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SCIENCE-STATE-JUSTICE APPROPRIATIONS

Mr. BIDEN. Mr. President, yesterday the U.S. Senate approved the conference report to accompany H.R. 2862, the Science-State-Justice appropriations bill. I voted for this legislation because it provides critical funding for the Department of Justice, the FBI, and the Drug Enforcement Administra-

tion. However, I rise to explain that I am voting for this bill reluctantly because I feel that some of the funding priorities set forth in the bill will leave our communities more vulnerable to terrorist attacks traditional crime. In particular, this bill continues the wrongheaded trend of slashing Federal funding for State and local law enforcement and important criminal justice programs. This bill slashes funding for the Justice Assistance Grant and the COPS Program. And, for the first time, the Congress has decided to zero out the COPS hiring Program. I believe that this decision is a terrible mistake on so many levels, and I fear that our Nation's citizens will be less safe from traditional crime and terrorism as a result. Further, the bill slashes Federal assistance for the effective and cost-efficient drug court program by an astounding 75 percent.

Back in 1994 when we passed the legislation that created the COPS Program, our crime rates were at all-time highs. At that time, we made a commitment to our State and local law enforcement partners. During those years, we invested roughly \$2.1 billion for State and local law enforcement each year and substantially upgraded our ability to combat crime. We added over 100,000 officers to patrol our neighborhoods, and we expanded crime prevention programs such as community policing programs across the Nation. What was the ultimate result? Crime rates for violent crime, murder and rape were all reduced, and today they remain at all-time lows. Many law enforcement experts and local officials credit the COPS Program for helping to achieve these results. In fact, no one, to my knowledge, with law enforcement expertise has argued otherwise. The International Association of Chiefs of Police, the National Sheriffs Association, the Fraternal Order of Police, the National Association of Police Organizations, and other local law enforcement groups all support the COPS Program. Attorney General Ashcroft has stated that the COPS Program was a miraculous success, and Attorney General Gonzalez stated that the COPS Program put officers on the street and we reduced crime. Moreover, a recent report by the Government Accountability Office concluded that COPS hiring grants had an impact on reducing crime rates.

Why would the Congress eliminate a program that is strongly supported by local law enforcement officials and has been proven effective by statisticians at the Government Accountability Office? Well, it has its basis in ideology. Some of my Republican colleagues argue that local crime is a local problem and the Federal Government should not be funding these local efforts. I completely disagree. How can it be a local responsibility when roughly 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, and the sale and trafficking of illicit drugs? These drugs are smuggled

across our national borders from State to State and city to city by sophisticated drug cartels and street gangs. How does a local sheriff prevent drugs that start out in a foreign country from being trafficked into his or her county? How does a police chief prevent the recruitment of local kids into international street gangs? In my opinion, crime is a national problem, and it requires a national response. The COPS Program demonstrated the Federal Government's commitment to approach crime as a national problem—and it worked.

I would also point out that State and local law enforcement forms our first line of defense against terrorism. Homeland security experts have pointed out the value that community policing programs can have in combating terrorism. This only makes sense—it is the local officer who knows the neighborhood who will be able to provide the types information necessary to help infiltrate a local terror cell. In addition, it will be a local officer walking the beat who happens to catch a suspect trying to pump sarin gas into the local mall air-conditioning ducts. It won't be a brave Special Forces agent with night vision goggles; it will be a local cop walking the beat. In this era of uncertainty, we need to be providing more support for our local police agencies to help make their efforts against terrorism and crime as robust as possible.

And by cutting the drug court program—one of the most effective programs to reduce substance abuse in the criminal population—we are sending a devastating message to the 16,000 individuals that graduate from drug courts each year. We are telling them that we don't care that diversion programs are successful at helping people overcome addiction to reenter society as productive citizens, holding down jobs, and regaining custody of their children. We are sending a message that we would prefer to revert to the bad old days of locking up nonviolent drug offenders in prisons where most will get no drug treatment and they will most likely just sink deeper into a life of crime.

And what message are we sending to the 70,000 people currently enrolled in drug courts who are working hard to live sober, crime-free lives? By slashing funding for the drug court program we are telling them that we are not invested in their recovery and we are putting their future in drug court programs in jeopardy.

It makes absolutely no sense to me that we are cutting this cost-effective program by 75 percent. By enrolling nonviolent drug offenders in drug courts, States save an enormous amount of money. One study showed that California's drug courts save the State \$18 million a year. Another study showed that every dollar spent on a drug court program saves the city of Dallas, TX, \$9.43 over a 40 month period. It is inconceivable to me that we would choose to cut this program. The

National Association of Drug Court Professionals estimates that our actions here today will result in more than 13,000 individuals losing access to drug court services. These 13,000 people will likely continue their lives of crime and drugs and being a threat to public safety instead of getting enrolled in a tough-love program that will help them to turn their lives around and get sober. It is truly a tragedy.

It is my opinion that we found a winning formula when we made the decision to invest in our State and local law enforcement partners and smart on crime initiatives in the nineties, and I believe that we are making a terrible mistake when we reduce funding for them. There is no greater responsibility of the Federal Government than the protection of its citizens. This is true whether the threat comes from international terrorist or from a thug down the street, and I strongly believe that we are taking the wrong approach when we cut funding for our State and local law enforcement partners. Sheriff Ted Sexton, the president of the National Sheriffs Association, got it right when he stated that “cuts of this magnitude will seriously inhibit our ability to protect our communities and secure the homeland.” And, the president of the International Association of Chiefs of Police was correct in pointing out that “demanding that we play a central role in our Nation’s homeland security efforts, while at the same time cutting the resources we need to do our job, is both hypocritical and irresponsible.” I hope that the Republican-led Congress and President Bush will heed the call of these brave men and women and fully fund these critical programs next year.

