from Senator INHOFE's office, Ed Egee from Senator ISAKSON's office, Linda Reinstein from the Asbestos Disease Awareness Organization, Dr. Aubrey Miller, Dr. Greg Meeker, Dr. Richard Lemen, Dr. Mike Harbut, Dr. Harvey Pass, Andrew Schneider of the Seattle PI, and Matt Bergman.

I also want to say that it has been a pleasure to work with Senator ISAKSON's staff, the staff from EPW, and Senator BOXER's staff.

It takes a lot of people to get something done. A tremendous amount of people have worked on this. I thank them. Because of their work, we are going to ban asbestos, we are going to dramatically expand research and treatment, and we are going to launch a public education campaign so all Americans understand how they can protect themselves from the deadly asbestos products that may be in their home.

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#### TRIBUTE TO MAJOR VAUGHN L. WARD

Mr. CRAPO. Mr. President, I wish to recognize the valor, leadership, and service of MAJ Vaughn L. Ward, a third-generation Idahoan who grew up working on his family's farm in southern Idaho. On October 22, 2007, Major Ward received the Bronze Star Medal with Combat Distinguishing Device for heroic achievement in combat while serving as a Marine Rifle Company Commander in Fallujah, Iraq, from March to October of 2006.

During 7 months of combat operations, Major Ward distinguished himself as an exemplary leader of Charlie Company, 1st Battalion, 25th Marines, Regimental Combat Team 5. Charlie Company was centrally located in the center of Fallujah and colocated with the Iraqi Police Headquarters. Insurgent forces regularly attacked this strategic position. During the tour, in-

surgers launched over a dozen complex attacks against his position, utilizing more than 120 rounds of indirect fire, IDF, AK-47 and PKC fire, vehicle borne improvised explosive devices, VBIEDs, improvised explosive devices, IEDs, and sniper fire. Major Ward commanded his marines through these attacks and usually led the counter-attack against enemy forces. From March through October, Charlie Company engaged the enemy over 130 times, conducted nearly a thousand foot and vehicle patrols, and carried out over 100 raids against insurgent locations.

Major Ward's military honors are only the latest in a career marked by excellence, leadership, and achievement. After graduating from Boise State University, he worked on Capitol Hill as a legislative aide for former Senator Dirk Kempthorne in 1993. He joined the Marine Corps in 1995 and served until 2000, whereupon he entered the University of Maryland and obtained his masters in business administration, MBA, in 2002. He continued his public service by joining the Central Intelligence Agency, CIA, where he trained as an operations officer and served in the Middle East and Africa. In January 2006, Vaughn went on military furlough from the CIA in order to reactivate with the Marines and serve in Iraq. He left active duty in January 2007 and resigned from the CIA in May 2007. Vaughn, his wife Kirsten, and their daughter Avé will return home to Idaho in November.

Vaughn's penchant for leadership and hard work has its roots on a small family farm in Shoshone. As young as 8 years old, Vaughn was working at his family's farm, which included a dairy with 70 cows, and a few thousand acres of grain and hay, and hundreds of free-range cattle. By age 11, Vaughn was operating a tractor, plowing the fields in the spring and fall and swathing the summer hay crops. He helped to run the family farm throughout most of his teenage years and feels very fortunate to have had this childhood experience. His grandfather homesteaded the farm, and it was there that Vaughn internalized a true appreciation for the importance of hard work.

He was cognizant at an early age of the family's financial challenges. At 14, the age when many teenagers were spending their money on things like music, clothes, and a new electronic invention—computer games—Vaughn bought his family a Christmas tree. They would not have had one, otherwise.

Vaughn credits his mom, Maria Tranmer, with his success and his character development. His mother recounts the circumstances of his birth: Due to complications, they did not expect Vaughn to survive. When the doctor came to his mother's room, he said, "Little girl, I don't know what this boy is going to do in life, but it's going to be something special." Maria took these words to heart and, according to

Vaughn, "she never pushed me to be something I'm not, but she pushed me to realize my potential. She always supports me and, from the time I was young, told me to do what I am capable of doing, and be the best at it. Her and my family's belief in me is what pushes me to do what I do, and accomplish what I have." Maria is a remarkable woman herself, raising Vaughn and his sister, Shellie, through many years of hardship alone, yet, in Vaughn's words, "never leaving us wanting for anything."

Vaughn also points to mentors that have been there for him along the way and helped him during his formative years—from a first-grade teacher who took the time to care to coaches in high school who acted as role models. At age 7, his stepfather, Andrew Ward, a former Marine Corps officer, introduced Vaughn to hunting and hiking in the Idaho mountains and taught him how to ride a motorcycle. He also calls his grandfather, William Tews, the primary male influence in his life. "My grandfather taught me how to shoot a rifle, drive a tractor and what it means to pull yourself up by your own bootstraps." Vaughn continued stating that "my grandpa, father, and coaches shaped the life of a young man and those experiences gave me courage and confidence and opened up unique opportunities for me."

Vaughn's time in Iraq cemented and honed his leadership skills. Vaughn observes that if the talk of leadership doesn't translate into the action of leadership, particularly in combat, your credibility dissolves. In war, he says, fear is a cancer, and leaders have to be willing to do themselves what they order others to do. He lived this in Iraq, personally leading foot patrols from the front against the advice of fellow officers. He felt that it was wrong to order his subordinates to do something that he was unwilling to do himself. This bravery and commitment to walk and stand with his men meant something to them. His award submission in part reads: "Major Ward's strong leadership style and his willingness to always lead literally from the front inspired his Marines to continue to engage the enemy."

For Vaughn, excellent leadership also means not being fully committed to one's own ideas in the formulation stage of the decisionmaking process. An effective leader knows how and when to listen to the counsel of others, evaluate all available information, and have the confidence to make a decision and execute that decision. Good leaders are accountable for their actions, good and bad, and a good leader shares accolades with those who are part of the effort—a leader, by definition, has to have able and committed followers. One of the lessons he learned in Iraq was the result of the patrols that he led regularly. He tells of patrolling in unfamiliar territory and encountering times when the way ahead was unclear. "All you could do was start walking,

and that was how you found your way.”

Vaughn is a committed family man and has the priceless gift of a supportive and loving wife. “My wife was my strength during the hard times when I suffered casualties and lost Marines. She was the only one I could talk to, and I can’t believe how difficult it must have been to hear me broken up over the death of my Marines, and be powerless to do anything but listen and offer words of comfort, thousands of miles away. She got me through my deployment.” Vaughn also has the support and love of two sisters, Shellie Amundson and Logan Tranmer, both who live in Idaho.

Finally, Vaughn makes a point of sharing the good things that our military is doing in Iraq. He notes that Al Anbar Province has been transformed over the past year. The marines of Charlie Company engaged the enemy, purposefully, and fought al-Qaida on terms determined by the U.S. military, not the insurgents. As a direct result of the actions of Vaughn’s company, the insurgents, at one point, issued a public message that if the Marines of Company C would stay “inside the wire,” they would cease attacks on coalition forces. Vaughn says, “We did not let them dictate how we did our job, and we were successful. There are good stories out there—stories that need and must be told.”

I have only highlighted a few of Vaughn’s many accomplishments, both on the battlefield and off. He is more than deserving of these accolades, although he is quick to point out that his company deserves the responsibility for his Bronze Star. We can only hope that men of Vaughn’s caliber will continue their public service to our great Nation as his generation begins to take the reigns. I am honored to be able to tell of this remarkable Idahoan, his family, and the men of Charlie Company here in the Senate and privileged to publicly offer my humble thanks and that of my family, State, and country for Major Vaughn Ward’s extraordinary and valorous service to the United States of America, and I am proud to call him an Idaho son.

#### BINATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I am grateful for this opportunity to join my many friends across the United States, Mexico, Canada, Guatemala, and El Salvador in celebrating the seventh annual Binational Health Week.

Since its inception in 2001, Binational Health Week has afforded us an opportunity to reflect upon and celebrate the many successful efforts made here in the United States in cooperation with Mexican, Canadian, Guatemalan, and Salvadorian consulates and health care providers to promote healthy lifestyles and well-being amongst migrant populations that might otherwise lack access to important health care services.

Binational Health Week originated as an effort by Mexico’s Secretary of Health to direct health care services to the underserved migrant populations living and working in the United States. The network of Mexican consulates throughout the country has partnered with U.S. Federal, State, and local agencies, Mexico’s Secretariats of Health and Foreign Affairs, as well as private companies and foundations. These growing partnerships and the information they provide have reached an estimated 238,000 people across the United States and Canada.

We must continue to work together at the Federal, State, and community levels with our friends throughout the world to encourage individuals and families to practice healthy lifestyles. I wish all those celebrating Binational Health Week every continuing success as they pursue new and exciting opportunities to promote health and well-being in our communities.

#### ADDITIONAL STATEMENTS

##### IN MEMORY OF HOWARD HOLTAN

• Ms. MURKOWSKI. Mr. President, on September 22, 2007, lifelong Alaskan Howard Holtan died when his plane crashed during takeoff near Whittier, AK. Howard not only was a personal friend of mine but also to the hundreds of Alaskan children he coached through the Alyeska Mighty Mites, a volunteer-operated ski racing program for children. Under Howard’s guidance, my two sons developed their skills and a passion for ski racing while my husband and I volunteered as Mighty Mites parents.

