

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

CREATING AND EXTENDING CERTAIN TEMPORARY DISTRICT COURT JUDGESHIPS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327.

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

The legislative clerk read as follows:

A bill (S. 1327) to create and extend certain temporary district court judgeships.

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

Mr. LEAHY. Mr. President, earlier this year I introduced a bipartisan measure to address the emerging staffing needs of the Federal Judiciary, our coequal branch of government. This bill responds to discrete situations in five States regarding temporary judgeships. In May, the Judiciary Committee voted unanimously to report this bill. It is now December. That is a delay of over 6 months. This sustained delay can be attributed to a "hold" by a single Republican Senator.

I am glad that this hold has finally been lifted so that we can proceed. I am delighted that this bipartisan bill has finally been approved after such a needless delay. Had it been cleared for consideration earlier, the House could have acted before the Thanksgiving recess and the matter could be law. Instead, our proposal still needs to be considered by the House and presented to the President in order to take effect.

In order to address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges who fill them are, in fact, appointed for life, like all Federal judges. The positions are temporary in the sense that when they expire the next vacancy in the jurisdiction is not filled, and the extra judgeship expires.

Last Congress, two of these needed temporary judgeships were allowed to expire. That was regrettable. One was in Nebraska and the other in California. That was unfortunate since they continue to have high case loads. This legislation restores the status quo

in these busy districts by reauthorizing these two temporary judgeships. I know that Senators FEINSTEIN, BOXER, NELSON and HAGEL have been concerned about these caseloads, and thank them for working with me and for cosponsoring and supporting this bill to restore those judgeships.

In addition, temporary judgeships in three other districts are close to expiration. Caseloads in Ohio, Hawaii and Kansas remain at a high level, and allowing their temporary judgeships to lapse would put a serious strain on courts in those jurisdictions. This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs. Senator BROWBACK has expressed his concerns about this to me, as has Mr. REGULA in the House. I thank Senators INOUE, AKAKA, ROBERTS, BROWBACK, VOINOVICH and BROWN for cosponsoring and supporting this bill to extend those judgeships.

Next year, I will work with my colleagues on both sides of the aisle to address judgeship needs in a comprehensive way. Indeed, I have asked six Senators who are members of the Judiciary Committee, three Democratic Senators and three Republican Senators, to serve as a task force and report a proposal to Senator SPECTER and me before the end of the year. I have asked Senator SCHUMER and Senator SESSIONS to head this task force, and look forward to their report next month.

The five districts affected by this bill, however, cannot wait until next year for action on this extension or their temporary judgeships may well expire in the interim. This legislation will act as a "patch," allowing these districts to effectively operate until we are able to determine what additional judgeships are needed throughout the Federal judiciary.

The measure is supported by the Judicial Conference of the United States, and I thank my colleagues for moving this legislation.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

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

The bill (S. 1327) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the district of Kansas), by striking "16 years" and inserting "26 years";

(3) in the fifth sentence (relating to the northern district of Ohio), by striking "15 years" and inserting "25 years"; and

(4) by inserting "The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 167, which is S. 863.

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

The legislative clerk read as follows:

A bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

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

Mr. DORGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 863) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 863

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 "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,