

according to a salary scale commensurate with the salary scale of the prosecutor's office in the jurisdiction. This requirement parallels the requirement that capital representation improvement grants are to be divided evenly between the defense and prosecution functions. In enacting the IPA, Congress generally approved of the concept of resource parity between the defense and the prosecution, a concept that is essential to ensuring fair trials in our adversarial system of justice.

Another important requirement concerning attorney compensation appears in section 421(e)(2)(F)(ii)(I) which states that appointed attorneys be compensated "for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases." Again, this concept is drawn from the American Bar Association standards, which should be consulted by grant administrators in implementing the program. This new statutory requirement would clearly preclude a participating State from compensating attorneys under a flat fee or capped fee system, because such a system would not compensate the attorney for "actual time and services, computed on an hourly basis."

Moreover, the term "reasonable hourly rate" must be taken seriously by those who administer the new program. For example, there is general agreement among experts that the Federal compensation rate of \$125 per hour is reasonable in most parts of the country.

In my view, a State rate comparable to the Federal rate should be considered "reasonable," taking into account differences in the cost of living in various parts of the country. Capital cases are among the most complex, high stakes cases tried in any courthouse, and the lawyers who represent defendants in such cases should be paid at a rate comparable to that earned by other lawyers engaged in similarly important litigation.

One recent modification of section 421 would make clear that sitting prosecutors may not be members of the appointing authority established under section 421(e)(1)(B), although others with expertise in capital cases may participate. I agree that under this new language members of the judiciary may be members of the authority. On the other hand it would be impermissible for the appointing authority to delegate its authority to trial judges or to a group of trial judges. Such a delegation would defeat one of the central goals of the Act, which was to insulate the appointment power from the political and administrative pressures on trial judges.

As part of the same program established in section 421, section 422 authorizes grants to improve the representation of the public in State cap-

ital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

A key limitation on these prosecution grants is that they may not be used "to fund, directly or indirectly, the prosecution of specific capital cases." Consistent with the IPA's overarching goal of ensuring that capital punishment is carried out in a fair and reliable manner, these grants should be used to establish and improve systems within prosecutor offices to minimize errors and abuses that may lead to wrongful convictions. They may not be used to hire additional capital prosecutors.

Section 423 establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts.

In the case of a State that relies on a statutory procedure described in section 421(e)(1)(C), the Texas-related provision I have previously discussed, a State officer must certify that the State is in compliance with State law. But such a certification should not be considered dispositive—Federal grant administrators must still assess the State's compliance with State law. Thus, the certification does not obviate the need for the Inspector General to carry out an independent assessment of the State's compliance under section 425(a)(3).

Section 424 requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Section 425 directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compli-

ance and report to Congress on the results.

Section 425(a)(4) provides an opportunity for public comment during the Inspector General's review. This provision is not intended to preclude a member of the public from seeking any other available legal remedy after the Attorney General has made a final determination of whether a State is in compliance with the requirements of the statute.

A special rule is provided in section 425(f) to ensure that any State relying on the Texas-related provision in section 421 is, in fact, complying with its own State law. Under the special rule, if the Inspector General determines that the State is not in compliance, Federal funds that would have otherwise been available to the prosecution function shall be used solely for the defense function. A separate determination by the Attorney General is not required to trigger this special rule.

Section 426 authorizes \$75 million a year for 5 years to carry out this subtitle. States receiving grants under this subtitle shall allocate the funds equally between the programs established in sections 421 and 422, subject to the special rule in section 425(f) that I just described.

The Justice For All Act is the most significant step we have taken in many years to improve the quality of justice in this country. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results. Once again, I thank my colleagues in both bodies who worked hard to resolve conflicts and congratulate them on this legislative achievement.

#### MORTGAGE INTEREST DEDUCTION

Mr. SMITH. Mr. President, I rise today to address a topic we have all been contemplating lately, one important to the American people, and one that I hope we will address in the 109th Congress, tax simplification and reform.

As we begin to put our ideas together to simplify Federal income taxes for American individuals, families and small businesses, we should be careful not to remove incentives for investment. While many investment opportunities exist today, perhaps none provides more benefits for individuals, families and communities than the purchase of a home. That is why we must continue to allow taxpayers to deduct the interest paid on home loans from their Federal income taxes.

The mortgage interest deduction is a vital component of our Tax Code. After State taxes, it is the most common deduction. The tax savings individuals

and families receive from financing a home factor strongly into the economic decision people make to buy a house or apartment. In fact, studies have shown that the deduction is critical to young families trying to become homeowners.

According to the Mortgage Bankers Association, the average homeowner has \$121,000 in net equity in their home, which represents half of their net worth. Equity in a home is not only a major source of household wealth, but it can also be leveraged to finance goals such as higher education or start-up costs for a small business. Children of homeowners are better educated, less likely to drop out of school, and less likely to be arrested. For these reasons and more, people often tell me that buying their house or apartment is the best investment they have ever made for themselves and their family.

Benefits also extend beyond the homeowner. Due to positive social effects, promoting homeownership has been a bipartisan public policy objective in this country since the 1930s. Regardless of income or other factors, homeowners are more likely to vote, a critical activity to the health of democracy. Studies have shown that municipalities with higher homeownership rates spend more on schools and streets and less on social welfare. Homeowners have a direct stake in the quality of their neighborhoods, work harder to make their community a good place to live, driving out crime, drugs and blight, and attracting investment in cultural, retail and commercial development.

