

[Rollcall Vote No. 368 Leg.]

YEAS—62

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

NAYS—31

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

NOT VOTING—7

Biden	Isakson	Warner
Clinton	Kennedy	
Inouye	Obama	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

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

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

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

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

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

The Senator from Vermont.

AMENDMENT NO. 3249

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

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

The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

AMENDMENT NO. 3249, AS MODIFIED

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

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

The amendment, as modified, is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

AMENDMENT NO. 3313

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

The PRESIDING OFFICER. The clerk will report.

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

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

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

The amendment is as follows:

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

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

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

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

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

I urge my colleagues to support this commonsense amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina.

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

The PRESIDING OFFICER. Who yields time?

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

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

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

So I have to continue my opposition.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

The PRESIDING OFFICER. Who yields time?

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 369 Leg.]

YEAS—50

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

NAYS—42

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

Sununu Tester	Thune Vitter	Voinovich Webb
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NOT VOTING—8

Biden	Inouye	Obama
Clinton	Isakson	Warner
Dodd	Kennedy	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3277

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

Ms. MIKULSKI. Madam President, as I look about, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3277

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

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

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

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

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

gration status, lawful or unlawful, of any individual.

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

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

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

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

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

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

That was in response to a raid by Federal officials.

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

I think that is wrong.

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

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

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

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

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

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

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

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

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

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

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

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

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. MENENDEZ. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland is recognized.

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

The PRESIDING OFFICER. The Senator has 7 minutes.

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

The PRESIDING OFFICER. The Senator from Delaware is recognized.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

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

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

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

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

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

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

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

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

The PRESIDING OFFICER. One minute one second.

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

The PRESIDING OFFICER. Four minutes.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana is recognized.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The assistant legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 370 Leg.]

YEAS—52

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

NAYS—42

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

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The Senator from Maryland.

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

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

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3279

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

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

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

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

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

AMENDMENT NO. 3283

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

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

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

AMENDMENT NO. 3290, AS MODIFIED

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

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

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

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

AMENDMENT NO. 3278

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

At the appropriate place, insert the following:

SEC. _____. Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking “the ‘Improving Emergency Communications Act of 2007.’” and inserting “the ‘911 Modernization Act’.”

AMENDMENT NO. 3312, AS MODIFIED

At the appropriate place, insert the following:

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

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

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

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

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

AMENDMENT NO. 3314

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

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

AMENDMENT NO. 3276

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

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

AMENDMENT NO. 3304, AS MODIFIED

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

AMENDMENT NO. 3228, AS MODIFIED

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

AMENDMENT NO. 3208, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

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

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

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

(A) in paragraph (1)—

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

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

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

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

(D) by adding at the end the following:

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

“(A) allows grants authorized under paragraph (3)(A) to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

“(B) has any effect other than to authorize, award, or deny a grant of funds to a State, territory, or Indian tribe for the purpose described in this subsection.”

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(a)) is amended by inserting “, territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))” after “make grants to States”.

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3) is amended—

(A) in subsection (a)(2), by inserting “, territorial, or Tribal” after “State”;

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting “, territorial, or Tribal” after “State”; and

(II) by striking “and/or” and inserting “or”;

(ii) in paragraph (2)—

(I) by inserting “, territory, Indian tribe,” after “agency of the State”; and

(II) by inserting “, territory, Indian tribe,” after “criminal laws of that State”; and

(iii) by adding at the end the following:

“(C) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).”;

(C) in subsection (c)—

(i) in paragraph (3), by striking “Indian Tribes” and inserting “Indian tribes”; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking “State’s”; and

(bb) by striking “and/or” and inserting “or”;

(II) in subparagraph (A), by striking “State”;

(III) in subparagraph (C), by inserting “, Indian tribes,” after “involved counties”; and

(IV) in subparagraph (D), by inserting “, Tribal” after “Federal, State”.

AMENDMENT NO. 3249, AS FURTHER MODIFIED

(Purpose: To appropriate an additional \$15,000,000 for the Boys and Girls Clubs of America and to provide a full offset for such amount)

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

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

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

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

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

AMENDMENT NO. 3311

(Purpose: To extend the numerical limitation exception for H-2B nonimmigrants)

At the appropriate place, insert the following:

SEC. ____ SMALL AND SEASONAL BUSINESSES.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C.

1184(g)(9)(A)) is amended by striking “an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.” and inserting “an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the 1-year period beginning October 1, 2007.

AMENDMENT NO. 3209

(Purpose: To make certain forestry workers eligible for legal assistance)

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

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-55) is amended by inserting before “an alien” the following: “a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or”.

AMENDMENT NO. 3227, AS MODIFIED

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

On page 53, strike lines 18 and 19 and insert the following:

(5) \$40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), \$15,000,000 are rescinded: *Provided*, That within 30 days after the enactment of this Act the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3279

Mr. KYL. Mr. President, this amendment provides \$23 million in funding to the FBI for purposes of clearing its backlog of untested DNA evidence. This backlog consists of DNA evidence from untested rape kits, other untested crime-scene evidence, and samples collected from criminal offenders. The amounts provided by this amendment are the minimum amount that the FBI would need in order to be able to clear its current backlog of untested DNA evidence.

Two recent articles in USA Today highlight the nature of this problem and why it matters. The first news story—published just last month—indicates that FBI’s backlog of untested DNA evidence has grown to over 200,000 samples. As USA Today notes, past experience testing DNA samples indicates that testing the current backlog would probably solve over 3,000 rapes, murders, and other serious crimes.

Allow me to repeat that statistic: according to USA Today, testing the current backlog of DNA evidence is expected to solve over 3,000 cold cases—violent crimes and other serious offenses for which no perpetrator currently has been identified. Obviously, solving these crimes would bring relief to thousands of crime victims and their families. By identifying these criminal offenders and leading to their prosecution and incarceration, testing the DNA backlog would undoubtedly prevent many future offenses as well. But first we have to appropriate the funds to test that backlog.

Another recent article in USA Today describes the costs imposed by not promptly testing DNA evidence. This article begins as follows:

Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling \$20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell’s DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

That is the cost of not promptly testing DNA evidence. The failure to test evidence in just this one case allowed the commission of three murders and one rape that clearly could have been prevented. The USA Today story goes on to note that:

cases in which such missed DNA matches led to further crimes have begun to “pop up increasingly” as test backlogs grow, [according to Lisa Hurst, a DNA expert].

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. “You have to believe there are a whole lot more than what gets reported,” Hurst says. “This is not something that people want to talk about. It’s much worse than just an embarrassment.”

If we want the current Federal DNA backlog to be tested, we must provide FBI with this money. There are not a lot of things that the Federal Government can do that will directly prevent violent crimes, but this is one of them. I am pleased that the Senate will adopt my amendment and allow the FBI to promptly test its current evidence backlog, before another preventable rape or murder is committed.

I ask unanimous consent to have the following articles appearing in USA Today printed in the RECORD.

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

[From USA Today, Oct. 13, 2007]

DNA BACKLOG PILES UP FOR FBI

(By Richard Willing)

WASHINGTON.—The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals—85% of all samples it has

collected since 2001—Justice Department records show.

The backlog, which expands monthly, means most of the biological samples the bureau collects have not been stored in the national DNA database and used to solve crimes. DNA from 34,000 convicts has been added to the database since 2001, resulting in 600 matches to unsolved crimes, according to statistics furnished by the Justice Department to the Senate Judiciary Committee. At the same rate, the unloaded samples could help solve an additional 3,200 crimes.

The backlog expanded by about 80,000 samples in 2006, when a law took effect requiring that all federal convicts, rather than just violent felons, submit DNA samples. A new law requiring DNA to be taken from about 500,000 federal arrestees and detainees could swell the backlog. Rules for implementing that law are due early next year, according to Office of Management and Budget documents.

Justice provided the backlog data to the committee in July in response to questions posed to Attorney General Alberto Gonzales during an April appearance before the panel.

Using different figures, FBI lab spokeswoman Ann Todd said in an e-mail that about 156,000 DNA samples, about 78% of those collected, have not been put in the database. She declined to comment on the discrepancy with the numbers from the Justice Department, the FBI's parent organization. The lab processes about 5,500 samples a month, Todd said. The laboratory receives about 8,000 samples a month, meaning the backlog continues to grow.

"It's embarrassing because it's the FBI, which is supposed to be this powerful organization, but it's not surprising," said Lawrence Kobilinsky, biology professor and DNA specialist at John Jay College in New York City. "Across the nation, backlogs are an ongoing problem, a tragedy, really, but one that it looks like is going to be with us for awhile."

Since 1998, the FBI has maintained a system that matches genetic profiles from criminals and, in some states, criminal suspects with DNA drawn from unsolved crimes. All 50 states and the FBI lab in Quantico, Va., maintain their own databases, which are linked by computer software maintained by the FBI.

Through May, the national DNA database held 4.8 million criminal samples and DNA from about 178,000 unsolved crimes, according to an FBI website. It had scored matches that assisted 50,343 investigations.

The FBI's exacting testing standards caused the DNA "bottleneck," Deputy Assistant Attorney General Richard Hertling said in a letter to the committee. The FBI lab is studying an automated system that could cut test times significantly, he said.

[From USA Today, Oct. 13, 2007]

DNA LAG LEAVES POTENTIAL FOR CRIME
(By Richard Willing)

WASHINGTON.—Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling \$20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

Since 1998, the state and federal governments have used a computer database to match genetic samples from convicted or suspected criminals to DNA taken at the scene of unsolved crimes.

The Combined DNA Index System (CODIS), which is overseen by the FBI, has become a staple of television crime shows and has produced some dramatic results. It has made matches that caught criminals or otherwise aided in nearly 50,500 cases since the system's inception. The DNA profiles of about 4 million criminals have been added to the system since 2001.