Howard began coaching skiing in 1971. He was the magic and the muscle behind the Mighty Mites, running the program almost singlehandedly from his personal laptop since the mid-1980s when he became the Mighty Mites director. Howard strove to introduce the fundamentals and joy of alpine ski racing to children of all abilities, while also giving kids self-confidence, a sense of accomplishment, and an appreciation for good sportsmanship. Howard ensured that lots of fun was had by all. There is no doubt that he helped make the Mighty Mites one of the most successful youth ski programs in America. In fact, Olympians Megan Gerety and Rosey Fletcher and former U.S. Ski Team members Mike Makar and Kjersti Bjorn-Roli started out as young Mighty Mites. For the ski community, it will be hard to imagine a Mighty Mites ski race without Howard’s trademark “cherub” smile or his presence somewhere on the hill.

Howard’s passion for downhill skiing and dedication to Alaska’s youth was almost matched by his commitment to public service—he spent 16 years working for the municipality of Anchorage, and was promoted to director of project management and engineering 8 years ago. Howard’s legacy is everywhere in

Anchorage as he had a hand in most of the roads and major projects in the city.

Howard will be sorely missed by countless Alaskans. Not surprisingly, the Discovery Theatre at the Alaska Center for the Performing Arts overflowed with all those who came to celebrate and honor Howard’s life. Howard is survived by his wife Roberta Carney; son Aaron Holtan and his wife, Carrie Holtan; daughter Kathryn Holtan, now at Washington State University; grandchildren, Erik and James; and brother Jay Holtan and his wife, Patricia O’Gorman. I would like to extend my condolences to his family and friends, and I wish his wife Roberta, who was injured in the crash, a speedy recovery.●

#### TRIBUTE TO DR. JEROLD F. LUCEY

• Mr. SANDERS. Mr. President, the State of Vermont is proud that one of its residents, Dr. Jerold F. Lucey, recently received the Alfred I. duPont Award for Excellence in Children’s Health Care. The award is offered each year to an individual in the health care profession who has made a major contribution to preventing childhood diseases.

Dr. Lucey helped pioneer phototherapy to prevent infant jaundice. He also played an essential role in bringing artificial surfactants from Japan to this country. The surfactants help premature newborns breathe, and since their introduction in the United States just over 15 years ago they have helped reduce infant mortality respiratory distress rate by 90 percent.

In addition, Dr. Lucey has developed the Vermont Oxford Network, which links 700 medical institutions in 25 nations to a network that tracks data on underweight-newborns, managing the data of more than 50,000 infants each year. This collaborative system has enabled advanced research, and the sharing of medical procedures that work, among pediatricians all over the globe.

Jerold Lucey is Professor of Neonatology at the University of Vermont College of Medicine, where he has taught for more than 50 years. He also was the chief of Newborn Services at Fletcher Allen Health Care medical center in Burlington, VT, and in addition served as editor-in-chief of the journal Pediatrics for 35 years.

We in Vermont are very proud of the work Dr. Jerold F. Lucey has done, both with infants in our State, and for the health of children everywhere.●

#### TWENTY-FIRST ANNUAL AIDS WALK PORTLAND

• Mr. SMITH. Mr. President, next Sunday, October 14, dedicated residents of the Portland area will gather for the 21st annual AIDS Walk, an event that raises much needed funding to support the work of the Cascade AIDS Project, CAP. I would like to recognize the

commitment of the more than 10,000 walkers who are expected to turn out for this year's walk. Their efforts will better enable CAP, as well as a number of its community partners, including Our House and Esther's Pantry, to continue gaining ground in Oregon's fight against HIV/AIDS.

In over two decades, AIDS Walk Portland has generated over \$2.8 million in funding for critical services provided to the 6,000 area-families who have a loved one living with HIV. I understand the challenges organizations like CAP face in securing steady funding to support their work. With State and Federal support declining in recent years, more and more is being asked of the community and the private sector. That is why I want to personally thank those participating in this year's AIDS Walk, as well as the generous corporate sponsors who have lent their support to ensure the event is a success.

While community efforts such as AIDS Walk Portland are a key component in generating support for HIV/AIDS services, I believe we can and should do more at the Federal level. While participants will be "taking a stand" next Sunday in the fight against AIDS, I want to reaffirm my pledge to do the same in Congress. It is a cause I have fought for in my 11-year tenure, and it is a cause I will continue to fight for until we are successful in eradicating this terrible disease. When Congress returns from the Columbus Day recess, the Senate will be discussing funding levels for next year's health and human services programs. I will do my best to secure additional support for Ryan White initiatives, especially those that support the work of local cities and communities like Portland. When we combine our efforts—at the local, State and Federal levels—we are stronger and more capable of turning the tide against HIV/AIDS.

In closing, I congratulate the Cascade AIDS Project on yet another successful AIDS Walk and wish all this year's participants a safe and enjoyable time.●

#### MESSAGE FROM THE HOUSE

At 2:03 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. 400. An act to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 1699. An act to direct Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products.

H.R. 1721. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers

and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

H.R. 2185. An act to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes.

H.R. 2474. An act to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act.

H.R. 2553. An act to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes.

H.R. 2895. An act to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

H.R. 3056. An act to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

The message also announced that the House has agreed to the following resolution:

H. Res. 717. Resolution relative to the death of the Honorable Jo Ann Davis, a Representative from the Commonwealth of Virginia.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. An act to designate the facility of the United States Postal Service located

at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

H.R. 1699. An act to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; to the Committee on Commerce, Science, and Transportation.

H.R. 2185. An act to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes; to the Committee on Foreign Relations.

H.R. 2474. An act to provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act; to the Committee on Commerce, Science, and Transportation.

H.R. 2553. An act to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes; to the Committee on Foreign Relations.

H.R. 2895. An act to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3056. An act to amend the Internal Revenue Code of 1986 to repeal the authority of the Internal Revenue Service to use private debt collection companies, to delay implementation of withholding taxes on government contractors, to revise the tax rules on expatriation, and for other purposes; to the Committee on Finance.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT

The following bills were read the second time, and placed on the calendar:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1721. An act to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

#### REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of October 4, 2007, the following reports of committees were submitted on October 9, 2007:

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments:

S. 805. A bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes (Rept. No. 110-192).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 968. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes (Rept. No. 110-193).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 1678. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes (Rept. No. 110-194).

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1839. A bill to require periodic reports on claims related to acts of terrorism against Americans perpetrated or supported by the Government of Libya (Rept. No. 110-195).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and an amendment to the title:

S. 2020. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes (Rept. No. 110-196).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 680. A bill to ensure proper oversight and accountability in Federal contracting, and for other purposes.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 108-8 Protocol to Treaty of Friendship, Commerce, and Navigation with Denmark (Ex. Rept. 110-1)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

*Resolved (two-thirds of the Senators present concurring therein),*

The Senate advises and consents to the ratification of the Protocol between the United States of America and the Kingdom of Denmark to the Treaty of Friendship, Commerce and Navigation of October 1, 1951, signed at Copenhagen on May 2, 2001 (Treaty Doc. 108-8).

#### EXECUTIVE REPORT OF COMMITTEE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of October 4, 2007, the following executive report of a nomination was submitted on October 9, 2007:

By Mr. LEAHY for the Committee on the Judiciary.

Robert M. Dow, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. BAYH (for himself and Mr. LUGAR):

S. 2158. A bill to amend title XVIII of the Social Security Act to permit Medicare beneficiaries to continue to rent certain items of complex durable medical equipment; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. CARDIN, Mr. MARTINEZ, Mrs. BOXER, Mr. LOTT, Mr. COCHRAN, Mr. VITTER, Mr. WEBB, Mr. BENNETT, and Mr. ISAKSON):

S. 2159. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. BROWN):

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes;

to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. JOHNSON, and Mr. GRAHAM):

S. 2161. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 2162. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

S. 2163. A bill to amend the Internal Revenue Code of 1986 to allow income averaging for private forest landowners; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. COCHRAN):

S. 2164. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. DODD, Mr. BIDEN, and Mr. MCCAIN):

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; considered and agreed to.

By Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. DURBIN, Mr. GRASSLEY, Mr. HARKIN, Mr. BROWN, Mr. VOINOVICH, Mr. FEINGOLD, Mr. KOHL, and Mr. OBAMA):

S. Res. 346. A resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 85

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 85, a bill 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.

S. 189

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 189, a bill to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 267, a bill 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.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 507

At the request of Mr. CONRAD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 545

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 579

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 617

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 661

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardian-ship assistance payments for children, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. MCCASKILL) 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. 725

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. WARNER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 884

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 911

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 969

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1015

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1159

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1185

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. NELSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of

increased payments for ground ambulance services under the Medicare program.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1514

At the request of Mrs. BOXER, her name was added as a cosponsor of S.

1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1514, supra.

S. 1518

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1776

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1776, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Mississippi (Mr. LOTT), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1962

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. SNOWE) 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. 1965

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of non-compliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2053

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) 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. 2058

At the request of Mr. LEVIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security

of the United States, and to expand future prosperity and growth for all Americans.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2089

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2089, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) 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. 2099

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2135

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2147

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel

under Federal contracts, and for other purposes.

