

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact a long term re-authorization of the State Criminal Alien Assistance Program and appropriate \$750,000,000 for the program in fiscal year 2006)

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) **FINDINGS.**—The Senate finds the following:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as “SCAAP”) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated \$250,000,000 for SCAAAP to reimburse State and local governments for these costs in fiscal year 2003.

(4) Congress appropriated \$300,000,000 for SCAAAP to reimburse State and local governments for these costs in fiscal year 2004.

(5) Congress appropriated \$305,000,000 for SCAAAP to reimburse State and local governments for these costs in fiscal year 2005.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the levels in this concurrent resolution assume that—

(1) Congress will appropriate \$750,000,000 for SCAAAP for fiscal year 2006; and

(2) Congress will enact long-term reauthorization of SCAAAP to reimburse State and local governments for the financial burdens undocumented criminal aliens place on their local criminal justice systems.

Mrs. FEINSTEIN. Mr. President, this is a sense-of-the-Senate amendment sent to the floor by Senator KYL, Senator HUTCHISON, Senator BINGAMAN, Senator AKAKA, Senator CORNYN, Senator SCHUMER, Senator FEINGOLD, and Senator CLINTON. It is a sense-of-the-Senate amendment to urge this Congress to reauthorize the SCAAAP Program, the State Criminal Alien Assistance Program.

On every desk there is a chart that shows how much each State received for this program. What does this program do? What this program does is reimburse the State for the cost of the incarceration of an illegal alien. In other words, when someone comes to our country, commits a crime, is convicted of that crime, is in jail or is in State prison, the Federal Government—it is their responsibility for all matters pertaining to immigration—has reimbursed the State. The program reimburses the State for less than 20 percent of the actual cost to the State. The authorization is due to expire. We are asking in the sense of the Senate that it be considered for reauthorization.

Before I speak further, my main author, Senator KYL, wanted to make a few comments and then Senator CORNYN, if I might.

I yield briefly to Senator KYL.

Mr. KYL. Mr. President, I thank the Senator from California for helping, again, to lead this effort to get adequate reimbursement to the States for

the incarceration of illegal immigrants. In the past, the amount of reimbursement had been roughly one-third of their costs. That is not enough, but at least it helped to defray the expenses of the States in housing these people who were convicted of crimes and who were ultimately the responsibility of the Federal Government.

In the last couple of years, the amount of money has gone down to the point that, as the Senator said, last year it was about 17 cents on the dollar. That is absolutely unacceptable. If the Federal Government cannot do what is necessary to control the border and prevent illegal immigration, at least it can help the States defray some part of their cost in incarcerating the people who come here and commit crimes. Surely we can authorize a program that could reimburse the States again at the level of approximately one-third of their costs. That will be our goal.

That is why I am very proud to, again, work with Senator FEINSTEIN to try to get adequate reimbursement to the States for this program. I fully support her effort. I compliment her for her leadership, and I hope my colleagues will join in accepting this sense-of-the-Senate resolution.

Mrs. FEINSTEIN. Mr. President, I yield my portion of the time to the Senator from Texas.

THE PRESIDING OFFICER. The Senator is recognized.

Mr. CORNYN. Mr. President, I also want to express my gratitude to the Senator from California for taking the leadership on this issue again this year.

This is a common theme among those of us who represent border States, to ask the Federal Government to live up to its responsibilities. It is clear that the cost of housing aliens who are committing crimes in our country is a Federal responsibility. Yet for year upon year upon year they have thrust that burden on the States, and indeed on the counties at the local level.

In my State, about 8,700 criminal aliens have been detained at a cost of roughly three times what this provision would reimburse my State. This is about one-third of the money that is a Federal responsibility that would go back to my State and the States that bear that Federal expense.

I am all for the Federal Government living within its means, and I support this budget at the top-line number. I think part of budgeting is not only living within your means but it is making sure you fund your priorities. It is arguably a Federal priority to deal with the detention of illegal aliens who come into the country and commit crimes. It is a scandal that this sense of the Senate is even necessary again this year.

I want to express in closing again my gratitude to Senator FEINSTEIN for taking the leadership on this, and I certainly commend this to our colleagues.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I very much thank the Senators from Texas and Arizona for their support on this matter.

I know Senator KENNEDY has an urgent matter he would like to be able to present. I will not yield my time, but I would be hopeful that the President would give him time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute.

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

Mr. KENNEDY. Mr. President, I thank the Senator from California and others.

CONDEMNING VIOLENCE BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 84, submitted earlier today by myself, Senator McCAIN, Senator DODD, and others.

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

The legislative clerk read as follows:

A resolution (S. Res. 84) condemning violence and criminality by the Irish Republican Army in Northern Ireland.

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

Mr. GREGG. Mr. President, I ask unanimous consent to be added as a co-sponsor of the resolution.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by members of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involvement of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridget Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder increased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those

who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it "was willing to shoot the killers of Robert McCartney"; and

Whereas peace and violence cannot coexist in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in deplored and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the sisters and fiancée of Robert McCartney deserve the full support of the United States in their pursuit of justice;

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retaliation by the Irish Republican Army; and

(C) the Government of the United States should offer all appropriate assistance to law enforcement authorities in Northern Ireland to see that the murderers of Robert McCartney are brought to justice.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

Mr. GREGG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 2 minutes 13 seconds on the side of the Senator from California, and 7½ minutes on the other side.