Along with the success stories, however, comes a growing list of DNA samples collected but not analyzed. Lisa Hurst, who edits the DNAResource.com website, said cases in which such missed DNA matches led to further crimes have begun to "pop up increasingly" as test backlogs grow.

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. "You have to believe there are a whole lot more than what gets reported," Hurst says. "This is not something that people want to talk about. It's much worse than just an embarrassment."

At first, most states and the federal government took DNA samples only from people convicted of the most serious felonies, such as rape and murder. As DNA has proved its usefulness, legislators have sought to extend its reach to people convicted of lesser offenses and even to arrestees.

Forty-five states and the federal government require DNA samples from all felons, and 11 states take it from some arrestees. Next year, the federal government is scheduled to begin taking DNA samples from as many as 500,000 new federal arrestees and detainees such as immigration violators.

DNA testing requirements began to strap overworked crime labs. In 2003, the Justice Department estimated that nationwide, 200,000 to 300,000 samples had been taken and awaited analysis, while as many as 1 million more awaited testing. By this July, the FBI's backlog by itself totaled nearly 200,000, according to Justice Department records.

Congress has tried to bridge the gap, allocating over \$560 million since 1999 to allow states to outsource some DNA testing, to hire staff and to improve lab capacity.

Barry Fisher, director of the Los Angeles County Sheriffs Department crime lab, says the federal payments have had "some success" but have had trouble keeping up with ever-increasing demands.

In California this year, for instance, a combination of federal and state grants reduced a 160,000 backlog by more than half, according to state Department of Justice research. But a state law that takes effect in 2009 will add DNA samples from felony arrestees and others, probably adding 400,000 samples per year to the backlog.

It's critical for the FBI to cut its backlog before the federal government starts taking DNA from immigration violators and other federal detainees next year, said Rep. Dave Reichert, R-Wash., a major supporter of federal funds for DNA testing.

That program could add more than 1 million samples annually to the FBI's workload, according to a paper an FBI technician presented at a science conference in February.

"We can get them more money and more people, but the bottom line is, (the FBI) has got to get those DNA samples up there," says Reichert, a former King County sheriff. "It's the only way the DNA does everything it's capable of."

President Bush's DNA initiative, a five-year plan designed to improve the use of DNA in the criminal justice system, has accounted for about 75% of the federal DNA

spending. Funding expires after this year, and no follow-up legislation has been proposed.

Increased use of technology and private sector management techniques helped the Forensic Science Service (FSS), the United Kingdom's national lab, eliminate a 500,000-sample backlog in 2004, says Richard Pinchin, the service's director of U.S. operations.

AMENDMENT NO. 3304

Mrs. BOXER. I am greatly concerned about the environmental impacts of the federally owned obsolete vessels in Suisun Bay, CA, on the marine environment. We need to ensure that these vessels are properly cleaned and disposed of, and minimize the impacts of these ships by addressing any remaining contamination.

I am grateful that Chairman MIKULSKI and the CJS Subcommittee have agreed to accept my amendment to provide funding out of NOAA's operations, research, and facilities program to conduct sampling and analysis of heavy metals and other contaminants to better understand the degree of toxic contamination, and to develop appropriate remediation recommendations that use the best available science and environmental practices.

Ms. MIKULSKI. I am glad that the subcommittee will include \$1.5 million in NOAA funding in the report to address the environmental needs at Suisun Bay and I pledge to carry that funding through conference.

JUVENILE ACCOUNTABILITY

Mr. CASEY. I want to thank Chairman MIKULSKI for her leadership on the Appropriations Subcommittee on Commerce, Justice and Science and for engaging in this discussion on how we can best combat violent crime around the country. The chairman's expertise and experience in these matters is second to none and I am grateful for her leadership.

Ms. MIKULSKI. I thank the Senator for his leadership in this area and look forward to working with him on securing funding that is necessary to fight violent crime across the country. I know from our conversations of your concern for your home State of Pennsylvania and your particular concern about the recent rise in violent crime in Philadelphia.

Mr. CASEY. As the Senator knows, I have authored an amendment to the Commerce, Justice and Science appropriations bill that would increase funding for the Juvenile Accountability Block Grant Program by \$30 million. On behalf of Senator BIDEN and Chairman MIKULSKI, I have also offered an amendment that would increase funding for the Community Oriented Policing Services Program by \$110 million. I am also a strong supporter of the Byrne justice assistance grant program, and I appreciate Chairman MIKULSKI's efforts to significantly increase funding for this program. If we truly want to decrease violent crime, research and evidence-based practices show that we must simultaneously invest in law enforcement programs and

prevention and intervention services for young people. My support for these amendments, for the Byrne/JAG program, and for the underlying bill, reflect my strong commitment to this two-prong approach to reducing crime. Would the chairman permit me a moment to discuss the merits of the juvenile accountability block grant program?

Ms. MIKULSKI. Certainly.

Mr. CASEY. As the chairman knows, the juvenile accountability block grant program, or JABG as it is more commonly known, is a bipartisan program that was originally created in 1998 for the purpose of strengthening and creating greater accountability within the juvenile justice system. Funds are available for many program purposes, including building, expanding, and operating temporary or permanent juvenile correction or detention facilities, training of correctional personnel, developing and administering accountability-based sanctions for juvenile offenders, hiring additional juvenile judges, prosecutors, probation officers, and court-appointed defenders, and funding pretrial services for juveniles.

The program has been reauthorized twice since 1998, and additional program areas purposes now allow States to implement graduated sanctions programs that include counseling, restitution, community service, and supervised probation, to establish or expand substance abuse programs, and to promote mental health screening and treatment. Program funds can also be used to establish and maintain restorative justice programs, which focus on creative sentencing and meaningful accountability measures for juvenile offenders. JABG can also be used to fund programs focused upon gang prevention, antibullying initiatives, and re-entry programs that help juvenile offenders reintegrate back into the community and help lower recidivism rates among this population.

Ms. MIKULSKI. I have always been a strong supporter of the juvenile accountability block grant program and its goals. I wholeheartedly agree that we must link law enforcement with effective prevention and intervention strategies aimed at at-risk youth. JABG does this and assists the juvenile justice system and community-based programs to promote accountability among youthful offenders. The value of this program is that it helps youth understand the impact of their actions and holds them accountable. This approach has been shown to be instrumental in helping young people turn away from delinquency and work toward becoming productive adults.

Mr. CASEY. I agree with the chairman that holding young offenders accountable for the consequences of their actions is one of the most effective ways to reduce juvenile crimes. We cannot "arrest our way" out of this problem. This truth has been emphasized over and over by the law enforcement community. While incarceration

is necessary for some offenders, there are other more effective—and less costly—interventions that can be used with many young offenders. That is why the JABG Program has been so effective and is so necessary.

Ms. MIKULSKI. I agree with the Senator.

Mr. CASEY. And so, in addition to support for increased funding for the Byrne/JAG and COPS programs, my goal is to increase funding for JABG. Unfortunately, funding for the JABG Program has decreased dramatically since its inception. Originally authorized at \$350 million, it was funded at \$250 million from fiscal year 1998 to fiscal year 2002, then dropped to \$190 million in fiscal year 2003, and then to \$60 million in fiscal year 2004. Since that time, funding has hovered between \$50 and \$60 million. President Bush sought to eliminate funding for this valuable program altogether in this year's budget proposal and in previous budget recommendations. Elimination of funding for this critical resource would seriously hamper efforts to deal effectively with juvenile delinquency. JABG would no longer be available to communities for the ongoing implementation of important accountability programming and service alternatives to youth and families involved in the juvenile justice system, including community-based alternatives to detention and intervention activities, and school-based violence prevention programming. I recognize the subcommittee's commitment to this program, and appreciate the chairman's role in restoring funding for JABG.

Ms. MIKULSKI. The reduction in funding for this program has been an unfortunate result of overall budget cuts in recent years. We have worked hard to maintain funding and restore cuts that impact State and local law enforcement. It is our duty first and foremost to protect the American public. I share your support for the JABG Program and would support your amendment if it were possible to find funding for an additional \$30 million. I regret to say that is not the case.

Mr. CASEY. I thank the chairman for her support of this valuable program and appreciate her tireless work over the years to get our States and communities the funding they need to fight crime. Her commitment to this issue is truly inspiring. While I regret that my amendment to increase funding for the JABG Program cannot move forward, I understand the realities facing the subcommittee.

Ms. MIKULSKI. I appreciate the Senator's remarks and I look forward to working with him whenever the opportunity arises to strengthen our capacity to fight crime through increased funding for both law enforcement and prevention and intervention strategies for youthful offenders.

Mr. CASEY. I thank the chairman and appreciate her support for the Byrne/JAG Program, the JABG Program and the COPS Program. In par-

particular, I appreciate her support for the amendment offered by Senator BIDEN, myself and others to increase the COPS Program by \$110 million. That is a great victory for State and local law enforcement. I assure the chairman and my constituents that I will continue the fight against crime throughout my Senate career.

AMENDMENT NO. 3314

Mr. SUNUNU. Mr. President, I rise today on behalf of an amendment to address the problem on fisheries failures in New England.

In November 2006, the New England Fishery Management Council imposed new regulations on groundfishing, known as Framework 42. Under these strict new rules, the number of days allowed to fish was effectively cut in half. These hardworking fishermen don't catch twice as many fish, and they don't get paid twice as much, but they are only allowed to work half as much. This is not to suggest efforts to rebuild the fisheries are not necessary or important, they are. But we must also address the impact of the regulations we impose.

As a result of Framework 42, the States of Massachusetts, Maine, and New Hampshire are seeking the declaration of a commercial fisheries failure. The Magnuson-Stevens Act, which we worked so hard to reauthorize last year, allows the Secretary of Commerce to assist coastal communities hit by both natural disasters and regulatory burdens. Unfortunately, no funding has been provided in the past and there is no funding in the CJS bill for this purpose.