S. 2152

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2152, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

S.J. RES. 20

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S.J. Res. 20, a joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

AMENDMENT NO. 3208

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3208 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. 3232

At the request of Mr. DODD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3232 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. 3247

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 3247 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. 3249

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 3249 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. 3256

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3256 proposed to H.R. 3093, a bill making appropriations for the Departments of Commerce and Jus-

tice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON OCTOBER 4, 2007

Mr. President, 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. 2152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Kids First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. 5-Year reauthorization.

Sec. 3. Allotments for the 50 States and the District of Columbia based on expenditures and numbers of low-income children.

Sec. 4. Limitations on matching rates for populations other than low-income children or pregnant women covered through a section 1115 waiver.

Sec. 5. Prohibition on new section 1115 waivers for coverage of adults other than pregnant women.

Sec. 6. Standardization of determination of family income.

Sec. 7. Grants for outreach and enrollment.

Sec. 8. Improved State option for offering premium assistance for coverage through private plans.

Sec. 9. Treatment of unborn children.

Sec. 10. 50 percent matching rate for all Medicaid administrative costs.

Sec. 11. Reduction in payments for Medicaid administrative costs to prevent duplication of such payments under TANF.

Sec. 12. Effective date.

#### SEC. 2. 5-YEAR REAUTHORIZATION.

(a) INCREASE IN NATIONAL ALLOTMENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(11) for fiscal year 2008, \$7,000,000,000;

"(12) for fiscal year 2009, \$7,200,000,000;

"(13) for fiscal year 2010, \$7,600,000,000;

"(14) for fiscal year 2011, \$8,300,000,000; and

"(15) for fiscal year 2012, \$8,800,000,000."

(b) CONTINUATION OF ADDITIONAL ALLOTMENTS TO TERRITORIES.—Section 2104(c)(4)(B) of the Social Security Act (42 U.S.C. 1397dd(c)(4)(B)) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting before the period the following: "\$56,000,000 for fiscal year 2008, \$58,000,000 for fiscal year 2009, \$61,000,000 for fiscal year 2010, \$66,000,000 for fiscal year 2011, and \$70,000,000 for fiscal year 2012".

#### SEC. 3. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA BASED ON EXPENDITURES AND NUMBERS OF LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

“(1) IN GENERAL.—Notwithstanding the preceding provisions of this subsection and subject to paragraph (3), the Secretary shall allot to each subsection (b) State for each of fiscal years 2008 through 2012, the amount determined for the fiscal year that is equal to the product of—

“(A) the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year; and

“(B) the sum of the State allotment factors determined under paragraph (2) with respect to the State and weighted in accordance with subparagraph (B) of that paragraph for the fiscal year.

“(2) STATE ALLOTMENT FACTORS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(B), the State allotment factors are the following:

“(i) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the fiscal year to the sum of such projected expenditures for all States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(ii) The ratio of the number of low-income children who have not attained age 19 with no health insurance coverage in the State, as determined by the Secretary on the basis of the arithmetic average of the number of such children for the 3 most recent Annual Social and Economic Supplements to the Current Population Survey of the Bureau of the Census available before the beginning of the calendar year before such fiscal year begins, to the sum of the number of such children determined for all States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iii) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the preceding fiscal year to the sum of such projected expenditures for all States for such preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(iv) The ratio of the actual expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the second preceding fiscal year to the sum of such actual expenditures for all States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

“(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2008 through 2012, the following percentage weights shall be applied to the ratios determined under subparagraph (A) for each such fiscal year:

“(i) 40 percent for the ratio determined under subparagraph (A)(i).

“(ii) 5 percent for the ratio determined under subparagraph (A)(ii).

“(iii) 50 percent for the ratio determined under subparagraph (A)(iii).

“(iv) 5 percent for the ratio determined under subparagraph (A)(iv).

“(C) DETERMINATION OF PROJECTED AND ACTUAL EXPENDITURES.—For purposes of subparagraph (A):

“(i) PROJECTED EXPENDITURES.—The projected expenditures described in clauses (i) and (iii) of such subparagraph with respect to a fiscal year shall be determined on the basis of amounts reported by States to the Secretary on the May 15th submission of Form CMS-37 and Form CMS-21B submitted not later than June 30th of the fiscal year preceding such year.

“(ii) ACTUAL EXPENDITURES.—The actual expenditures described in clause (iv) of such

subparagraph with respect to a second preceding fiscal year shall be determined on the basis of amounts reported by States to the Secretary on Form CMS-64 and Form CMS-21 submitted not later than November 30 of the preceding fiscal year.”

(b) 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.—Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

“(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

“(1) IN GENERAL.—Except as provided in the succeeding paragraphs of this subsection, amounts allotted to a State pursuant to this section—

“(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

“(B) for each of fiscal years 2008 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

“(2) ELIMINATION OF REDISTRIBUTION OF ALLOTMENTS NOT EXPENDED WITHIN 3 YEARS.—Notwithstanding subsection (f), amounts allotted to a State under this section for fiscal years beginning with fiscal year 2008 that remain unexpended as of the end of the second succeeding fiscal year shall not be redistributed to other States and shall revert to the Treasury on October 1 of the third succeeding fiscal year.

“(3) RULE FOR COUNTING EXPENDITURES AGAINST FISCAL YEAR ALLOTMENTS.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against allotments for the earliest fiscal year for which funds are available for expenditure under this subsection.”

(c) CONFORMING AMENDMENTS.—

(1) Section 2104(b)(1) of the Social Security Act (42 U.S.C. 1397dd(b)(1)) is amended by striking “subsection (d)” and inserting “the succeeding subsections of this section”.

(2) Section 2104(f) of such Act (42 U.S.C. 1397 dd(f)) is amended by striking “The” and inserting “Subject to subsection (e)(2), the”.

**SEC. 4. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.**

(a) LIMITATION ON PAYMENTS.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) LIMITATIONS ON MATCHING RATE FOR POPULATIONS OTHER THAN TARGETED LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

“(A) FMAP APPLIED TO PAYMENTS FOR COVERAGE OF CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER ENROLLED IN THE STATE CHILD HEALTH PLAN ON THE DATE OF ENACTMENT OF THE KIDS FIRST ACT AND WHOSE GROSS FAMILY INCOME IS DETERMINED TO EXCEED THE INCOME ELIGIBILITY LEVEL SPECIFIED FOR A TARGETED LOW-INCOME CHILD.—Notwithstanding subsections (b)(1)(B) and (d) of section 2110, in the case of any individual described in subsection (c) of section 105 of the Kids First Act who the State elects to continue to provide child health assistance for under the State child health plan in accordance with the requirements of such subsection, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to such assistance.

“(B) FMAP APPLIED TO PAYMENTS ONLY FOR NONPREGNANT CHILDLESS ADULTS AND PAR-

ENTS AND CARETAKER RELATIVES ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

“(i) PARENTS OR CARETAKER RELATIVES ENROLLED UNDER A WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

“(ii) NONPREGNANT CHILDLESS ADULTS ENROLLED UNDER A WAIVER ON SUCH DATE.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

“(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Kids First Act.

“(C) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

“(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Kids First Act.

“(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

“(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the

State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Kids First Act, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

“(D) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term ‘caretaker relative’ has the meaning given that term for purposes of carrying out section 1931.

“(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.”

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting “or subsection (c)(8)” after “subparagraph (B)”.

**SEC. 5. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.**

(a) IN GENERAL.—Section 2107(f) of the Social Security Act (42 U.S.C. 1397gg(f)) is amended—

(1) by striking “, the Secretary”; and inserting “;

“(1) The Secretary”; and

(2) by adding at the end the following new paragraphs:

“(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

“(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2105(c)(8).”

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 of the Social Security Act (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

“(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

“(1) by virtue of a waiver under section 1115; or

“(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Kids First Act).”

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments

made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

**SEC. 6. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.**

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

“(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.”

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 5(a), is amended by adding at the end the following new paragraph:

“(4) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.”

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(c)(8)(A) of the Social Security Act (as added by section 4(a)), to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual’s family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

**SEC. 7. GRANTS FOR OUTREACH AND ENROLLMENT.**

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

**“SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.**

“(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

“(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to con-

duct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

“(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

“(b) AWARD OF GRANTS.—

“(1) PRIORITY FOR AWARDED.—

“(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

“(i) propose to target geographic areas with high rates of—

“(I) eligible but unenrolled children, including such children who reside in rural areas; or

“(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

“(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

“(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

“(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

“(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

“(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

“(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

“(4) an assurance that the eligible entity shall—

“(A) conduct an assessment of the effectiveness of such activities against the performance measures;

“(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments.

“(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

“(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A State with an approved child health plan under this title.

“(B) A local government.

“(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian

Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

“(D) A Federal health safety net organization.

“(E) A State, national, local, or community-based public or nonprofit private organization.

“(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to non-governmental entities.

“(G) An elementary or secondary school.

“(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

“(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term ‘Federal health safety net organization’ means—

“(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

“(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

“(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

“(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

“(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, ‘tribal organization’, and ‘urban Indian organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(4) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(f) APPROPRIATION.—

“(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section—

“(A) \$100,000,000 for each of fiscal years 2008 and 2009;

“(B) \$75,000,000 for each of fiscal years 2010 and 2011; and

“(C) \$50,000,000 for fiscal year 2012.