Mrs. FEINSTEIN. Mr. President, this is a bipartisan sense of the Senate. President Bush, when he was Governor, used this program. The Governor of my State, Governor Schwarzenegger, supports it. It is a huge item, as has been stated by Senators KYL and CORNYN, for border States.

This is a tremendous responsibility to the Federal Government. It is an unfunded mandate. It is a program that should not be allowed to lapse.

We have come to the floor with this sense of the Senate to ask the Senate to pass this resolution so that those of us on the authorizing committee and on Appropriations can move to get this job done.

As I mentioned, this is a 7-year reauthorization. The amounts requested for each year are spelled out in the resolution. This is a total Federal responsibility, and I am hopeful that the Senate will accept their responsibility.

I yield the floor at this time and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from California has 1 minute remaining; the Senator from New Hampshire has 7½ minutes remaining.

Mr. GREGG. Mr. President, this is a sense-of-the-Senate resolution. Therefore, it has no impact that involves actual events or activity. It expresses the sense of the Senate as to what we

think we should do on something. We have had a few of those.

The attempt has been, of course, to reduce the number of sense-of-the-Senate amendments. This would be subject to a 60-vote point of order on a sense-of-the-Senate budget resolution. I will not make that point of order.

I will say this: We will probably take this sense of the Senate. This is about SCAAP. SCAAP has some serious problems. That is why it has always been looked at in a fairly suspect way, not only by the Bush administration but before that the Clinton administration had concerns about it. And the concerns are these: It essentially is a revenue-sharing event. Essentially these dollars go back to the States in very large amounts of money. They go to the border States, primarily California and Texas, New Mexico and Arizona, but primarily California and Texas are the two major beneficiaries of this program. But they go back without any strings attached.

The theory is that they are going to be spent to relieve some of the burden that is put on these States relative to incarcerating illegal aliens who are captured in those States and are detained within those States in State prison facilities. That is a legitimate purpose. We should be assisting those States in that area because we are putting pressure on those States in a unique way. Other States don't have the same pressure. But there is nothing to say the money has to be spent that way. It is literally a check which the Federal Government writes to the States of Texas, California, or Arizona. And if the Governors want to use it to build a road or use it to buy a new school or for some other activity, the Governors can do that.

I have always said let us put some language into this which makes it clear that this money is going to go to the States for the purpose of giving those States assistance with detaining illegal aliens but isn't going to end up being used, as I suspect, for primarily a basic State commitment to its own correctional system.

I think you can make a pretty good case that there is a history here of this money essentially being used to supplement efforts on the part of the States in their own correctional systems.

I hope when we reauthorize this language, which will come through the Senate's Judiciary Committee, that type of language which makes it clear this money has to be used for the purpose for which it is designated will be included. That is a debate between the authorizing committee and the appropriating committee. The Budget Committee doesn't have any direct impact on that. We don't do programmatic activity at the Budget Committee level.

I haven't read the sense of Senate yet, but I suspect we will simply accept it. After I read it, I may change my mind. That can be a mistake, as we know, around here. That is my concern and reservation about the program.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I respond to the distinguished Senator that essentially what he said is correct. I have no objection to an amendment in the program. My State is a big user of this program at \$111 million last year. He is right, Texas, California, and the big immigrant States are the States that are most affected by this program.

Money goes to every single State. I have no objection to mandating the money must go directly into the State prison system or the county jail system, whatever that might be.

I point out also to the Senator when I was mayor, we had a revenue-sharing program. We had a community block grant program, all of which looked as though they were going to go by the boards, certainly CDBG with this budget. This is a total Federal responsibility. For our Government not to take that responsibility and recompense those States that provide the incarceration—these people are not in Federal prison, they are in State prisons—is a huge mistake.

I have objection, certainly, to mandating where the funds would go. If the managing Senator wishes to move this by unanimous consent, I certainly have no objections to that, either.

AMENDMENT NO. 240

The PRESIDING OFFICER. There are now 15 minutes of debate equally divided on the Byrd amendment on highways.

Mr. BAUCUS. Mr. President, the Senator from West Virginia is not here at this moment, so I yield myself a couple of minutes for the proponents of the amendment.

I strongly support this amendment. There are many Senators who are very distressed with the very low level in the amount of transportation obligation funds passed out of the Environment and Public Works Committee the other day. There are donor States that are very upset with the donor levels not being high enough, and the so-called donee States are concerned that they are not properly taken care of. There are States that believe the minimum obligation should be higher.

In my experience, I have never experienced such consternation among so many Senators so concerned we are not paying enough for our infrastructure and our highways as is the case now, compared with the previous highway bill we passed a few years ago; that is, with TEA-21, which was passed about 6 years ago.

In the meantime, the Finance Committee is working on a provision to administer money to the highway bill. Chairman GRASSLEY and I are working diligently to find a way to administer money to the highway bill. We hope to bring that amendment to the floor. We will not raise gasoline prices. We will not raise gasoline prices. There will be