This amendment, cosponsored by Senators GREGG, SNOWE, and COLLINS, would provide \$15 million for fisheries disaster assistance. It does not dictate how or where this money would be spent. It does not interfere with the Secretary's ability to determine when fisheries failures are declared. It does ensure that fishermen and fishing communities that may be eligible for assistance under the Magnuson-Stevens Act have resources available.

We sometimes romanticize life on a New England fishing boat. But in truth, it is a difficult and dangerous way to earn a living. The New England groundfishing industry has accepted strict limits as part of our effort to rebuild a fish population that has helped feed us for 500 years. When they shouldered this regulatory burden, Congress said that there would be help. This amendment provides the financial resources to meet this obligation.

NASA WORKFORCE

Mr. CARDIN. Mr. President, I would like to engage the chair of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee, my distinguished colleague from Maryland, in a colloquy concerning current Federal investments in space research programs that provide hands-on training experience for university students in the space science and engineering disciplines.

The senior Senator from Maryland has a long history of successfully championing Federal investment in the National Aeronautics & Space Administration, NASA. That history of Federal investment has kept the United States at the forefront in exploring space and expanding our knowledge of the complex world in which we live today. This investment in NASA has also made NASA an important partner of our Nation's colleges and universities in providing unparalleled educational experiences in the critical areas of science, technology, and engineering. Scientific research is critical to innovation, yet federally funded science programs have not kept pace with our need to train future generations of scientists and engineers, thereby diminishing the research and training opportunities offered to university students across the country. In the last 40 years, U.S. suborbital experimental launches have decreased 80 percent—from 270 per year to 50 planned launches in 2007. Decreases in suborbital launches have resulted in a corresponding drop in the hands-on training opportunities our universities provide to undergraduate, masters, and doctoral students in hard sciences. These training opportunities are essential for recruiting and maintaining a highly trained workforce and for protecting our national preeminence in science, engineering, and exploration.

The National Research Council released a report in June on "Building a Better NASA Workforce and Meeting the Workforce Needs for the National Vision for Space Exploration." The report recommended that NASA focus more of its education budget on workforce-related programs such as the Graduate Student Researchers Program and other co-op programs. We know that some of NASA's programs involving sounding rockets, weather balloons, and small satellite launches are outstanding examples of worthy Federal investment that not only produces usable scientific data but provides outstanding hands-on learning opportunities for the next generations of scientists and engineers. Our investment in these programs has not kept pace with demand, and that is a problem we may want to address in future years as we consider the NASA budget. But before we make a decision about the right level of future Federal funding for these programs, I think it would be helpful for NASA, as one of our premier research institutions, to provide a report on its current investment in suborbital experimental launches and what will be needed in the future.

I ask my colleague from Maryland, in her role as chairman of the Commerce-Justice-Science Appropriations Subcommittee, whether she would agree that it would be useful for NASA to study this issue and report back to the Congress on it in time for our consideration of the fiscal year 2009 CJS appropriations bill.

Ms. MIKULSKI. I agree that such a study would be useful and I thank my colleague for bringing this important matter to our attention.

Mr. LAUTENBERG. Mr. President, let me begin by thanking Senators MIKULSKI and SHELBY for their leadership in drafting the Commerce-Justice-Science appropriations bill.

This bill empowers our police and law enforcement professionals with tools and resources to keep our children safe. Today, our police need these tools more than ever.

The FBI just released its violent crime data for 2006. After years of going down, violent crime went up in each of the past 2 years. Murders went up from 2005 to 2006, and nearly 15,000 people were murdered in 2006. Those statistics are people—people whose lives were changed or ended by a horrible act of violence. But instead of reacting to those stories with vigilance, this administration has reacted by cutting the very programs that keep our streets safe from crime and violence.

This bill fights back. It restores funding for the programs the administration wrongly cut and lets families feel more secure in their homes. For example, this bill provides \$550 million for the COPS Program, and I was proud to cosponsor an amendment to add \$110 million for hiring police officers. In New Jersey alone, the COPS Program has added 500 new cops on the beat. It is because of programs such as COPS that I am proud to support this bill. It is preposterous that President Bush is threatening to veto it.

I must note, however, that there is one provision in this bill that is dangerous. Instead of making us safer, it puts our communities and the people trying to protect them at greater risk. That provision is the "Tiahrt amendment," which has been a staple in appropriations bills over the last few years. Instead of helping our police, the Tiahrt Amendment makes their job harder.

The Tiahrt amendment limits the information the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, can tell our police about guns used in crimes.

The Tiahrt amendment does not protect responsible gun owners; it protects criminals, gang members, and gun traffickers.

Before the Tiahrt amendment, ATF data showed 60 percent of crime guns came from 1 percent of gun dealers. It is only common sense that police should be able to target corrupt gun dealers, but the Tiahrt amendment makes it difficult for the police to identify those dealers.

Limiting access to ATF gun trace information means that police have to wait until after a crime has been committed to get information about dangerous weapons, instead of being able to get that information to prevent crimes. That makes no sense.

It is bad enough that the Tiahrt amendment restricts the information

our police can get, but the language in the Senate bill is even worse than in previous years and in the current House bill. The Senate version of the Tiahrt amendment requires local cops to certify to the ATF why they want the information—and it threatens them with up to 5 years in jail. It is simply outrageous to threaten our cops with jail time in order to protect the people committing gun crimes. Even the Department of Justice admitted in 2006 that threatening our police with criminal penalties could create a "chilling effect" on law enforcement. The Senate language also further restricts the sharing of information between law enforcement agencies when they do obtain information from ATF. With violent crime on the rise, we should be encouraging law enforcement to work together, not prohibiting collaboration.

Simply put, the Tiahrt amendment hurts our law enforcement efforts. That is why more than 10 national law enforcement organizations, 240 mayors, and State and local leaders from across the country have joined together to oppose the Tiahrt amendment. And that is why Senator MIKULSKI showed leadership and left this language out of the bill to begin with. Regrettably, the Tiahrt Amendment was added back during the committee markup.

The job of fighting crime is hard enough already. We don't need to make it any harder.

I will continue my fight against the Tiahrt amendment until the Tiahrt amendment is no more.

Mr. BYRD. Mr. President, nearly 5 months ago, the Congress sent the President the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act 2007.

Despite the President's signing the measure into law on May 25, 2007, I have learned with great disappointment that the Office of Management and Budget has yet to release more than \$104 million included in this legislation by the Congress for the purpose of assisting the FBI in combating terrorism.

These were funds that the FBI had asked the OMB to include in the supplemental in order to deal with various aspects of homeland security such as carrying out the FBI's new responsibility for rendering safe a chemical, biological, radiological, or nuclear incident in the United States. The funds were also requested by the FBI to make advances in areas such as DNA and other identification technologies, which offer opportunities to positively identify individuals and prevent terrorists, criminals, and other ineligible individuals from entering the United States, thus better securing our borders.

I call upon the Director of the Office of Management and Budget to release these funds for the purposes identified by the FBI. This is a dangerous way to waste time. Nearly 5 months have already been wasted. These funds should

be put to use for the purposes for which they were appropriated in order to better secure the homeland and combat terrorism.

Mr. CARDIN. Mr. President, I rise today in strong support of H.R. 3093, the fiscal year 2008 Commerce-Justice-Science appropriations bill. I congratulate the senior Senator from Maryland, Ms. MIKULSKI, and the ranking member, Mr. SHELBY, for their fine work in producing a bill that supports law enforcement, scientific research and technology, and enhances U.S. competitiveness. I would like to take a moment to note just a few of the bill's important provisions.

This body recently passed the DOD appropriations bill supporting our troops overseas. The CJS bill supports our day-to-day warriors here at home. That is, our law enforcement officers. It funds the FBI, the DEA, and the ATF; Federal law enforcement agencies charged with protecting our citizens from internal terrorist threats, international drug cartels, and the rising threat of violent crime. Further, the bill provides for important victims' assistance programs for those whose lives are forever altered by violent crime.

The CJS bill focuses on what is right with America by providing the resources needed to compete in the global economy. In my home state of Maryland, we are very fortunate to have The National Institute of Standards and Technology, or NIST. NIST assists industry in developing technology, modernizing manufacturing processes, ensuring product reliability, and facilitating rapid commercialization of products based on new scientific discoveries. Advances in avionic navigation systems and modern-day mammograms and semiconductors are indicators of the value of NIST. This bill provides \$186 million above the administration's request for this significant agency that is crucial to U.S. competitiveness.

Maryland is also fortunate to be home to several National Oceanic and Atmospheric Administration facilities. NOAA provides scientific, technical, and management expertise to promote safe and efficient marine and air navigation; assess the health of coastal and marine resources; monitor and predict the coastal, ocean, and global environments, including weather forecasting; and protect and manage the Nation's coastal resources. NOAA's significance is strongly felt in Maryland which, with the Chesapeake Bay, boasts 4,000 miles of coastal land. I am proud that this bill strongly supports NOAA through the provision of \$4.21 billion.

I join my colleagues to note the importance of NASA. NASA programs serve a number of functions, such as planetary exploration, pioneering aeronautic technologies, and space operations. This includes maintaining the space shuttle and supporting the International Space Station. Previous cuts, combined with the Columbia tragedy

have strained NASA's resources. We must provide the necessary funding in order for America to remain a leader in space exploration, aeronautics, and planetary science. I applaud the committee for identifying this truth and supporting NASA.

I would like to further thank the committee for supporting several key programs in Maryland, including:

Chesapeake Bay Programs—The health condition of America's largest estuary is critical. Programs that assess, manage, and monitor bay ecosystems are imperative to preserving this vast natural resource. I thank my colleagues for recognizing the significance of focusing on the Chesapeake Bay. Funded bay programs will not only research viable restoration solutions but also focus on educating the public as to the importance of preserving the bay. These education efforts include the successful Chesapeake Bay Watershed Education and Training Program, or B-WET, that enhances environmental literacy in K-12 students. In addition, there are Chesapeake Interpretive Buoys that act as markers for the newly established Captain John Smith Chesapeake National Historical Trail, providing interpretive information for both trail users and educators while also providing essential science information about bay health.