“(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under

the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

“(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

“(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

“(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

“(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

“(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

“(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

“(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.”.

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

“(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.”.

**SEC. 8. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE THROUGH PRIVATE PLANS.**

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 4(a) is amended by adding at the end the following:

“(9) ADDITIONAL STATE OPTION FOR OFFERING PREMIUM ASSISTANCE.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

“(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

“(i) IN GENERAL.—In this paragraph, the term ‘qualified employer sponsored coverage’ means a group health plan or health insurance coverage offered through an employer that is—

“(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

“(II) made similarly available to all of the employer’s employees and for which the em-

ployer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

“(III) cost-effective, as determined under clause (ii).

“(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

“(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

“(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

“(HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term ‘qualified employer sponsored coverage’ includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

“(C) PREMIUM ASSISTANCE SUBSIDY.—

“(1) IN GENERAL.—In this paragraph, the term ‘premium assistance subsidy’ means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

“(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

“(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer-sponsored coverage.

“(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

“(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer-sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

“(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

“(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

“(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer-sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

“(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer-sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

“(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

“(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

“(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

“(F) NON-APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

“(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

“(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

“(I) NOTICE OF AVAILABILITY.—A State shall—

“(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

“(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

“(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.”.

(b) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

“(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.”.

#### SEC. 9. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: “, and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term ‘unborn child’ means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.”.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

“(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

“(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

“(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.”.

#### SEC. 10. 50 PERCENT MATCHING RATE FOR ALL MEDICAID ADMINISTRATIVE COSTS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3)(E) as paragraph (2) and re-locating and indenting it appropriately;

(3) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and indenting them appropriately;

(4) by striking paragraphs (3) and (4);

(5) in paragraph (5), by striking “which are attributable to the offering, arranging, and furnishing” and inserting “which are for the medical assistance costs of furnishing”;

(6) by striking paragraph (6);

(7) in paragraph (7), by striking “subject to section 1919(g)(3)(B)”;

(8) by redesignating paragraphs (5) and (7) as paragraphs (3) and (4), respectively.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking “section 1919(g)(3)(B)” and inserting “subsection (h)”;

(2) in subsection (a)(2)(D) by inserting “, subject to subsection (g)(3)(C) of such section” after “as are attributable to State activities under section 1919(g)”;

(3) by adding after subsection (g) the following new subsection:

“(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing October 1, 2007, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to 1/4 of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).”.

#### SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect as if enacted on October 1, 2007.

(b) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State child health plan under title XXI of the Social Security Act or a waiver of such plan under section 1115 of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan or waiver to meet the additional requirements imposed by the amendments made by this Act, the State child health plan or waiver shall not be regarded as failing to comply with the requirements of such title XXI solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR SCHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under title XXI of the Social Security Act for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for such title XXI allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA. (for himself and Mr. BROWN):

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I, along with my colleague Senator BROWN, introduce legislation that would enhance VA's pain management program. It is estimated that nearly 30 percent of Americans, that is some 86 million people, suffer from chronic or acute pain every year. A recent study conducted by VA researchers in Connecticut found that nearly 50 percent

of veteran patients that are seen at VA facilities reported that they experience pain regularly.

While pain increases in severity with age, it is also a growing problem among younger veterans who have been injured in the wars in Iraq and Afghanistan. Many of these veterans are coming home with severe injuries, often traumatic brain injuries, that require intensive rehabilitation. In some cases, these younger veterans will have to live with the long-term effects of their injuries, of which pain is a large and debilitating part.

Pain management is an area of health care that by many accounts is not yet up to par, in both the private and public sectors. The bill we are introducing would enhance VA's pain management program on a national, system-wide level, by requiring VA to establish a pain care initiative at every VA health care facility. Every hospital and clinic would be required to employ a professionally recognized pain assessment tool or process, and ensure that every patient who is determined to be in chronic or acute pain is treated appropriately.

The profile of a veteran in pain is often times different than that of his or her counterpart in the private sector. For example, veterans suffering from chronic pain are more likely to be receiving treatment for other problems including depression, substance abuse, alcoholism, or post traumatic stress disorder. Understanding and treating their pain must be a priority, and this bill will help VA enhance the department's existing pain management program.

VA's current pain management efforts are worthwhile, but are unfortunately not adequate to meet the all of the needs of veterans. Pain management in VA continues to be relatively decentralized and unstandardized. Some VA medical centers have adopted successful approaches and procedures to deal with pain, while others have been less active. Fortunately, VA has begun the work of identifying professional talent and developing ideas that provide the groundwork of an effective pain management program. This bill would build upon that foundation and help ensure that these ideas become practice.

This bill provides us with an opportunity to help the thousands of veterans who are living in pain each and every day. I urge all of my colleagues to support this 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. 2160

*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 "Veterans Pain Care Act of 2007".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Acute and chronic pain are prevalent conditions within the population of veterans.
- (2) Methods of modern warfare, including the use of improvised explosive devices, produce substantial numbers of battlefield casualties with significant damage to both the central and peripheral nervous systems.
- (3) The successes of military health care, both on and off the battlefield, result in high survival rates of severely injured military personnel who will be afflicted with significant pain disorders on either an acute or chronic basis.
- (4) Failure to treat pain appropriately at the time of transition from receipt of care from the Department of Defense to receipt of care from the Department of Veterans Affairs contributes to the development of long-term chronic pain syndromes, in some cases accompanied by long-term mental health and substance use disorders.
- (5) Pain is a leading cause of short-term and long-term disability among veterans.
- (6) The Department of Veterans Affairs has implemented important pain care programs at some facilities and in some areas, but comprehensive pain care is not consistently provided on a uniform basis throughout the health care system of the Department to all patients in need of such care.
- (7) Inconsistent and ineffective pain care provided by the Department of Veterans Affairs leads to pain-related impairments, occupational disability, and medical and mental complications for veterans with acute and chronic pain, with long-term costs for the health care and disability systems of the Department and for society at large.
- (8) Research, diagnosis, treatment, and management of acute and chronic pain for veterans constitute health care priorities of the United States.

#### SEC. 3. PAIN CARE INITIATIVE IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES.

(a) REQUIREMENT.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

##### "§ 1720F. Pain care

"(a) IN GENERAL.—The Secretary shall carry out at each health care facility of the Department an initiative on pain care.

"(b) ELEMENTS.—The initiative at each health care facility of the Department shall ensure that each individual receiving treatment in such health care facility receives the following:

"(1) An assessment for pain at the time of admission or initial treatment, and periodically thereafter, using a professionally recognized pain assessment tool or process.

"(2) Appropriate pain care consistent with recognized means for assessment, diagnosis, treatment, and management of acute and chronic pain, including when appropriate, access to specialty pain management services."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720E the following new item:

"1720F. Pain care."

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall ensure that the pain care initiatives required by section 1720F of title 38, United States Code, as added by subsection (a), are implemented at all health care facilities of the Department of Veterans Affairs by not later than—

(1) January 1, 2008, in the case of inpatient care; and

(2) January 1, 2009, in the case of outpatient care.

#### SEC. 4. PROGRAM ON RESEARCH AND TRAINING ON PAIN IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

##### "§ 7330A. Program of research and training on acute and chronic pain

"(a) IN GENERAL.—The Secretary shall carry out within the Medical and Prosthetic Research Service of the Veterans Health Administration a program of research and training on acute and chronic pain.

"(b) PURPOSES.—The purposes of the program shall include the following:

"(1) To identify research priorities most relevant to the treatment of the types of acute and chronic pain suffered by veterans.

"(2) To promote, conduct, and coordinate research in accordance with such research priorities—

"(A) through the facilities and programs of the Department; and

"(B) in cooperation with other agencies, institutions, and organizations, including the Department of Defense.

"(3) To educate and train health care personnel of the Department with respect to the assessment, diagnosis, treatment, and management of acute and chronic pain.

"(c) DESIGNATION OF CENTERS.—(1) The Secretary shall designate an appropriate number of facilities of the Department as cooperative centers for research and education on pain. Each such center shall be designated with a focus on research and training on one or more of the following:

"(A) Acute pain.

"(B) Chronic pain.

"(C) A research priority identified under subsection (b)(1).

"(2) The Secretary shall designate at least one of the centers designated under paragraph (1) as a lead center for research on pain attributable to central and peripheral nervous system damage commonly associated with the battlefield injuries characteristic of modern warfare.

"(3) The Secretary shall designate one of the centers designated under paragraph (1) as the lead center for coordinating the pain care research activities of the centers designated under this subsection. The functions of such center shall be the following:

"(A) To review and evaluate periodically the research of the centers designated under this subsection and to ensure that such research is conducted in accordance with the research priorities identified pursuant to subsection (b)(1).

"(B) To collect and disseminate the results of the research of the centers designated under this subsection.

"(C) To develop and disseminate educational materials and products—

"(i) to enhance the assessment, diagnosis, treatment, and management of acute and chronic pain by the health care professionals and facilities of the Veterans Health Administration; and

"(ii) for veterans suffering from acute or chronic pain and their families.