MANUFACTURING DEDUCTION LEGISLATION

Mr. SANTORUM. I introduced a bill last month, S. 1816, that is vitally important to manufacturing businesses and the workers they employ in Puerto Rico. My bill extends the benefits of the manufacturing deduction, enacted last year with the American Jobs Creation Act of 2004, to apply to manufacturing operations that are conducted in Puerto Rico and are subject to full U.S. tax.

The new manufacturing deduction means that U.S. businesses operating in any of the 50 States will pay tax on their manufacturing income at 32 percent. Without the manufacturing deduction, U.S. businesses operating a branch in Puerto Rico will pay tax on their manufacturing income at 35 percent. This difference in tax treatment creates a disincentive for U.S. companies to conduct manufacturing operations in Puerto Rico, distorting manufacturing location choices and putting Puerto Rico at a disadvantage in terms of attracting and retaining investment.

My bill makes sure that manufacturing in the 50 States and manufacturing in Puerto Rico will be taxed at

the same 32 percent rate. This will level the playing field for operations in Puerto Rico and operations in the States. I have a number of constituent corporations that operate in my State and have operations in Puerto Rico, and this provision is important to them.

I realize the proposal cannot be added to the budget reconciliation tax bill at this time but am hopeful it will be considered and enacted this year.

I want to applaud Ways and Means Committee Chairman BILL THOMAS for introducing H.R. 4323, which includes this extension of the manufacturing deduction to Puerto Rico. I look forward to working with Chairman THOMAS to get this important provision enacted.

MASSACRE AT SAN JOSE DE APARTADO

Mr. LEAHY. I want to speak about a matter that I suspect few Senators are aware of, but which should concern each of us.

On February 21, 2005, in the small Colombian community of San Jose de Apartado, eight people, including three children, were brutally murdered. Several of the bodies were mutilated and left to be eaten by wild animals.

This, unfortunately, was not unusual, as some 150 people, overwhelmingly civilians caught in the midst of Colombia’s conflict, have been killed by paramilitaries, rebels, and Colombian soldiers in that same community since 1997. None of those crimes has resulted in effective investigations or prosecutions. No one has been punished.

That is an astonishing fact. Think of 150 murders, including massacres of groups of people, in a single rural community, and no one punished.

This latest atrocity occurred in a remote area frequented by rebels and paramilitaries. As a result, the presence of the Colombian army has also grown significantly there. Yet the army, which was sent to that area to protect civilians from attacks by illegal armed groups, is now suspected by some of having committed this massacre.

Residents of San Jose de Apartado have blamed the army, and international observers who went with community members to locate the bodies witnessed disturbing behavior by soldiers who reportedly laughed while body parts were being exhumed, who took pictures of themselves making victory signs, and who mishandled evidence from the massacre sites. There is also the possibility that paramilitaries acted in collusion with the army. And some have speculated that there were two separate groups of perpetrators, perhaps including the FARC, the Revolutionary Armed Forces of Colombia, the country’s oldest rebel group.

Even before an investigation began, top Colombian officials publicly declared that the FARC was responsible. The Minister of Defense, who has since resigned, insisted that the army could

not have done this because on February 21 they were more than 2 days’ walking distance from the crime scene. It was soon determined, however, that there were soldiers only half a day’s walk away, and army helicopters had recently been seen in the vicinity.

While it has not been proven who is responsible for this horrific crime, the government’s rush to judgment was only its first mistake. That was quickly followed by the decision, against the wishes of the community, to send armed police officers into their midst. While I do not doubt the authority of Colombian police to enter that territory, it caused the majority of its inhabitants to flee their homes out of fear that the police would become a target of illegal groups and that the villagers could once again be harmed.

In fact, such an attack took place on June 26, when three policemen were wounded in an attack by the FARC and community members were caught in the crossfire. Later, on July 18, an old man was found beaten to death. There were two more killings by the FARC, one in August and another in September, and verbal threats and acts of intimidation by soldiers and police officers towards members of the community have reportedly steadily increased. Then last month, there were three incidents in which armed paramilitaries and soldiers reportedly threatened members of the community and destroyed property. It appears that the community may be no safer today than it was on February 21.

One of the consequences of the government’s tactless approach to this and previous cases is that several witnesses from the community have refused to come forward and give testimony, and this has hindered the investigation. After a massacre of 6 members of this same community 5 years ago when over 100 people gave testimony to judicial authorities, no one was convicted and no report on the investigation was ever issued. Convincing witnesses to come forward this time will require a degree of sensitivity by the government that has, to date, been sorely lacking.

We are told by the Colombian Government that an investigation of the massacre is ongoing. That, unfortunately, is the story of most heinous crimes in Colombia. Investigations often continue without end, and often the perpetrators avoid punishment. I am concerned that this case may be no different.

According to information I have received, neither the soldiers who were in the area at the time of the February 21 killings nor hospital workers who treated a girl who was wounded by soldiers there the previous day have been interviewed by investigators. I find this hard to believe, but if it is correct the government has much to answer for.

For 5 years, the United States has provided significant military aid to Colombia despite ongoing concerns about human rights. Several months ago, the