Maryland Eastern Shore Broadband Coverage—The bill provides funding for the continued construction of a broadband link between the Wallops Island Flight Facility and the Patuxent River Naval Station. This telecommunication enhancement will help pave the way for high-tech business and employment opportunities on Maryland's eastern shore.

Maryland Radio Interoperability Project—The State of Maryland has committed to developing a radio interoperability Project that will link State and local law enforcement agencies. Cooperation and shared information between agencies will develop a more effective, efficient law enforcement system for the protection of our citizens.

Baltimore Felony Diversion Program—The city of Baltimore has developed a pilot project designed to divert drug addicted offenders to long-term substance abuse treatment, aftercare, and monitoring as an alternative to detention and method of reducing recidivism.

This bill is good for Maryland and good for America. I am honored to support it.

Ms. COLLINS. Mr. President, I rise to speak in strong support of the \$10 million in the Senate fiscal year 2008 Commerce, Justice, Science Appropriations Act for the landmark Penobscot River Restoration Project, the most significant river restoration project ever in the eastern United States. I was pleased to work with my colleague from Maine to secure funding for this important environmental restoration project. This funding will provide sig-

nificant federal cost-share toward the purchase of three hydropower dams on the Penobscot River that are slated for removal. When the project is complete, nearly 1,000 miles of habitat for endangered Atlantic salmon and other fish species will be restored.

Atlantic salmon populations have declined drastically in the last 200 years, from an estimated half million adult salmon returning to U.S. rivers each year in the early 1800s to as few as 1,000 in 2001. The National Academy of Sciences completed a report in 2004 on Atlantic salmon in Maine which identified several specific threats to the recovery of Maine's salmon populations. Top among them was the obstructed passage and habitat degradation caused by dams. The National Academy of Sciences recommended that dam removal projects are precisely what is needed to best enhance Atlantic salmon populations.

The Penobscot River Restoration Project represents such a comprehensive effort and is one of the largest, most creative river restoration projects in our Nation's history. In fact, Interior Secretary Kempthorne highlighted the project as a successful example of cooperative conservation during his September 20, 2006, visit to Brewer, ME.

The 5-year, \$50 million project would restore the natural flow of Maine's largest watershed. This project is a partnership of the State of Maine, local communities, the National Oceanic and Atmospheric Administration, the U.S. Department of Interior, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, the Penobscot Indian Nation, the Atlantic Salmon Federation, PPL Corporation, the Natural Resources Council of Maine, and other environmental groups.

In addition to enhancing Atlantic salmon recovery efforts, it will also have far-ranging benefits for the entire Gulf of Maine, protecting endangered species, migratory birds, and a diversity of riverine and estuarine wetlands. Finally, the project will help revive the social, cultural, and economic traditions of New England's second largest river.

The merits of this project are demonstrated by the fact that it has attracted both federal and private support. The federal government has already contributed \$5.5 million to this important project, and a private fundraising campaign recently reached its goal of raising \$10 million.

I congratulate the Penobscot River Restoration Trust for its outstanding efforts to secure funding for this critical project. Their dedication and commitment, sustained over years of effort, have helped bring the project closer to completion.

The Penobscot River Restoration Project is a critical environmental restoration project. Including the \$10 million in the final FY 2008 Commerce,

Justice, Science Appropriations bill is crucial to ensure the success of the project. I urge swift passage of the bill.

Mr. President, I yield the floor.

Mr. DURBIN. I rise today to support the funding bill for the Departments of Commerce and Justice, Science and Related Agencies and commend Senators MIKULSKI and SHELBY for their hard work on this legislation.

This bill provides important funding that will strengthen the American economy, promote scientific advancement, and protect our national security. It reflects our priorities by funding State and local law enforcement agencies across the country. Since September 11, 2001, these agencies have been on the front lines of Nation's efforts to fight crime as well as to safeguard our communities against terror.

Our law enforcement officials have accepted these responsibilities willingly and have performed admirably. But for several years, they have been burdened by their expanded role. These agencies have asked the administration and Congress for help—but instead of providing them with the funding they need, the Bush administration and the Republican Congress sought instead to cut their budgets. To those who patrol our streets, these repeated budget cuts made no sense, and they made no sense to those of us in the Democratic minority in Congress.

Thankfully, there's a new group of sheriffs on Capitol Hill. This Democratic Congress is committed to providing law enforcement with the tools they need to help keep our communities safe.

This bill delivers on our commitment. It provides nearly \$2.7 billion in State and local law enforcement assistance—\$1.5 billion above the President's request.

The American people learned a decade ago that federal funding for State and local law enforcement helps reduce violent crime. During the Clinton administration, we provided meaningful funding for tough and effective anticrime programs. The Community Oriented Policing Services Program put more than 115,000 additional cops on the street and in our schools. Byrne grants helped fund state and local law enforcement agencies, criminal justice systems, and antidrug task forces.

This investment in State and local law enforcement paid off. Violent crime nationwide fell by nearly 26 percent between 1994 and 2000. And study after study showed the link between lower crime rates and Federal assistance for law enforcement. In Illinois, nearly \$40 million in COPS grants have funded 5,540 additional police officers and sheriffs. Nearly 700 local and State law enforcement agencies in my home State have directly benefited from this funding.

In northern Illinois, the village of Johnsbury has a population of about 7,000. Experts recommend 1 police officer per 400 to 500 people. Johnsbury, however, has only 10 officers—an aver-

age of 1 per 700 residents. The lack of officers in Johnsbury means that often they have only one car patrolling the streets. This is no way to ensure the safety of small town residents. Small towns like Johnsbury desperately need the funding provided by COPS grants in order to put cops on the beat and keep crime off of their streets.

COPS grants also play a crucial role in the war against drugs. I am sorry to say that Illinois has a serious problem with methamphetamine abuse. In Williamson County, Sheriff Tom Cundiff is using COPS funding to train some 150 individuals in dismantling meth labs. This is no inexpensive undertaking—the breathing apparatus needed for each person alone costs \$3,000. Sheriff Cundiff tells me that COPS funding has allowed him to train eight times the number of officers than he could have trained without our help.

This funding is also vital for the safety of our schools. Nearly \$22 million has been awarded to add 181 school resources officers to improve safety for students and teachers in public schools throughout Illinois. Why is this money so important? In Breese, IL, town of 4,000, the population doubles every day as the children of Clinton County arrive in Breese to attend school. This influx strains the resources of the police department and its six officers. With a grant of just \$56,000, the Breese police department will be able to install cameras and other security equipment in their schools. These cameras will feed images to computers in police cruisers so officers can patrol the village while still keeping track of what's happening at school.

Since the late 1990s, the Bush administration and the Republican-led Congress have cut funding for State and local law enforcement, year after year, budget after budget. Not surprisingly at the same time the administration was slashing funds for state and local law enforcement, violent crime rates started going up.

According to the FBI's crime reports, violent crime rates increased 2.3 percent in 2005 after years of decreases, and then rose again by 1.9 percent in 2006. This represents tens of thousands of additional violent crimes each year. This alarming increase in violent crime rates should have been a call to action. But it wasn't.

Instead, the administration's 2008 budget request tried to cut more than half of all State and local law enforcement funding. It cut the COPS program down to a mere \$32 million, virtually eliminated the Byrne/JAG program, and eliminated the juvenile accountability block grant program.

Can the administration honestly say that we should be spending billions of dollars a month to police the streets of Iraq but that we can't afford to pay for proven crime prevention programs here at home? Earlier this year, Russ Laine, the chief of police in Algonquin, IL, testified before the Senate Judiciary Committee at a hearing about rising crime.

Chief Laine also serves as the vice-president of the International Association of Chiefs of Police, and he speaks on behalf of chiefs throughout the Nation. He talked about the growing crime problem in Algonquin, a tiny town that had just suffered its first drive-by shooting and has seen clashes between violent gangs. He also talked about the strain that law enforcement agencies have felt in trying to fight crime while also detecting, investigating and preventing terrorist acts.

In his testimony, Chief Laine said the following:

We willingly accept the new responsibilities in combating terrorism, but our ability to continue with traditional policing is our best weapon against terrorism. . . . Law enforcement are doing all that we can to protect our communities from increasing crime rates and the specter of terrorism, but we cannot do it alone. We need the full support and assistance of the federal government.

Chief Laine, help is on the way.

The fiscal year 2007 continuing resolution passed by this Congress earlier this year provided \$2.6 billion in State and local law enforcement assistance programs. It included funding increases for the COPS and Byrne/JAG programs. The bill we consider today further increases state and local law enforcement funding. It provides \$550 million for COPS and \$1.4 billion for State and local law enforcement grants.

This bill also increases funds the crime and terror prevention efforts of Federal law enforcement agencies. The FBI, DEA, ATF and the U.S. Marshals are all funded in this bill, and all at levels exceeding the President's request.

Let's pass this bill and give law enforcement agencies the tools they need to keep our communities safe.

I would be remiss, however, to yield the floor without mentioning that this bill goes beyond providing vital support to law enforcement agencies across the country.

This legislation also helps another important issue we face today—climate change. According to the National Academy of Sciences, our ability to monitor severe weather systems, declining fish stocks, shortages of freshwater, increased soil erosion, and significant changes to the global climate all depend on NASA's Earth science budget.

This bill restores funding for environmental polar-orbiting and geostationary satellites. These satellites provide data about our planet that allow Federal and State agencies, scientists, and industry to identify and assess environmental patterns and threats. After the Bush administration proposed cutting funding for these satellites, scientists from both NOAA and NASA reacted strongly, arguing that the decision would place "the overall climate program in serious jeopardy."