Our Nation's homeownership rate reached a record 69.2 percent in the second quarter of this year. The number of homeowners reached 73.4 million, the most ever. And for the first time, minority homeownership rose above 50 percent. Despite this success, however, homeownership opportunities are not equally available to everyone. For example, while minority homeownership rates have increased, Hispanics and African-Americans still lag significantly behind non-Hispanic whites and Asian-Americans.

As we bring the 108th Congress to a close, I urge my colleagues to give careful thought to America's long-standing tradition of encouraging homeownership. With prudent tax policies we can continue to help citizens on the path to homeownership and in pursuit of the American Dream.

#### TRAVEL TO THE UNITED KINGDOM, SERBIA AND MONTENEGRO, AND ITALY

Mr. VOINOVICH. Mr. President, earlier this week, I returned from travel to England, Serbia and Montenegro, and Italy, where I joined Senator GORDON SMITH, Senator MIKE DEWINE, Senator CHUCK GRASSLEY and Senator MIKE ENZI as members of the Senate delegation to the fall session of the NATO Parliamentary Assembly.

We first spent time in London to discuss our bilateral relationship and issues impacting transatlantic relations. We met with Prime Minister Tony Blair and his Chief of Staff, Jonathan Powell. We also visited with Secretary of State for Foreign Affairs Jack Straw, as well as Shadow Secretary of State for Foreign Affairs Michael Ancram and Shadow Secretary for International Development Alan Duncan.

I was glad to have the opportunity to meet with the Atlantic Partnership. The Atlantic Partnership is a network of experts from both Europe and the United States who are willing to use their influence to further European-American relations. The Atlantic Partnership's role is to argue for setting major policy decisions in the context of their impact on transatlantic relations, within the context of strengthening the transatlantic relationship.

Fresh off the heels of the elections in the United States, British officials and representatives of nongovernmental organizations were interested in discussing the election results and the President's relationship with the United Kingdom and the European Union. Some expressed concern about the state of these relationships, and they also discussed some of the unhappiness in Great Britain with the war in Iraq. They stressed the need to work in greater cooperation, and indicated that the United States and Europe should look for areas where we share a common cause to tackle issues of concern, such as the promotion of democracy and peace in the Middle East, consolidating gains in Afghanistan, and peace and security and a viable self-government in Iraq.

With the rapidly declining health of Palestinian leader Yasser Arafat, we also spent a great deal of time discussing the Middle East peace process and prospects for moving forward with a settlement between Israelis and Palestinians. There was general consensus that it is important to make progress in the Middle East in order to help stabilize the region. In my view, success in Iraq is critical to this process.

Our time in London underscored the critical work that our diplomatic corps is doing as we move forward with efforts to promote stability and security in Iraq and Afghanistan, and as we continue to fight the global war on terror. We must continue to place a great deal of emphasis on efforts to strengthen our transatlantic relationships. Several British officials made it clear that the country must extend the olive branch and put a new face on diplomacy.

Great Britain is, and will continue to be, a vital ally in the war against terror, and the United States must continue to maintain strong relations with the country. An important aspect of this relationship is a strong representative of the United States Government in London. I am hopeful that the President will soon appoint a new U.S. am-

bassador to the United Kingdom, who will be a strong advocate for U.S. policy and help convey to the British people the important work that their country is doing as a key ally in Iraq, Afghanistan and other parts of the world.

I now have a better understanding of the United States' perception in the world and our need to continue to engage with our European allies in our diplomatic process. As the Scottish poet Robert Burns wrote, "Oh, that God would give us the very smallest of gifts, to be able to see ourselves as others see us."

Following our time in London, we traveled to Kosovo and Serbia and Montenegro. We stopped in Pristina, where we were greeted by Phil Goldberg, who is Chief of Mission of the U.S. Office in Pristina. We were also welcomed by Brigadier General Tod Carmony of Ohio, who serves as the Commander of Task Force Falcon, the American contingent of one of four brigades in the NATO Kosovo mission. I was glad to have the chance to spend time at Camp Bondsteel visiting with the nearly 1,000 members of the Ohio National Guard who are serving as part of KFOR under General Carmony's command. Their work is critical to the security in the region. As former Governor of the State of Ohio, I am pleased that the Department of Defense has so much faith in the Ohio National Guard that they have put them in charge of the U.S. contingent of the KFOR mission.

This was my fourth visit to Kosovo since the end of the military campaign in 1999. I was particularly anxious to assess the situation on the ground following the violence that erupted on March 17, 2004, which claimed 20 lives, displaced more than 4,000 people, including Kosovo Serbs, Ashkalia and others, and resulted in the destruction of more than 900 homes and 30 churches and monasteries belonging to the Serbian Orthodox Church—adding to the more than 100 churches that had already been destroyed during the previous five years.

After the violence broke out, I was on the phone with the State Department, particularly Under Secretary of State for Political Affairs Marc Grossman, demanding that the United States step up its efforts to stabilize the region. During the last several years, I have continued to call on U.S. officials and members of the international community to enhance efforts in Kosovo. As the events in mid-March demonstrated, significant challenges remain. The death and destruction that took place was a tragic and urgent reminder of the work that remains to be done.

Following the violence in March, I urged the United States and members of the international community to redouble efforts to provide a stable and secure environment for all people in Kosovo, and I called for the resignation of the head of the U.N. Interim Administration Mission in Kosovo, UNMIK,