"(d) AWARD OF FUNDING.—Centers designated under subsection (c) may compete for the award of funding from amounts appropriated to the Department each fiscal year for medical and prosthetics research.

"(e) NATIONAL OVERSIGHT.—The Under Secretary of Health shall designate an appropriate officer—

"(1) to oversee the operation of the centers designated under subsection (c); and

"(2) to review and evaluate periodically the performance of such centers."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 7330 the following new item:  
 “7330A. Program of research and training on acute and chronic pain.”.

By Mr. AKAKA:

S. 2162, a Bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce comprehensive legislation to improve the capacity of the Department of Veterans Affairs to care for veterans with invisible wounds.

For too many veterans, returning home from battle will not bring an end to conflict. They will return home, but the war will follow them in their hearts and minds. Just as we support our troops as they fight in Iraq and Afghanistan, we must support them when they return from war marked by their service. Invisible wounds are complicated and wide-ranging, and our solutions must rise to the challenge.

What do we know about the scope of the problem? A March 2007 study published in the Archives of Internal Medicine reported that more than one-third of war veterans who have served in either Iraq or Afghanistan are suffering from various mental ailments, including post-traumatic stress disorder, anxiety, depression, substance use disorder and other problems. According to the study, a disproportionate number of young soldiers suffer mental health problems.

There is no question that action is needed. One in five Iraq War veterans are likely to develop PTSD, as studies have estimated, and this is but one aspect of the mental health challenges faced by veterans.

We also know that veterans suffering from physical and mental wounds use drugs and alcohol to assuage their pain. Experts believe that stress is the number one cause of drug abuse, and of relapse to drug abuse. Mr. President, 60 to 80 percent of Vietnam veterans who have sought PTSD treatment have alcohol use disorders. VA has been dealing with substance abuse issues for decades, but much remains to be done.

On April 25, 2007, I chaired a Committee on Veterans' Affairs hearing on veterans' mental health concerns and on VA's response. We heard heart-wrenching testimony from the witnesses. Randall Omvig spoke of his son's suicide upon returning from Iraq. Tony Bailey spoke of his son's struggle with substance abuse, and of his death. Patrick Campbell shared his own experience with PTSD and the experiences of his close friends. Witnesses urged us to learn, and they urged us to act.

The provisions of this bill are a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues, and by their family members.

This bill addresses the immediate needs of veterans by ensuring high

quality mental health services at VA facilities and in their communities. The bill also looks to the future. Our legislation has eleven core provisions. I will highlight some of them:

First, VA medical centers would be required to offer a minimum range of services for veterans in need of help to overcome their substance use disorders. It would require programs to prevent relapse and to provide medical treatments to reduce cravings for alcohol and drugs, among others. Many VA facilities have some of these programs but there is no universal minimum.

We know that there are large numbers of veterans suffering with a terrible confluence of substance use disorders and other mental health disorders. The bill would require that both issues be treated by a well-qualified team of health professionals who would treat the disorders concurrently.

To ensure that innovative mental health services are tailored to individual communities, the legislation would create grants to enhance programs and fill holes. VA facilities would compete for grants for various purposes, from increasing weekend and evening hours to creating programs which encourage urgent care physicians, who are often gateways for new patients, to quickly refer those whom they believe may have a mental health disorder.

Veterans with debilitating mental health issues, including substance use disorder and PTSD, may need inpatient care. VA has moved rapidly to reduce their inpatient mental health capacity, but there is no doubt that inpatient stays are necessary for many veterans. This legislation would require the VA Secretary to designate six inpatient facilities to provide recovery services for veterans with comorbid PTSD and substance use disorders.

The legislation would also require a comprehensive review of VA's residential mental health facilities. This provision stems directly from the hearing testimony of Tony Bailey, whose son suffered from PTSD and substance abuse. Tony's son, Justin, died while in a VA domiciliary. He overdosed on medications provided to him by VA. Residential facilities are a necessary part of VA's effort to treat mental health problems and they must be up to par.

It has been made clear to me, by mental health experts and veterans experiencing mental health problems, that families need to be much more involved in the care of their loved ones. Families are suffering in much the same way that veterans themselves are suffering. They must have access to care which will aid in the effective treatment and rehabilitation of a veteran. An existing provision of law allows such care for family members. Our legislation simply restates this law and clarifies the type of services to which family members should have access.

Finally, our goal is to define the best possible treatments for veterans now

and in the future. To that end, this legislation sets up a mental health research program based on the successful pediatric oncology model. We are proposing a network of sites with adequate patient flow and clinical and research expertise. The goal is to promote rapid progress from research to therapeutic advancement and effective treatments for PTSD and PTSD in the presence of a substance use disorder.

An aggressive mental health agenda for veterans begins by providing VA with financial support. Our comprehensive legislation authorizes the creation of new programs and expansion of existing ones. While these changes amount to significant new funding, every dollar was included in our Committee's Views and Estimates Letter to the Budget Committee. The Committee on Veterans' Affairs requested a \$700 million dollar increase in fiscal year 2008 for mental health programs, and the full Senate supported this level in the final budget resolution. A similar level of funding was supported by the full Senate in the VA appropriation bill.

I urge all of my colleagues to support this innovative and comprehensive legislation, which will bring hope and progress to many veterans suffering from invisible wounds.

By Mr. INHOFE (for himself and Mr. COCHRAN):

S. 2164. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduce the NOAA Scholarship Act of 2007 with my colleague from Mississippi, Senator COCHRAN. This bill provides a scholarship program for promising students who seek to pursue an education in a relevant field of study and commit to work for a branch of the National Oceanic Atmospheric Administration, NOAA, including the National Weather Service, upon graduation.

Few can contend with the fact that there is a shortage of American students devoting themselves to the study of science, math and engineering. However, the demand for trained individuals in these professions is rising. In order to achieve their missions, Federal organizations like NOAA require a cadre of young talent to enter the workforce with training in fields like meteorology, hydrology, and oceanography.

In my great State of Oklahoma, we know the importance of NOAA, and particularly the study of meteorology. Two weeks ago, I met with a group of Fire Marshalls who informed me that there are more declared natural disasters per capita in Oklahoma than in

any other State in the Union. In May of each year, we experience an average of twenty tornadoes. In fact, the fastest wind speed ever recorded was in one of the May tornadoes to hit Oklahoma in 1999. As Oklahomans, we know that having accurate and timely reporting of atmospheric changes can mean the difference between life and death.

It is no surprise, then, that the University of Oklahoma, OU, has developed an exceptional program for the study of meteorology. The OU School of Meteorology is the largest meteorology program in the nation, with over 320 undergraduate students and 80 graduate students. It ranks first in the Nation in severe storms and mesoscale research and is among the top seven meteorology programs in the country. OU President David Boren, my predecessor in the Senate, targets the OU School of Meteorology to become the leading radar meteorology program in the world.

The OU School of Meteorology is fortunate to have a state of the art facility in the recently constructed National Weather Center. In this 244,000 square foot structure, federal, state, and OU organizations partner together to better understand weather events occurring in the atmosphere. The research that occurs in this center is truly groundbreaking. The scientists who work at NWC, many of them working with NOAA, have expertise in severe weather, local and regional climate, numerical modeling, hydrology, and radar meteorology. Their work is both abstract and tangible, using theory and advanced scientific research to improve the lives of individuals in Oklahoma and around the world.

The National Weather Center is the home of many notable achievements. NWC scientists were able to demonstrate that the Doppler weather radar can be useful in detecting tornadoes, hail, and other severe weather events. Using the Doppler radar, they have developed numerical forecasting models for government and industry applications. The scientists at NWC are also known for taking risks to discover new and improved ways of collecting data and making observations; for example, they can be credited with showing the effectiveness of rapidly deployable, truck-mounted radars that they drive into the middle of fierce storms.

It is with the first-hand knowledge of the important work of the National Weather Service and the National Oceanic Atmospheric Administration's research in marine research, atmospheric research, and satellite programs that I introduce this bill. The NOAA Scholarship Act of 2007 will establish a scholarship program for promising students who desire to pursue an education in a relevant field of study and then serve as full-time employees of NOAA at the completion of their degrees. The students will be required to work for NOAA for 24 months in return for each academic year that a scholarship is

given. This program will provide an opportunity and an incentive for students to develop scientific expertise that will continue to enable NOAA, at facilities like the National Weather Center in Norman, Oklahoma and elsewhere, to attain its mission.

On September 17, 2007, the House of Representatives passed identical legislation, H.R. 1657, by a vote of 360–16. I request that the Senate move quickly on this bill.

Mr. President, 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. 2164

*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 "NOAA Scholarship Act of 2007".

#### SEC. 2. SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

##### (a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator is authorized to establish a Science and Technology Scholarship Program to award scholarships to individuals to recruit and prepare students for careers in the National Weather Service and in Administration marine research, atmospheric research, and satellite programs.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under the scholarship program through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals described in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the scholarship program.

(3) SERVICE AGREEMENTS.—To carry out the scholarship program, the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (f)(1), in positions needed by the Administration in fields described in paragraph (1) and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in the scholarship program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic program or field of study described in the list made available under subsection (d);

(2) be a citizen or permanent resident of the United States; and

(3) at the time of the initial scholarship award, not be an employee (as that term is defined in section 2105 of title 5, United States Code) of the United States.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under the scholarship program shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require to carry out this section.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships may be utilized in fields described in subsection (a)(1), and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—The Administrator may provide a scholarship under the scholarship program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under the scholarship program for more than 4 academic years, unless the Administrator grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under the scholarship program for an academic year shall be determined under regulations issued by the Administrator, but may not exceed the cost of attendance, as described in paragraph (4).