This measure also provides funding to implement some of the recommendations made by the Joint Ocean Commission to protect the planet's waters. It funds research into

coastal areas and the Great Lakes, including studies on invasive aquatic species. The need to address invasive species is nowhere greater than in Illinois, where the Asian Carp threatens Lake Michigan and the entire Great Lakes ecosystem.

Global climate change poses a threat to our future and to our national security. Failing to recognize and plan for the consequences of global warming would be a serious mistake.

I urge my colleagues to support this legislation for the safety of our communities and the future of our planet.

Mr. McCAIN. Mr. President, I am deeply disappointed that once again, the Senate is considering a bill that mortgages our children's future for our own political gain. To date, the Senate has passed five spending bills—the majority of which exceeded the President's budget request. Today, the Senate will seek to add a sixth appropriations bill to that list.

The Senate Commerce, Justice, Science, and related agencies appropriations bill, 2008, H.R. 3093, provides \$54 billion in total discretionary spending and exceeds the President's budget by \$3.2 billion. This has prompted the White House to call the bill "irresponsible" and threaten a veto. If this bill passes in its current form, the Senate will have approved six spending bills that combined exceed the President's budget by \$8 billion. And, the Senate still has six more appropriations bills to consider this year.

While the recently enacted ethics and lobbying reform measure requires the disclosure of the authorship of earmarks, it seems to have had little, if any, impact on curtailing earmarks. Indeed, 91 members secured earmarks in this appropriations bill alone. There are over 600 earmarks in this bill that total \$486 million. For example, this bill contains: \$1 million for the National Fatherhood Initiative; \$500,000 for a Maritime Museum in Mobile, AL; \$15 million for a Massachusetts groundfish disaster—I was unaware there was such a disaster—\$215,000 for the Alaska Sea Otter and Steller Sea Lion Commission; \$360,000 for Hawaii Rain Gages; over \$9 million for Human Intelligence Management; \$500,000 for Girls, Inc. of New York, NY.

And if that wasn't enough, the bill also includes: \$450,000 for an advanced undersea vehicle; \$500,000 for horseshoe crab research; \$2 million for permanent displays for the Thunder Bay Exhibit; \$3 million for the Maryland Institute for Dextrous Robotics; \$400,000 for wireless cameras in Elizabeth, NJ; \$5 million for forensic lab equipment in West Virginia; \$1.5 million for the Cal Ripken Sr. Foundation.

In addition, the bill provides funding to many programs that were proposed to be cut by the President. It also funds many other programs at levels beyond what was recommended by the President's budget. For example, \$100 million is allocated for the Advanced Technology Program that the Presi-

dent has sought to eliminate for the past several years and \$110 million is allocated for the Manufacturing Extension Partnership Program—\$64 million above the President's budget request. The sole purpose of both programs is to subsidize private firms and industries, which, as I have argued previously, are nothing more than welfare programs for corporate special interests. I have fought against funding for both of these programs for many years to no avail, but will continue to speak out against hard-earned taxpayer dollars being provided to assist corporations that have billions of capital available to them on the private markets.

Since the bill has been brought to the floor, over \$1 billion worth of spending has been added. Specifically, the Senate voted to add \$1 billion on top of the \$10 billion the bill already provided to NASA. I continue to support NASA and space research, but at what cost to our Nation's children who will inherit the largest national debt this country has seen? :

Again, I would like to express my disappointment that Senate leadership has brought to the floor a bill that is \$3 billion over the President's request, containing more than 600 earmarks. In my recent travels around the Nation, I hear again and again from citizens who are fed up with porkbarrel spending, and yet Congress fails to listen. It is a shame and I can only hope that the American people will join me and the President in expressing their displeasure with this bill. I hope that the remaining six appropriations bills do not contain such rampant and reckless spending, and that Congress works to regain some fiscal discipline.

Mr. LEVIN. Mr. President, I support the Senate fiscal year 2008 Commerce, Justice, Science and related agencies appropriations bill. This bipartisan bill increases funding for many important programs including some that aim to improve our Nation's innovation and manufacturing infrastructure.

American companies can compete with any company in the world if we have a level playing field, but the problem is that our manufacturing companies often are not competing against foreign companies, but foreign governments. Two of the programs that have helped to give a boost to our manufacturing companies are the Advanced Technology Program, recently renamed the Technology Innovation Program, and the Manufacturing Extension Partnership. Unfortunately, the administration has cut funding for these programs in recent years. This bill turns that trend around by providing the necessary increased funding in fiscal year 2008 for both of these important programs.

The bill increases funding for the National Institute for Standards and Technology, NIST, which administers the Advanced Technology Program, ATP. I have long fought for the Advanced Technology Program, and I believe we have achieved an important victory today.

The ATP enables U.S. companies to develop the next generation of breakthrough technologies that allows our country to compete against foreign rivals who often employ large and effective programs to support their industries. The ATP invests Federal R&D resources in public-private partnerships, enhancing U.S. competitiveness by accelerating development, commercialization, and application of promising technologies, and by improving manufacturing techniques of small and medium-sized manufacturers.

During Senate consideration of H.R. 2272, the 21st Century Competitiveness Act of 2007, the bill that authorizes NIST programs, I worked to build support for a more robust ATP program. The Energy and Natural Resources Committee chairman offered to support a funding increase for the ATP in the conference committee between the Senate and the House of Representatives, and with his support we were able to achieve a stronger ATP-like program.

I was pleased that the final legislation that was signed into law adopted the Technology Innovation Program. This is a victory for innovation and manufacturing because the TIP Program is basically an improved version of the ATP program which retains many of ATP's best features while modifying the program to address past criticism. The TIP program will continue the excellent work that has been undertaken by ATP. Like the ATP, it will continue to bridge the gap between the research lab and the marketplace by providing cost-shared funding to small and medium-sized companies conducting high-risk R&D with broad commercial and societal benefits that would probably not be undertaken by the private sector because the risk is too great or because rewards to the private company would be insufficient to make it worth the investment.

We have lost 3 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. I believe the TIP program is one way to give American companies resources they need in the important fight for American manufacturing to remain globally competitive.

TIP allows for greater industry input in the operation of the program, allows university participation for the first time, and requires the lead grant recipient to be a small or medium-sized firm to address past criticism that grants went to large companies—joint ventures between smaller and larger companies will still be allowed.

I am pleased this bill strongly supports the ATP/TIP program. A portion of the new funds must go toward funding new awards which guarantees there will be a new competition each year to

fund high-risk groundbreaking research by some of America's most nimble and innovative small and medium-sized technology companies.

The bill also increases funding for the Manufacturing Extension Partnership Program, MEP, providing \$110 million in fiscal year 2008 to fund MEP centers and to fund a technology deployment pilot. The MEP co-funds a nationwide system of manufacturing support centers to assist small and midsized manufacturers modernize to compete in a demanding marketplace by providing technical assistance and helping small firms boost productivity, streamline operations, integrate new technologies and lower costs.

The bill also provides important resources to combat illegal counterfeiting of America's innovation and products by providing an increase in funding for the FBI to enforce intellectual property laws and to the International Trade Administration, ITA, to improve enforcement of our trade agreements. Acknowledging the need to do more to fight against unfair foreign trade practices that result in our companies having to compete not against foreign companies but against foreign governments that are often illegally subsidizing their domestic industries at the expense of our industries, the bill provides important additional funding to the Department of Commerce's Import Administration which enforces U.S. antidumping and countervailing duty laws. This is especially timely since the Commerce Department recently agreed it should apply our countervailing duty law to imports from China, a non-market economy, and as a result, an increase in the number of subsidy cases is expected.

I requested, and the bill provides, \$2 million for the Thunder Bay National Marine Sanctuary and Underwater Preserve. The Thunder Bay National Marine Sanctuary is the only sanctuary designated in the Great Lakes, and it protects a significant collection of approximately 160 shipwrecks which span over a century of Great Lakes shipping history. The funding provided in this bill will be used for the completion of permanent displays for the facility's new visitor center as well as the acquisition of telepresence equipment. The Thunder Bay National Marine Sanctuary has been in existence since 2000, and the visitors center was only recently constructed. Therefore, it is important that the sanctuary construct exhibits for the new visitors center that educates visitors on the maritime history of the Great Lakes. Additionally, the Thunder Bay Sanctuary will have telepresence to allow students in classrooms across the country as well as visitors to the sanctuary, to see the actual shipwrecks at Thunder Bay through underwater cameras.

I am pleased that my amendment to enhance the FBI National Name Check Program was included in the bill. The FBI National Name Check Program is

used to run background checks on many who apply for immigration benefits, and those seeking employment with the U.S. Government, as well as other checks requested by the National Security Agency, other Government agencies, and some private users. Many immigrants who are applying for adjustment of status to legal permanent resident, applying for naturalization, asylum or a waiver end up waiting for months or years for the completion of the name check that the U.S. Citizenship and Immigration Services, CIS, or other agencies request from the Federal Bureau of Investigation.

The FBI has recognized the flaws in this program. In 2003, Robert J. Garrity, Jr., then Acting Assistant Director of the Records Management Division of the FBI stated before the House Committee on Government Reform that, "[t]he name check delays have significant consequences to FBI customers and stakeholders. The delays impede hiring or clearing skilled workers; completing government contracts; student enrollment, and . . . clearing requested visas for business visits to the United States. More importantly than all of the foregoing, these processing delays can also diminish counterterrorism effectiveness." In the U.S. Citizenship and Immigration Services, USCIS, Ombudsman's 2007 Annual Report, Mr. Prakash Khatri, the USCIS Ombudsman, stated that "the problem of long-pending FBI name check cases worsened" since last year, with 93,358 more name check cases pending than last year for a total of 329,160 pending as of May 4, 2007. Around 31,000 cases have been pending for at least 33 months. This is unacceptable. If these individuals are a security threat, we must know that sooner rather than later.

My amendment would help ensure that these important security checks are completed in a timely manner by requiring the FBI to report to Congress every year regarding progress made in improving the FBI's system of processing background checks and automating investigative files.

This legislation restores vital law enforcement funding that has been decreasing for far too long. Although violent crime has increased over the past 25 years, the President has continued to propose reduced funding and the elimination of vital law enforcement programs. This bill appropriately restores that funding and reinforces our commitment to keeping our communities safe. For Michigan, the bill provides funding training programs for law enforcement personnel, computers for patrol vehicles and interoperable communications equipment.

I am pleased that the Senate passed an amendment that I cosponsored that increases the drug court appropriation to \$40 million. Drug courts intervene and break the cycle of substance abuse, addiction, and crime. They place substance abusing offenders under strict court monitoring and community su-

pervision, coupled with effective, long-term treatment services, and I am pleased that we have appropriated adequate funding to continue these vital services.

The Senate has put together a responsible bill that funds the programs that our citizens rely on, in spite of the fact that the President has threatened to veto it. I am hopeful that these funding levels will remain intact in conference.

Ms. MIKULSKI. Mr. President, we are now coming to the closing hour of this debate. As we get ready for the Republican leadership to offer an amendment, then Senator SHELBY and I will be making the appropriate motion to move to final passage.

The PRESIDING OFFICER. The Republican leader.

MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, I now move to commit the bill and send that motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit H.R. 3093 to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not exceeding the amount (\$51,238,522,000) recommended in the President's budget for Fiscal Year 2008 submitted to Congress.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are 16 days into the fiscal year, and Congress has yet to enact a single appropriations bill.

This bill, should it pass, will never get signed into law.

It is time to start taking our obligations to the taxpayers seriously. I believe that we can do so in a fiscally responsible way.

The bill, when reported, increased spending by 8.1 percent over last year's bill, and it has only grown since it has been on the floor. When we finish this bill we will have increased spending by nearly 10 percent—a double digit increase—at a time when the CPI went up only by about 2 percent.

The American people demand that Congress get serious about restraining spending. We can pass the buck—and fund government through multiple continuing resolutions—or we can make the choices necessary to responsibly legislate.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is both responsible to the taxpayer and will secure a Presidential signature. We will move to commit H.R. 3093 to the Committee on Appropriations with instructions to report back with total amounts not to exceed \$51.238 billion. I urge my colleagues to vote for fiscal responsibility and to support the motion.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with all due respect to the Republican leader, I rise to oppose the motion to commit this bill to the full committee. This bill is the product of strong bipartisan work. Our bill totals \$54 billion in discretionary budget authority. Some say we spent more than the President asked. Yes, we did. We are proud of the fact that what we spent money on was that we didn't overspend, that the President underfunded.

We had three—when I say “we,” I am talking about the ranking member, Senator SHELBY, and I—priorities: Security, keeping 300 million Americans safe from terrorism and violent crime; our second priority was innovation, investments in science and technology that will create jobs that will stay in the United States of America; No. 3, reform. We were soundly on the side of fiscal accountability and stewardship of taxpayer dollars. We stood sentry over waste, fraud, and abuse. We stood sentry over lavish conferences that spent \$4 on a meatball. We reformed the NOAA satellite program.

But our first priority was also to make sure local communities are safe. We lifted the hiring freeze on DEA agents so they could fight the heroin and Taliban in Afghanistan as well as keeping our streets clean. We also, at the same time, added money for local law enforcement, particularly dealing with the fact that the COPS program had been eliminated and that the Byrne grants had been cut down to only \$32 million. Yes, we added \$1.5 billion. We certainly did. People all over America who understand what violent crime is know what this means.

I know my other colleagues want to speak. I do appreciate the Republican leadership for wanting fiscal accountability and stewardship. But I believe we also need to fund America's priorities. I believe law enforcement and the fight against terrorism is No. 1. By God, we did it in this bill. And by God, this bill should stand.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the motion to commit. Chairman MIKULSKI and I have worked hard with a lot of Members on both sides of the aisle to meet the priorities of the Senate and the Nation. This bill funds State and local law enforcement \$1.6 billion over the administration's request. The budget proposed to cut law enforcement to an unacceptable level. The bill fully funds the President's vision for space and makes critical investments in science and education that will be needed to keep this country competitive. I urge my colleagues to support the bill Senator MIKULSKI and I have crafted to meet the needs of the Senate and the American people.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the motion to commit this appropriations bill with instructions to

report back to the Senate forthwith with a total discretionary amount not exceeding the amount of \$51,238,522,000.

Let me make it clear, I understand these appropriations bills are difficult. You have a lot of demands from a lot of Members. You have to work with the administration. You have to work with outside people who have needs, concerns, and priorities. It is not easy to live within a budget. But if we are ever going to begin fiscal responsibility and some restraint on spending, when is it going to be?

This is a bill which richly deserves to have some restraint applied to it. I think this bill demonstrates why the American public has such a dismal view of the Congress.

At a time when the CPI went up barely 2 percent and average weekly earnings went up 3.9 percent, the Senate is considering a bill that has double-digit increases for these Departments that are involved.

Spending for the Commerce Department, not the Justice Department—and by the way, I suspect people have some doubts about some of the ways the Justice Department has been spending money—Commerce is up 14 percent. Spending for the Legal Services Corporation is up 12 percent. Overall spending for Commerce, Justice, and Science—more than \$55 billion, a 10-percent increase. How much is enough? No wonder people do not think we have any desire to restrain spending.

This is, by the way, not just a partisan charge; it is a problem that has been building for quite some time. At some point, we have to begin to say we have to get a control on this. Let's send it back to committee. They know what is in this bill. I do not want to pit one department or one agency against another. It won't be easy for them to do it, but they have the knowledge, the ability to get this under control.

The proposal the President sent up was \$900 million over the previous year—a 1.8-percent increase. But we added—I believe this is correct—\$4.2 billion over last year's spending.

So I think this is a tremendous burden. We can get this under control. Why do we want to force this into a confrontation where we run the risk or expectation of a veto and an override when we can get it under control now, hopefully get it under control along the way as we go into conference?

I supported the Treasury, Transportation, and HUD appropriations bill. I supported going to conference. But there, too, it was \$3 billion over the budget request of the President. If you add this up—a billion here, a billion there—the combination is about \$40 billion over the appropriations bills we have. When you couple that with \$20 billion more we added earlier in the year, that is \$60 billion more than should be expected in this budget.

So I urge my colleagues, let's support the motion to commit. We can pick away at this earmark or take a little

away from this agency or department, but we need hundreds of millions of dollars to be moved around here. Let these leaders of the committee, who know where the funding is, make some decisions of where we can bring this spending under control.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to commend Senator MIKULSKI for her skillful management of this bill. The Commerce-Justice-Science bill requires tough tradeoffs between critical programs that serve our country well.

I thank Senator SHELBY for his many contributions to this bipartisan legislation.

I urge Senators—do you hear me?—I urge Senators to vote no on the motion to commit the bill to committee for the purpose of reducing the bill to the President's request. If such a motion were approved, the bill would need to be reduced by \$3.2 billion. Did you get that? If such a motion were approved, now, the bill would have to be reduced by \$3.2 billion.

Now, to any Senators who intend to vote for the motion, I ask this question—listen—what programs would you cut? Hear me. What programs would you cut? Stand up. Let me see you. Let me hear you.

Should we reduce funding for the FBI while it is struggling to fight the global war on terror and fight crime on our streets? Should we? Is that what you want? Should we? I ask again, should we reduce funding for the FBI? I do not hear anyone responding on that.

Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country? Should we? Let me ask you again. Should we reduce funding for law enforcement grants? Step up to the plate now. Should we reduce funding for law enforcement grants to State and local governments when violent crime is on the rise in this country?

This summer, the President signed the America COMPETES Act authorizing increased funding for the National Science Foundation and for NIST. Should we cut those programs that will help to drive a prosperous economy?

Should we reduce our commitment to NASA? Should we? Should we reduce our commitment to NASA? I hear nobody. Why all this silence? I think not.

I urge a “no” vote on the motion to commit, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am opposed to the motion to commit because it would constitute abandonment, a surrender of the Congress's authority to participate in the appropriations process. There is a fundamental constitutional issue involved by this body at this time.

I believe we ought to be frugal and fiscally responsible, and I have repeatedly supported the constitutional

amendment for a balanced budget so we would live within our means. I have supported the line-item veto. In the tenure I have had here on the Appropriations Committee, I have been zealous in supporting programs which were meritorious and worthy of the taxpayers' money. We all pay taxes, and we know how painful that is. I do not believe we are being profligate.

Now, there was an opportunity in the Appropriations Committee for this motion to have been made to establish the President's figure, but it was not done. There were opportunities to pare and trim many of the items. But if we are going to accept the President's figure, then we are surrendering our constitutional authority to be involved in the appropriations process.

Now, Congress does not act alone. We all know that. Congress makes a presentment, and the President either signs it or he vetoes it. But certainly who can deny we have a role—really the fundamental role, as article I is written—giving the constitutional authority to Congress on appropriations.

Now, we have a similar matter pending on SCHIP, health care for children. Congress has submitted a bill with a \$35 billion increase over 5 years. The President has said it is too much. He wants \$5 billion. He has said he is prepared to negotiate. Well, that is the way the political process works. The Congress passes a bill, the President vetoes it, and then we sit down and try to work it out. But I do not think it is appropriate for the Congress to submit to whatever figure the President puts on it.

Mr. BYRD. Right.

Mr. SPECTER. Is he wiser than the 535 Members of Congress? Does he have more authority under article II than the Congress? Article II does not say anything about the President's authority on appropriations. He derives that authority by virtue of the Constitution, which gives him the right to sign or veto. But the appropriations authority, all through the Constitution, vests with the Congress.