(4) AUTHORIZED USES.—A scholarship provided under the scholarship program may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

##### (f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—Except as provided in subsection (h)(2), the period of service for which an individual shall be obligated to serve as an employee of the Administration shall be 24 months for each academic year for which a scholarship under the scholarship program is provided.

##### (2) SCHEDULE FOR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

##### (g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment not later than 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—Except as provided in subsection (h), an individual who receives a scholarship under the scholarship program and who, for any reason, fails to begin or complete a service obligation under this section after completion of academic

training, or fails to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of the contractual agreement. Such an individual shall be liable to the United States for an amount equal to—

(A) the total amount received by the individual under the scholarship program; plus

(B) the amount of interest that would have been earned on such amount, at the maximum legal prevailing rate as determined by the Treasurer of the United States, during the period between the date the amount was awarded to the individual and the date of the breach of the agreement.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under the scholarship program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the scholarship program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the United States.

### SEC. 3. DEFINITIONS.

In this Act:

(a) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(b) ADMINISTRATOR.—The term “Administrator” means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(c) COST OF ATTENDANCE.—The term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

(d) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(e) SCHOLARSHIP PROGRAM.—The term “scholarship program” means the Science and Technology Scholarship Program established under section 2(a).

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 345—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

Ms. COLLINS (for herself, Mr. DODD, Mr. BIDEN, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 345

Whereas firefighters have maintained their dedication to the health and safety of the American public since the first American fire departments were organized in the colonial era;

Whereas today’s firefighters provide a multitude of services, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas more than 1,130,000 firefighters protect the United States through their heroic service;

Whereas the Nation’s fire departments respond to emergency calls nearly once per second and dispatch to fire emergencies every 20 seconds;

Whereas approximately 1,600,000 fires are reported annually;

Whereas firefighters respond with courage to all disasters, whether they be acts of terrorism, natural disasters, or other emergencies;

Whereas 343 firefighters sacrificed their lives responding heroically to the events of September 11, 2001;

Whereas firefighters from across the Nation responded with remarkable selflessness throughout the areas affected by Hurricane Katrina;

Whereas 89 firefighters lost their lives in 2006, and over 80,000 were injured in the line of duty;

Whereas we have honored firefighters for educating the American public since President Harding declared the first Fire Prevention Week in 1922;

Whereas the National Fire Protection Association has designated the week of October 7-13, 2007 as Fire Prevention Week; and

Whereas educating Americans on methods of fire prevention and escape planning continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters to educate and protect the Nation’s communities; and

(2) supports the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association.

SENATE RESOLUTION 346—EXPRESSING HEARTFELT SYMPATHY FOR THE VICTIMS OF THE DEVASTATING THUNDERSTORMS THAT CAUSED SEVERE FLOODING DURING AUGUST 2007 IN THE STATES OF ILLINOIS, IOWA, MINNESOTA, OHIO, AND WISCONSIN, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. DURBIN, Mr. GRASSLEY, Mr. HARKIN, Mr. BROWN, Mr. VOINOVICH, Mr. FEINGOLD, Mr. KOHL, and Mr. OBAMA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 346

Whereas, during August 2007, severe thunderstorms were responsible for bringing as much as 18 inches of torrential rain to parts of the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, resulting in devastating floods;

Whereas these storms tragically took the lives of 14 people;

Whereas these storms injured countless other people, damaged or destroyed thousands of homes, and devastated businesses and institutions;

Whereas, on August 21, 2007, the Governor of Minnesota declared Fillmore, Houston, Steele, Olmsted, Wabasha, and Winona Counties, Minnesota, to be in a state of disaster as a result of these storms, and subsequently Dodge and Jackson Counties, Minnesota, received a Federal major disaster declaration as well;

Whereas, on August 20 and 21, 2007, the Governor of Wisconsin declared Crawford, La Crosse, Richland, Sauk, and Vernon Coun-

ties, Wisconsin, to be in a state of disaster as a result of these storms;

Whereas, on August 22, 2007, and in the days following, the Governor of Iowa declared Allamakee, Appanoose, Boone, Calhoun, Cherokee, Davis, Humboldt, Mahaska, Montgomery, Palo Alto, Pocahontas, Union, Van Buren, Wapello, Wayne, Webster, and Winneshiek Counties, Iowa, to be in a state of disaster as a result of these storms;

Whereas, on August 22, 2007, the Governor of Ohio declared Allen, Crawford, Hancock, Hardin, Putnam, Richland, Seneca, Van Wert, and Wyandot Counties, Ohio, to be in a state of disaster as a result of these storms;

Whereas, on August 24, 2007, and in the days following, the Governor of Illinois declared Cook, DeKalb, DuPage, Grundy, Lake, LaSalle, Kane, Knox, McHenry, Warren, and Will Counties, Illinois, to be in a state of disaster as a result of these storms;

Whereas President Bush declared 8 counties in Minnesota, 8 counties in Ohio, 14 counties in Wisconsin, 6 counties in Illinois, and 14 counties in Iowa to be major disaster areas as a result of these storms, and individuals and families, State and local Governments, and certain private nonprofit organizations in these areas became eligible for individual or public Federal disaster assistance or both;

Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and

Whereas the catastrophic injury, death, and damage in Illinois, Iowa, Minnesota, Ohio, and Wisconsin would have been even worse in the absence of local relief efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin;

(2) conveys gratitude to the local, State, and Federal officials and emergency personnel who responded swiftly to the crisis, including emergency management teams in each of the affected States, Michael Chertoff, Secretary of Homeland Security, and David Paulison, Administrator of the Federal Emergency Management Agency;

(3) recognizes the generous and selfless support of citizens, local businesses, the American Red Cross, the United Way, Catholic Charities, and the Salvation Army; and

(4) reaffirms support for helping the victims of the flooding rebuild their homes and lives.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3270. Mr. SHELBY submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 3271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3272. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3273. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3274. Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3275. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3276. Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3277. Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3278. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3279. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3280. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3281. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3282. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3283. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3284. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3285. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3288. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3289. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3290. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3291. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3292. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3293. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the

bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3298. Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3299. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3300. Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUE) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3301. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3302. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3303. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3304. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3305. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3306. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3307. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3308. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3309. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3310. Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3311. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3312. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3313. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3314. Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3315. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3316. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3318. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3319. Ms. CANTWELL submitted an amendment intended to be proposed to

amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the bill H.R. 3093, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3270.** Mr. SHELBY submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On 88, line 1, strike “\$625,000,000” and all that follows through line 2 and insert the following: “\$645,000,000 shall not be available for obligation until the following fiscal year and, notwithstanding any other provision of this Act, the amount appropriated to the State Criminal Alien Assistance Program is reduced by \$20,000,000.”

**SA 3271.** Mr. SHELBY submitted an amendment intended to be proposed by him to the 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; as follows:

On page 30 line 4 strike the “.” and insert “: *Provided*, That within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.”

**SA 3272.** Mr. SHELBY submitted an amendment intended to be proposed by him to the 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; as follows:

On page 18 line 13 strike the “.” and insert the following:

“: *Provided*, That of the amounts provided to the Secretary within this account, \$10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: *Provided further*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau’s website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet.”

**SA 3273.** Mr. SHELBY submitted an amendment intended to be proposed by

him to the 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; as follows:

On page 69 line 13 after the second “.” strike all through page 70 line 10 and insert: “Of the funds appropriated in this Act for the Federal Bureau of Investigation’s Sentinel program, \$25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: *Provided*, That the report shall be submitted simultaneously to the Government Accountability Office: *Provided further*, That the Government Accountability Office shall review the Bureau’s performance measurement baseline for the Sentinel program and shall submit its findings to the Committees on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation’s Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the performance measurement baseline validated by the integrated baseline review referred to in SEC. 215 of this Act: *Provided*, That this restriction does not apply to planning and design activities for future phases or increments: *Provided further*, That the Bureau will notify the Committees of any significant changes to the baseline.”

**SA 3274.** Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) In addition to any other amounts otherwise appropriated to the Attorney General under this Act, there is appropriated to the Attorney General, \$500,000, to conduct a study, in conjunction with other Federal agencies, on—

(1) the connection between methamphetamine crimes and identity theft crimes, and assess the degree of correlation between such crimes;

(2) how individuals who use methamphetamine and commit identity theft crimes typically obtain the information of the victim of such crimes;

(3) how individuals who use methamphetamine and commit identity theft crimes misuse the information of the victims of such crimes;

(4) the possible linkages between the sale and distribution of methamphetamine, gang activity, and gang-related crimes, including whether there is an increase in gang-related crime with respect to identity theft;

(5) the needs of Federal, State, local, and tribal law enforcement to pursue and prosecute methamphetamine crimes related to identity theft and whether any changes are needed to Federal law;

(6) the advisability of imposing a sentencing enhancement—

(A) if a person commits both a methamphetamine crime and an identity theft crime; and

(B) if a person is part of a conspiracy to commit methamphetamine and identity theft crimes; and

(7) the advisability of establishing a password-protected electronic clearinghouse within the Department of Justice for Federal, State, and local law enforcement agencies to—

(A) share information on crimes involving both methamphetamine and the commission of identity theft;

(B) create a better understanding of the correlation between such crimes; and

(C) share best practices.