Now, this is an issue and a vote which goes far beyond this particular bill. Next we have the appropriations bill on Labor, Health and Human Services, and Education, a subcommittee which I chaired for many years and am now ranking. If we are going to submit on this bill to the President's figure, you can be sure there will be a motion to commit that bill, which is over the President's figure, and a motion to commit all of the bills which are over the President's figure. We might as well not even convene and act.

These appropriations bills are the result of a lot of very careful thought and a lot of hard work by staff and by Senators. We have subcommittees, we have full committee work, and we present it to the body. If there are some motions to reduce it, those motions could have been made before the bill came to the floor of the Senate.

We had a confrontation in 1995, where the Government was shut down, and I

think a lesson was learned by both branches. I do not think that is going to recur. But at least let's try to compromise, to follow on this bill and other bills the same outline which the President has recommended. The President's view was we ought to negotiate and compromise on SCHIP, and that ought to be done here if we are to fulfill our constitutional responsibility for appropriations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the motion to commit. This appropriations process is about choices. We have to make these choices. I think Senator MIKULSKI, as chairman of the Commerce, Justice, and Science Subcommittee, and her counterpart, Senator SHELBY, have made good choices. If you look at the money that is spent here over what the President requested, you have a right to ask: What are we going to spend it on? When you ask that question, you understand why they made the right choices.

Does America need 100 more FBI agents to fight the rising threat of violent crime? We do in Illinois and in Maryland and in West Virginia, maybe even in Mississippi, because we find the violent crime rate rising in America. Do we need the 100 more FBI agents the Senator has called for? I think the people across America would say: Obviously, we do.

How about the Drug Enforcement Agency? Is the drug issue no longer a problem in America? I wish that were the case. We know better. What Senator MIKULSKI has done here is put an extra \$50 million in this bill for the Drug Enforcement Agency to lift its hiring freeze, to hire 200 new agents to fight the drug peddlers and drug gangs across America. Is that a priority? Is that worth spending more than the President requested? Obviously, it is.

Have you been back to your hometowns to meet with the police department? Remember what they asked you about first: What have you heard about Byrne grants? What have you heard about the COPS Program? How about the Federal money that is going down to police departments so they can have better training, better equipment, and be ready if, God forbid, something terrible happens in that community. That is what they ask me about in Illinois. Senator MIKULSKI heard that, Senator SHELBY heard that, and they put an additional \$1.6 billion in to go back to State and local governments to help on law enforcement preparedness.

If we ever face another act of terrorism, it is unlikely that our local residents are going to pick up the phone and call Members of Congress. They are going to dial 9-1-1 and pray to God that the party on the other end of that call is a fire department and a police department and a medical responder ready to move, and move quickly and effectively. With this ap-

propriation, we will be able to do that. The list goes on.

What troubles me about this whole debate is that last year, when the Republican Congress sent spending bills to the President \$50 billion over his request, he didn't veto one of them. He didn't even threaten to veto one of them. He didn't take a trip to South Carolina to announce he was going to veto one of them. Not one. This year, we are \$20 billion over and the President says: I am standing my ground.

Well, let me tell you about the ground that he is standing on. It is shaky.

Mr. BYRD. It is.

Mr. DURBIN. Because in a week from now, this same President is going to come to this Congress and ask us for, I say to the Senator from West Virginia, \$192 billion more for the war in Iraq.

Mr. BYRD. Get out of my face.

Mr. DURBIN. He will ask us for \$192 billion for the war in Iraq. That is for 1 year.

Mr. BYRD. Just 1 year.

Mr. DURBIN. It is not paid for, and now we hear from the President's party: We can't afford \$3.2 billion to make America safe at home, for our own police departments, our own FBI, our own Drug Enforcement Agency.

I think the Members who are pushing this motion to commit believe the Senate is suffering from attention deficit disorder; that we cannot think ahead, that the President will just in a few days ask us for \$192 billion to make Iraq safe. We know that is coming. They don't want to talk about that. Is it too much to ask for \$3.2 billion to make America safe? Doesn't a stronger America begin at home? Doesn't it begin with our own Department of Justice? Doesn't it begin with our police departments?

I would say to my colleagues, we understand the choices here, and the right choices have been made by this committee on a bipartisan basis. They worked this bill through the committee, and they worked hard on it. Senator MIKULSKI and Senator SHELBY brought it to the floor. Amendment after amendment they have gone through the process. Now, the Senate will make a decision: Are we going to toss all their work overboard, are we going to commit this bill back to the committee? I hope we don't. I hope we stand up for this country in which we live, this country we love that deserves the protection that this bill will give. Let's defeat this motion to commit.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I was listening to Senator BYRD, the distinguished chairman of the Appropriations Committee, and he asked who would stand up. I will stand up. I think we ought to cut a lot of things, but the first thing we ought to do is cut out claiming something that isn't true.

What we need to claim is that we can live within the same parameters that every family in this country has to live

within. We are not doing it on this bill. It is not about whether the FBI is funded. It is not about the ATF or the Drug Enforcement Agency—it is about priorities. There is just \$640 million worth of earmark nonpriority things in this bill. So we could get \$640 million tomorrow out of the earmarks that are not priorities, and I will be happy to list for anybody the total for every State, for every Senator who has a priority they think is more important than families having to live within a budget that they have to live with every day.

This isn't a debate about the President. This is a debate about the future of our country starting to live within the means of which we have.

The very things we claim we want to do for all the States that they don't have money to do—by the way, there are cumulative budget surpluses over \$40 billion right now. Ours is, if you take Washington speak, \$160 billion; if you take true accounting, it is \$330 billion. But the States have a surplus. The Justice Department had the highest unexpended balances they have ever had this last year—almost \$1.6 billion. Yet we think they need more money. Does anybody in this country think every agency of this Government couldn't run 5 percent more efficiently? Nobody outside of Washington believes they couldn't. They know they can because they know they have to make those same choices every day in everything they do because they can't run with a credit card and charge it to their grandchildren.

Now, 10 percent growth in this bill is too much. This motion to commit doesn't have anything to do with the President. It has to do with whether we will stand up and do what every other American has to do, and that is live within the realities of the money available to them. We can claim that we are doing everything. Since when is fire prevention the total responsibility of the Federal Government? Since when is police protection the total responsibility of the Federal Government? It is not going to go away. If it is a higher priority, then let's make it a higher priority, but let's get rid of some things that aren't. There are no choices to get rid of things that are low priority. We can't have it both ways. Those who want to grow the Government can't have it both ways. Either you want to live within the means, you want to be honest with the American people and say: You are right; we can do a better job.

This job does not do a better job. We ought to relook at it, reformulate priorities. That doesn't undermine what the committee has done. We added \$1 billion on the floor. The committee didn't do that, we did. What we ought to say is let's add 2 or 3 percent, live with less than inflation, do what every American has to do, and if we do that all the way across the board, then we will start solving the fiscal problems that are in front of us.

I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Ms. MIKULSKI. Mr. President, I will agree to the yeas and nays. First, I ask unanimous consent that the Senate now proceed to vote on the motion to commit; that no amendments be in order to the motion; that if the motion is defeated, no further amendments or motions be in order and the bill be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; and that the subcommittee be appointed along with Senators BYRD and COCHRAN; that following morning business on Wednesday, October 17, the Senate then proceed to the consideration of H.R. 3043, the Labor-HHS appropriations bill; and further, that if the motion is agreed to, then the remaining provisions of this agreement be nullified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—44

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

NAYS—50

Akaka	Biden	Brown
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell

Cardin	Landrieu	Reid
Carper	Lautenberg	Rockefeller
Casey	Leahy	Salazar
Conrad	Levin	Sanders
Dodd	Lieberman	Schumer
Dorgan	Lincoln	Shelby
Durbin	McCaskill	Snowe
Feingold	Menendez	Specter
Feinstein	Mikulski	Stabenow
Harkin	Murray	Tester
Johnson	Nelson (FL)	Webb
Kerry	Nelson (NE)	Whitehouse
Klobuchar	Pryor	Wyden
Kohl	Reed	

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on final passage on the Commerce-Justice-Science bill. I thank my colleagues and staff for their cooperation.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I wish to take a second to thank Chairwoman MIKULSKI and her staff who helped us craft a very good bipartisan bill. I thank the majority clerk, Gabrielle Batkin; Erin Corcoran; Doug Disrude; Kevin Kimball; and Robert Rich.

I also thank my staff who worked so diligently on this bill: Art Cameron, Goodloe Sutton, Allen Cutler, Rachele Schroeder, and Augusta Wilson. Without them, we could not have done it.

Ms. MIKULSKI. I, too, thank the Appropriations Committee staff, particularly Charles Kieffer and his able team.

Mr. President, I thank the floor staff of both parties, because we worked together and showed that you can actually run a bill and have collegiality and have civility and yet have robust debate where we can disagree without being disagreeable. With that, we are ready to vote.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—75

Akaka	Durbin	Mikulski
Alexander	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Bennett	Gregg	Nelson (NE)
Biden	Hagel	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Johnson	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Sessions
Casey	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Craig	Lincoln	Stevens
Crapo	Lugar	Sununu
Dodd	Martinez	Tester
Dole	McCaskill	Webb
Domenici	McConnell	Whitehouse
Dorgan	Menendez	Wyden

NAYS—19

Allard	Corker	Lott
Barrasso	Cornyn	McCain
Brownback	DeMint	Thune
Bunning	Ensign	Vitter
Burr	Enzi	Voinovich
Chambliss	Graham	
Coburn	Inhofe	

NOT VOTING—6

Clinton	Isakson	Obama
Inouye	Kennedy	Warner

The bill (H.R. 3093), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. FEINGOLD. Mr. President, I am pleased that the Senate passed the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2008 and that the bill contains higher levels of funding for state and local law enforcement than Congress has provided in recent years.

I believe that Congress, in partnership with states and local communities, has an obligation to provide the tools, technology and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne grant program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, particularly in light of the recent increase in the violent crime rate across the country.