(b) Not later than 12 months after the date of the enactment of this Act, the Attorney General shall submit a report to Congress describing the findings of the study conducted under (a).

(c) Notwithstanding any other provision of this Act, the amount rescinded for the Working Capital Fund of the Department of Justice under the heading “GENERAL ADMINISTRATION” under the subheading “WORKING CAPITAL FUND (RESCISSION)” under title VI of this Act is increased by \$500,000.

**SA 3275.** Mr. LEVIN submitted an amendment intended to be proposed by him to the 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; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.**

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—

(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(2) the average time taken to complete each type of background check;

(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and

(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(b) RECIPIENTS.—The congressional committees listed in this subsection are—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

**SA 3276.** Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 98, between lines 18 and 19, insert the following:

**TITLE VII—RESTITUTION**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Restitution for Victims of Crime Act of 2007”.

**Subtitle A—Collection of Restitution**

**SEC. 721. SHORT TITLE.**

This subtitle may be cited as the “Collection of Restitution Improvement Act of 2007”.

**SEC. 722. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.**

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(C)(i) Each restitution order shall—

“(I) contain information sufficient to identify each victim to whom restitution is owed;

“(II) require that a copy of the court order be sent to each such victim; and

“(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

“(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim’s mailing address while restitution is still owed to the victim.

“(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

“(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

“(3) The court shall direct the defendant—

“(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant’s assets or income;

“(B) to notify the court of any change in residence; and

“(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant’s ability to pay restitution.

“(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

“(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

“(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

“(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

“(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

“(D) In ordering restitution, the court may direct the defendant to—

“(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

“(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any non-exempt asset.

“(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

“(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

“(i) the need to provide restitution to the victims of the offense;

“(ii) the financial ability of the defendant;

“(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

“(iv) the projected earnings and other income of the defendant;

“(v) any financial obligations of the defendant, including obligations to dependents;

“(vi) whether the defendant has concealed or dissipated assets or income; and

“(vii) any other appropriate circumstances.

“(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

“(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the restitution obligation.

“(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

“(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

“(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) No order described in subparagraph (B) shall restrain the ability of the United

States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.”.

**SEC. 723. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.**

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

“(d) PAYMENT.—

“(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

“(2) EFFORTS TO MAKE PAYMENT.—The court shall—

“(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

“(B) direct the defendant to notify the court of any change in residence; and

“(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

“(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

“(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

“(5) PAYMENT SCHEDULE.—

“(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

“(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

“(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

“(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

“(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

“(i) the court shall take such action as is necessary to protect such third party interest; and

“(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

“(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

“(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

“(A) the need to satisfy the fine or assessment;

“(B) the financial ability of the defendant;

“(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

“(D) the projected earnings and other income of the defendant;

“(E) any financial obligations of the defendant, including obligations to dependents;

“(F) whether the defendant has concealed or dissipated assets or income; and

“(G) any other appropriate circumstances.

“(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

“(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the fine or assessment imposed.

“(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10) ENFORCEMENT.—

“(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

“(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

“(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.”.

**SEC. 724. COLLECTION OF UNPAID FINES OR RESTITUTION.**

Section 3612(b) of title 18, United States Code, is amended to read as follows:

“(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

“(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than \$100 shall include—

“(A) the name, social security account number, mailing address, and residence address of the defendant;

“(B) the docket number of the case;

“(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

“(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

“(E) a description of any modification or remission.

“(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.”.

#### SEC. 725. ATTORNEYS' FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

(2) in paragraph (4)—

(A) by inserting “(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking “and” at the end;

(3) in paragraph (5), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).”.

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

(2) in paragraph (3), by striking “and” at the end;

(3) in paragraph (4)—

(A) by inserting “(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).”.

#### Subtitle B—Preservation of Assets for Restitution

##### SEC. 741. SHORT TITLE.

This subtitle may be cited as the “Preservation of Assets for Restitution Act of 2007”.

##### SEC. 742. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

##### “§ 3664A. Preservation of assets for restitution

“(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

“(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

“(A) shall—

“(i) enter a restraining order or injunction;

“(ii) require the execution of a satisfactory performance bond; or

“(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

“(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

“(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

“(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

“(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

“(b) DEFENDANT'S RIGHT TO A HEARING.—

“(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

“(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

“(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

“(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

“(3) HEARING.—

“(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

“(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

“(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

“(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

“(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

“(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT HEARING.—

“(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

“(A) the order causes an immediate and irreparable hardship to the moving party; and

“(B) less intrusive means exist to preserve the property for the purpose of restitution.

“(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

“(3) INTERVENTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

“(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(d) GEOGRAPHIC SCOPE OF ORDER.—

“(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

“(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United

States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

“(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

“(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

“(g) RECEIVERS.—

“(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

“(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.”

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

“Sec. 3664A. Preservation of assets for restitution.”

**SEC. 743. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.**

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end; and

(B) by inserting after subparagraph (C) the following:

“(D) committing or about to commit a Federal offense that may result in an order of restitution.”; and

(2) in paragraph (2)—

(A) by striking “a banking violation” and all that follows through “healthcare offense” and inserting “a violation or offense identified in paragraph (1)”;

(B) by inserting “or offense” after “traceable to such violation”.

**SEC. 744. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.**

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after “in which the debtor resides.” the following: “In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.”

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after “the filing of a civil action on a claim for a debt” the following: “or in any criminal action where the court may enter an order of restitution.”; and

(2) in subsection (d)—

(A) by inserting after “The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.” the following:

“In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution \$ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.”;

(B) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that shall be exempt under section 3613 of title 18.]”;

(C) by inserting after “You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.” the following:

“If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]”;

(2) by inserting after “you want the proceeding to be transferred.” the following:

“If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”

**SA 3277.** Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the 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; as follows:

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

SEC. 217. None of the amounts made available in this title under the heading “COMMUNITY ORIENTED POLICING SERVICES” may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

**SA 3278.** Mr. STEVENS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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.’”

**SA 3279.** Mr. KYL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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.

**SA 3280.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

**SEC. —. VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.**

IN GENERAL.—For each fiscal year beginning after the date of the enactment of this Act, 25,000 of the immigrant visas allocated under section 203 (c) of the Immigration and Nationality Act for Diversity Immigrants shall be made available to aliens seeking immigrant visas who:

- (1) are otherwise admissible under the INA;
- (2) achieve the highest scores on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and
- (3) take the exams described in (2) above in the English language.

**SA 3281.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 32, line 13, strike “\$1,747,822,000: Provided,” and insert “\$2,247,822,000: Provided, That of the total amount appropriated, \$500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program 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: *Provided further*, That the amount provided to expand Operation Streamline is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*.”

**SA 3282.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 32, line 13, strike “\$1,747,822,000: Provided,” and insert “\$2,247,822,000: Provided, That of the total amount appropriated,

\$500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program 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: *Provided further,*”.

**SA 3283.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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.

**SA 3284.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 53, line 11, insert “, and of which \$10,000,000 shall be used 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” before the semicolon.

**SA 3285.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

(a) FINDINGS.—The Senate finds the following:

(1) The Census, taken every ten years since 1790, is necessary for determining Congressional representation, Electoral College votes, and government program funding;

(2) The United States Census Bureau is required to count citizens and non-citizens alike;

(3) The data provided by the United States Census Bureau is essential to understanding population trends and providing the federal government and the Congress with important information related to public policy debates, including information on the number of undocumented persons living in the United States; however, the collection of this information is not more important than the full and effective enforcement of our immigration laws;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the administration of the 2010 Census by the United States Census Bureau should not reduce the ability of the Department of Homeland Security to effectively enforce the immigration laws of the United States, and that the Immigration and

Customs Enforcement Bureau of the Department of Homeland Security should continue aggressive enforcement of federal immigration laws during the administration of the census.

**SA 3286.** Mr. DEMINT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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 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.

**SA 3287.** Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) None of the amounts made available in this title under the heading “COMMUNITY ORIENTED POLICING SERVICES” may be used in a subdivision of a State if such subdivision does not comply with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(b) Any amount that is not available for a subdivision of a State under the limitation set out in subsection (a) shall be made available to the government of that State for community oriented policing services.

**SA 3288.** Mr. SHELBY submitted an amendment intended to be proposed by him to the 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; as follows:

After the period on page 97 line 9, insert the following:

SEC. xx. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

**SA 3289.** Mr. DEMINT submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table, as follows:

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.

**SA 3290.** Mr. SMITH submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table, as follows:

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 “GENERAL ADMINISTRATION” 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 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 \$30,000,000.

**SA 3291.** Mr. KYL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table, as follows:

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

**SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.**

(a) IN GENERAL.—In addition to the amounts appropriated for the Southwest

Border Prosecutor Initiative in title II under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", there is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, \$20,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by \$20,000,000.

**SA 3292.** Mr. KYL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table, as follows:

On page 53, line 6, strike ", of which \$30,000,000" and all that follows through "offices" on line 11.

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

**SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.**

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, \$50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by \$50,000,000.

**SA 3293.** Ms. SNOWE submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table, as follows:

On page 26, after line 24, insert the following:

**SEC. 114.** Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 26) is amended—

(1) in the first sentence, by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) in the second sentence, by striking "October 1, 2010" and inserting "February 18, 2009".

**SA 3294.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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."

**SA 3295.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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;"

**SA 3296.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 528. INCREASE IN FUNDING FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**

(a) INCREASE IN FUNDING.—The amount appropriated or otherwise made available under title I under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" is hereby increased by \$100,000,000 for scientific and technical research and services.

(b) DECREASE IN FUNDING.—The amount appropriated or otherwise made available under title I for necessary expenses of the Advanced Technology Program is hereby decreased by \$100,000,000.

**SA 3297.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 528. LIMITATION ON EMERGENCY DESIGNATION.**

None of the funds appropriated or otherwise made available in this Act to carry out return to flight activities associated with the space shuttle may be designated as an emergency requirement or necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

**SA 3298.** Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 51, line 15, insert ": *Provided further*, That of the amount appropriated under

this heading, \$2,000,000, may be made available for salaries and expenses for the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office" before the period.

**SA 3299.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 45, line 11, after "other custodial facilities" insert the following: ": *Provided further*, That the Director of the Federal Prison System may use amounts made available under this heading to carry out a pilot program for children (not older than 36 months of age) of nonviolent female offenders, under which such children will be housed, fed, and cared for in Federal correctional facilities housing women (including such a facility in which Federal prisoners are housed under a contract with the Government) and participate in programs specifically designed to benefit mother and child".

**SA 3300.** Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUE) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

**SEC. 114. DTV CONSUMER EDUCATION.**

(a) IN GENERAL.—The amount appropriated under the heading "PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION" under this title is increased by \$10,000,000, which shall be used for competitive grants to public television broadcast stations, or a consortium of such entities, to assist such stations in conducting consumer education efforts concerning the transition from analog to digital television: *Provided*, That the Secretary of Commerce shall award such grants not later than 90 days after the date of enactment of this Act: *Provided further*, That such grants shall not be subject to the requirements of section 392(b) of the Communications Act of 1934: *Provided further*, That receipt of any grant amounts for consumer education efforts shall in no way prohibit or affect the eligibility of such public television broadcast stations from receiving funds for any other grant amounts for construction and planning as authorized under section 391 of such Act.

(b) OFFSET.—The amount made available under each account in this title for the Department of Commerce for administrative travel expenses, supplies, and printing expenses shall be reduced on a pro rata basis, so that the total of the reductions equals \$10,000,000.

**SA 3301.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 26, after line 24, add the following:  
**SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING THE 2010 CENSUS.**

(a) FINDINGS.—The Senate finds the following:

(1) Article I of the United States Constitution requires the taking of a census that counts all persons in the United States.

(2) The census, taken every 10 years since 1790, is necessary for determining Congressional representation, Electoral College votes, and Government program funding.

(3) The data provided by the United States Bureau of the Census is essential to understanding population trends and providing the Federal Government and Congress with important information related to public policy debates.

(4) According to the Brookings Institution, the Federal Government disburses \$323,000,000,000 through 100 Federal programs to State and local governments based on data provided by the census.

(5) Congress has historically provided increased funding resources to the United States Bureau of the Census in years prior to each decennial census to allow the Bureau to adequately prepare for the taking of the census.

(6) Public Law 110-92, the continuing resolution, which held funding increases for the census at previous fiscal year levels, jeopardizes the ability of the United States Bureau of the Census to prepare for the 2010 census.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that during the 2010 Census, all Federal agencies should cooperate with the United States Bureau of the Census in a manner consistent with the constitutional requirement to count all persons in the United States, and that Congress should provide adequate funding resources to the United States Bureau of the Census to achieve an accurate census.

**SA 3302.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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

**SEC. 528. ITC REPORT.**

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, 5 years after the date of the enactment of this Act, and every 5 years thereafter, the International Trade Commission shall submit a report to Congress on each free trade agreement in force with respect to the United States. The report shall, with respect to each free trade agreement, contain an analysis and assessment of the analysis and predictions made by the International Trade Commission, the United States Trade Representative, and other Federal agencies, before implementation of the agreement and actual results of the agreement on the United States economy.

(b) CONTENTS OF REPORT.—Each report required by subsection (a) shall contain the following:

(1) With respect to the United States and each country that is a party to a free trade agreement, an assessment and quantitative analysis of how each agreement—

(A) is fostering economic growth;  
 (B) is improving living standards;  
 (C) is helping create jobs; and  
 (D) is reducing or eliminating barriers to trade and investment.

(2) An assessment and quantitative analysis of how each agreement is meeting the

specific objectives and goals set out in connection with the implementation of that agreement, the impact of the agreement on the United States economy as a whole, and on specific industry sectors, including the impact the agreement is having on—

(A) the gross domestic product;  
 (B) exports and imports;  
 (C) aggregate employment, and competitive positions of industries;  
 (D) United States consumers; and  
 (E) the overall competitiveness of the United States.

(3) An assessment and quantitative analysis of how each agreement is meeting the goals and objectives for the agreement on a sector-by-sector basis, including—

(A) trade in goods;  
 (B) customs matters, rules of origin, and enforcement cooperation;  
 (C) sanitary and phytosanitary measures;  
 (D) intellectual property rights;  
 (E) trade in services;  
 (F) electronic commerce;  
 (G) government procurement;  
 (H) transparency, anti-corruption; and regulatory reform; and  
 (I) any other issues with respect to which the International Trade Commission submitted a report under section 2104(f) of the Bipartisan Trade Promotion Authority Act of 2002.

(4) A summary of how each country that is a party to an agreement has changed its labor and environmental laws since entry into force of the agreement.

(5) An analysis of whether the agreement is making progress in achieving the applicable purposes, policies, priorities, and objectives of the Bipartisan Trade Promotion Authority Act of 2002.

**SA 3303.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

Beginning on page 82 line 2 strike “2006 and 2007” and insert “2007 and 2008”.

**SA 3304.** Mrs. BOXER submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds provided under this heading, \$2,000,000 is made available for the Office of Response and Restoration for the Damage Assessment Restoration Revolving Fund for sampling, analysis, and clean-up related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.”.

**SA 3305.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

Beginning on page 81 line 5 strike “373,000” and insert “370,800”.

**SA 3306.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

Beginning on page 81 line 7 strike “3,200” and insert “3,100”.

**SA 3307.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

Beginning on page 81 line 9 strike “13,800” and insert “13,100”.

**SA 3308.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

On page 32, line 14, strike “\$8,000,000” and insert “\$8,000”.

**SA 3309.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; as follows:

On page 72, line 14, before the period insert the following: “: *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, \$10,000,000 shall be made available, and distributed in equal increments, to each of NASA’s 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States”.

**SA 3310.** Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the 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; as follows:

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private

sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

**SA 3311.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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.

**SA 3312.** Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.**

(a) IN GENERAL.—Title II of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821 et seq.) is amended by adding at the end thereof the following:

**“SEC. 208. LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.**

“(a) IN GENERAL.—The Secretary 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.”.

**SA 3313.** Mrs. DOLE submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

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.

**SA 3314.** Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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).”.

**SA 3315.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by \$40,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by \$40,000,000.

**SA 3316.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under

the heading “LEGAL ACTIVITIES” under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, each amount made available under this Act, except for the amount under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” shall be reduced on a pro rata basis by the appropriate percentage to reach \$20,000,000.

**SA 3317.** Mr. THUNE submitted an amendment intended to be proposed by him to the 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; as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by \$20,000,000.

**SA 3318.** Mr. COBURN submitted an amendment intended to be proposed by him to the 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; as follows:

At the appropriate place, insert the following:

**SEC. . . . LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES**

(a) In this section, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during Fiscal Year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation how the conference advanced the mission of the agency; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the agency.

**SA 3319.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the 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; which was ordered to lie on the table, as follows:

On page 1, line 7 of the amendment, after “agencies” insert “and the United States Sentencing Commission”.

#### UNITED STATES TRANSPORTATION COMMAND 20TH ANNIVERSARY

On Tuesday, October 2, 2007, the Senate agreed to S. Res. 319 and its preamble, as follows:

##### S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

(1) the United States Transportation Command at Scott Air Force Base, Illinois;

(2) the Air Mobility Command at Scott Air Force Base, Illinois;

(3) the Military Sealift Command in Washington, District of Columbia; and

(4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth

during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peacekeeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democracy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to “improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war”;

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

(1) providing common-user and commercial transportation, terminal management, and aerial refueling;

(2) providing global patient movement for the Department of Defense through the Defense Transportation System;

(3) serving as the Mobility Joint Force Provider; and

(4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (in-

cluding the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

#### ORDERS FOR TUESDAY, OCTOBER 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 16; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled between the majority and minority, with the Republicans controlling the first half and the majority controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 3093; that on Tuesday, the Senate stand in recess from 12:30 to 2:15 in order to accommodate the respective party conference meetings.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I see no one wishing to speak further today; therefore, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Tuesday, October 16, 2007, at 10 a.m.