I am pleased that the Senate approved an appropriation of \$660 million for the COPS program for fiscal year 2008, \$110 million above the CJS Subcommittee recommendation. This funding level, in conjunction with the House appropriation of \$725 million, leaves me hopeful that Congress will ultimately fund COPS at an adequate level this year. I am pleased that both Houses of Congress took action to increase funding for COPS, especially as crime rates rise and the needs of law enforcement officers and our Nation's first responders continue to grow.

Byrne grants also fared better in fiscal year 2008 than in recent years. The House bill allocates \$42 million more than it did last year, and the Senate appropriated a total of \$660 million, \$105 million more than last year. The Democratic majority in Congress has made it a priority to work responsibly toward restoring funding for these programs—funding that has been disastrously slashed in recent years. The level of funding included in the final version of this bill puts Congress back on track towards funding Byrne grants at higher levels.

I was pleased as well that the Senate agreed to Senator MENENDEZ's amendment to bolster the funding for juvenile mentoring programs and Senator DORGAN's amendment to restore funding for the Drug Court program to fiscal year 2005 levels. These grant programs assist state and local governments in their efforts to pursue a comprehensive approach to crime reduction, including preventive measures and innovative approaches as well as more traditional law enforcement initiatives.

I hope that increased funding for State and local law enforcement will become a trend that continues, and that the years of neglecting our State and local law enforcement officers are finally over. It is our responsibility to support the men and women who keep our communities safe. The Senate's work today is a good start.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. BYRD, Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, and Mr. COCHRAN as conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I want the record to reflect that it is the feeling of

the Senate, not just me, of a tremendously good job done by the managers of this bill. Senator SHELBY, Senator MIKULSKI, and I served in the House together. We came to the Senate together. And the two managers of this bill are two of the very best.

Now, I can't say enough positive things about Senator MIKULSKI. I have told her this. And I don't want to hurt the feelings of anyone else in the Senate, but I have said publicly and privately that the finest orator we have in the Senate is the Senator from Maryland. She is outstanding. But not only is she a fine orator, she is a great legislator, and this bill is an example of that.

I also want to acknowledge the cooperation and assistance that we got from the membership of our Senate. This is a bipartisan bill, as indicated by the vote that was just taken. So I deeply appreciate the work of all Senators but especially that of my friend from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to share a joy as though in Morning Business, and I ask unanimous consent to have my whole statement appear in case I am not able to make it through this emotional sharing.

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

LILLY'S ANNOUNCEMENT

Mr. ENZI. Mr. President, I am a grampa again. Incidentally, that is spelled with an "m," not an "n," and no "d." Grampa. It is the greatest title anyone can have. It is really indescribable, unless you have felt the thrill, felt the love, felt the awe.

This weekend, my son and his wife had a daughter, Lilly Grace. My son, like me, had the good fortune to overmarry to Danielle, a delightful young lady from Kentucky whom he met here in Washington. She is one of the most organized and focused people I know. My son Brad and daughter-in-law Danielle already have a son, Trey, who first made me a grampa. Now they have a daughter, Lilly Grace Enzi. I can't begin to share the emotion and feeling that overwhelms me today. It is such an incredible feeling to hold another generation in your hands, to see such a miniature person and such a huge miracle.

Danielle and Lilly Grace had extremely fortunate timing for my wife Diana and me. Trey and Lilly were both born when we were close by in Wyoming. Trey was born when we were attending a University of Wyoming football game, just 45 miles away. Lilly was born during a Redskins football game when we were just 2 blocks from the hospital. Brad checked Danielle into the hospital at 11 Sunday morning, and at exactly 2 p.m., October 14, that Sunday, we had a granddaughter. Lilly Grace weighed 7 pounds, 2 ounces,

and was 20 inches long, with delicate hands and long fingers.

Danielle came through, as is her nature, invigorated and enthusiastic. You would not have known by looking at her face, except for the aura of a mother, that she had just given birth. The rest of us were emotional wrecks. When Danielle went into labor, I rejoiced at the timing and extended the weekend another day and had the pleasure of holding that baby and watching her breathe and move ever so delicately, with a thousand different expressions, and listened to all the sounds she made. Of course, I had to let Diana hold her a little, too, and her mom and dad even wanted turns.

If you would have told me that I would spend time just gazing at the miracle of life and having only that thought for hours, I probably wouldn't have believed you. But I have some great instant replay memories of that little face and those moving hands and all those blankets and the cap they use to hold in the body heat locked in my mind, and I am constantly doing instant replays for myself and thanking God for the opportunities he has given me—from finding Diana, to learning about prayer with our first child, the daughter who was born premature and who showed us how worthwhile fighting for life is, to the birth of our son, to the birth of our youngest daughter, to helping me through open-heart surgery so that I might have this chance to hold yet another generation in my hands.

I think of the prayer of Jabez in Chronicles where he says, "Lord, continue to bless me, indeed," and to that I add my thanks for this and all the blessings, noticed and, unfortunately, often unnoticed.

So now I am grampa. That is not grandfather. That is too stilted. Years ago, my daughter gave me a hand-stitched wall hanging that says: Any man can be a father, but it takes some-one special to be a dad.

That is a challenge for grampas to live up to, too. Again, I note that the name is not grandpa. That is a title a little too elevated. This grampa is with an "m" and no "d." That is what I called my Grampa Bradley, who took me on some wonderful adventures and taught me a lot of important lessons, including fishing. Now it is my turn to live up to that valued name. He liked being called grampa, and I am now delighted to have the opportunity to earn that name, too. I wish I could adequately share with you the joy that is in my heart.

Now, some would say: Lilly Grace, you have been born at a scary time—a time of fear; fear of almost everything; fear of war, fear of people from other countries, fear of our neighborhoods. As an Enzi, we have faith that doing the right thing, doing your best, and treating others as they want to be treated will solve most problems, which will overcome fear.

In my job, I get to hear a lot of disparaging comments about our country

and our Government. But for you, granddaughter, you are lucky to be born in this country. I have been to a lot of places in the world now, and I can tell you that there are none anyone would trade for the United States. In my job, I often have to remind people that I never hear of anyone trying to get out of our country. I do hear of millions who would like to be here.

Now, as you, precious baby, get older, if things don't change, you will hear people who think that the Government owes them a living and all kinds of guarantees, and you will hear people portray business as greedy, and you will see attempts to keep faith and God out of your vocabulary. And all those things could come to pass, except for you. You and others will know how to do the right thing and you will value the way our country was founded and has grown.

Lilly, granddaughter, welcome to this world of promise and hope and faith and love. I am excited to have you in my life.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Vermont.

Mr. SANDERS. Mr. President, I missed the beginning part of the statement of my friend from Wyoming. Are you a new grandfather? Another grandchild? Congratulations.

Mr. ENZI. Thank you.

Mr. SANDERS. I have three. I often think that one of the funniest bumper stickers I have ever seen in my life is one that says: If I had known how much fun grandchildren would be, I would have had them first. So congratulations.

THE ECONOMY

Mr. SANDERS. Mr. President, let me take this opportunity in this few minutes to touch on a few issues that I think we do not discuss enough on the floor of the Senate; for that matter, on the floor of the House.

There are a lot of people in the United States who turn on the television every night and they hear the President of the United States and other people tell them how wonderful the economy is doing; that the economy is robust; that we have never had it so good. This is what they hear over and over again. And people start scratching their heads and saying: I don't quite understand it. The economy is supposed to be doing well when I am working longer hours for lower wages? Why is it that my job has just gone off to China, and the new job I have maybe pays half as much as the job that I lost? Why is it that in the last several years, actually since President Bush has been President, over 8 million Americans have lost their health insurance? Does that sound like an economy that is working well for ordinary people?

Since George Bush has been President, 5 million more people have slipped into poverty. Median family in-

come today is less than it was back when President Bush first came into office. I think we have to be honest and say, yes, the economy is doing very well, in fact, for those people who have a lot of money. In fact, what we can say today is that if you are within the top 1 percent of American wage earners, you are probably doing extraordinarily well. What we can also say is that the wealthiest 1 percent today are doing better than at any time since the 1920s. So I take my hat off to the CEOs of large corporations and to the wealthiest people in this country.

But you know, I just had a series of town meetings in the State of Vermont. I talked to a lot of people. The message I get back in Vermont—and I doubt it is terribly different in Colorado or any other State in this country—is that the middle class is hurting. The reality is, if you look at the cold statistics, what you find is that in America today the middle class is, in fact, shrinking. People are working longer hours for lower wages.

Today, amazingly enough, because of lowered wages huge numbers of women are now in the workforce. Yet, despite that, a two-income family today has less disposable income than a one-income family had 30 years ago. The reason for that is people are spending an enormous amount of their limited income on housing. The cost of housing is soaring. They are spending money on health care. They are spending money on child care. They are spending money on college education. At the end of the day, they do not have a whole lot left. In fact, there are many millions of families today that are one paycheck away from economic disaster.

It seems to me we have to be honest with the American people and not talk about how great the economy is but talk about an economy which is splitting right down the middle: the people on top doing fantastically well, people down below doing very poorly, and the middle class in many cases struggling against economic desperation.

The statistics with regard to income distribution in this country are staggering in terms of their inequality. We do not talk about this terribly much. I guess it is something we are not supposed to be mentioning. But the reality is that according to the latest analysis, in 2005 the top 1 percent of earners made more money than the bottom 50 percent of Americans. One percent earned more income than the bottom 50 percent, which translates to the top 300,000 earners making more money than the bottom 150 million—300,000 making more money than the bottom 150 million. While the top earning one one-hundredth of 1 percent received an average income increase of \$4.4 million in 2005, the bottom 90 percent saw their average income decline by about \$172.

What we are looking at is tens of millions of Americans working hard, and they are seeing their health care costs go up, they are seeing their housing