

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3525, a bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes (Rept. No. 109-269).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. SALAZAR):

S. 3562. A bill to allocate a portion of the revenue derived from lease sales in the 181 Area to the land and water conservation fund for use by State and local governments for conservation purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 520. A resolution to authorize the production of records, testimony, and legal representation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1035, a bill to authorize the pres-

entation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1353

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 3548

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3548, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. CON. RES. 89

At the request of Mr. GREGG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 89, a concurrent resolution honoring the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am joined by Senators GRASSLEY, DURBIN, DEWINE and COLLINS in introducing legislation called the Restitution for Victims of Crime Act of 2006. This legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered restitution and other federal criminal debt.

Over the past several years, the Government Accountability Office conducted at my request and the request of others a study of the amount of federal criminal debt owed victims and the reasons why much of it is still uncollected. The GAO's findings revealed what many victims already know, that the current system for collecting restitution and other federal criminal debt is failing those it is intended to help.

Let me describe what criminal debt is. You go to court. Someone is convicted of a crime, and a fine is levied. The question is, Is that fine being paid? Or you go to court and the judge assigns guilt to a defendant and says: You must make restitution. So that becomes a debt.

The problem is that the amount of uncollected restitution and other federal criminal debt has spiraled upward while the percentage of that debt ultimately recovered for crime victims has plummeted. The amount of uncollected federal criminal debt skyrocketed from \$6 billion in 1996 to over \$41 billion by the end of fiscal year 2005. That's a nearly sevenfold increase in uncollected criminal debt owed to the victims of federal crimes. Some \$15 million in criminal debt ordered by federal courts in North Dakota remained uncollected at the end of 2005, according to information from the Justice Department.

The percentage of debt that is collected or recovered for crime victims in the form of restitution has fallen to embarrassingly low levels. According to the GAO, Federal criminal justice officials collected an average of just 4 cents on every dollar that has been ordered in restitution and other criminal debt. This is restitution ordered by the courts to be paid to crime victims from those who perpetrated the crime.

The victims of crime deserve better. At the very least, crime victims should not be concerned that their prospects for financial restitution are being diminished because criminal offenders are frittering away their ill-gotten gains on lavish lifestyles and the like.

There is plenty of blame to go around for our failure to aggressively tackle this criminal debt problem. Some of the Nation's top law enforcement officials did not pursue a number of major recommendations made by the GAO in 2001 and again in 2004 and 2005 to boost our embarrassingly low criminal debt collection rate. These officials only started to take this matter seriously after I added language to an omnibus spending bill that required the Attorney General to establish a joint federal task force to develop a strategic plan for improving federal criminal debt collection. Second, Congress has not yet held extensive hearings about the federal government's recent track record on criminal debt collection and the related GAO reports.

I understand that criminal debt collection can be a tough job. It may be impossible to collect the full amount of restitution owed to victims in some cases. Clearly criminal debt collections may be more difficult in cases where convicted criminals are in prison, ill-gotten gains are already gone or these criminals are without any other financial means to pay their full restitution. However, GAO's work also made clear that more financial assets could be recovered.

Let me tell you why I and my colleagues have introduced this legislation. I had the GAO review a number of

white-collar financial fraud cases and report what is happening with respect to these cases.

I will cite some examples.

One offender, someone who was judged to be guilty criminally in the Federal court system, and his immediate family owned and resided at property that was worth millions of dollars. Yet he was not making the full restitution that had been ordered by the court to the victim.

Two offenders in Federal court cases who were ordered to make restitution to victims took overseas trips while on supervised release but had not made restitution to the victims.

One offender and his family established trusts, foundations, and corporations for their assets about the same time that they closed many of their bank and brokerage accounts and had not paid restitution to the victims of their crime.

Over the course of several years, one offender converted to personal use hundreds of millions of dollars obtained through illegal white-collar business schemes.

Several years prior to one judgment, one offender's minor child, who is now an adult, was given the offender's entire company. As of the completion of the GAO's work, that company had employed the offender. Restitution still had not been paid to the victim.

One offender and his family rented a very lavishly furnished residence—which they had previously owned—from a relative. The offender still had not made restitution he was ordered to pay.

Again, unpaid restitution and other criminal debt has gone from \$6 billion to \$41 billion over the last decade. We think that is an outrage. We have worked with the Justice Department as a result of the three GAO reports, and because of that, we have put together a bipartisan piece of legislation. The legislation is comprised of the comprehensive package of recommendations by the Justice Department that stem in large part from the work of the Task Force on Improving the Collection of Criminal Debt. Justice Department officials believe these changes will remove many of the current impediments to better debt collection.

For example, Justice Department officials described a circumstance where they were prevented by a court from accessing \$400,000 held in a criminal offender's 401(k) plan to pay a \$4 million restitution debt to a victim because that court said the defendant was complying with a \$250 minimum monthly payment plan and that payment schedule precluded any other enforcement actions. Our bill would remove impediments like this in the future.

This legislation will also address a major problem identified by the GAO for officials in charge of criminal debt collection; that is, many years can pass between the date a crime occurs and the date a court orders restitution. This gives criminal defendants ample

opportunity to spend or hide their ill-gotten gains. Our bill sets up pre-conviction procedures for preserving assets for victims' restitution. These tools will help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used by Federal officials in some asset forfeiture cases and upheld by the courts.

Our bill has the support of the administration, and the support of many victims organizations.

I have a long list of them: The National Center for Victims of Crime, Mothers Against Drunk Driving, National Organization for Victims Assistance—all of these organizations support the legislation we are introducing today—the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence, National Association of VOCA Assistance Administrators. The list is rather substantial. It also includes U.S. Attorney Drew Wrigley in Fargo, ND, who said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

That is the basis on which we introduce this legislation. Among other things, our bill would clarify that court-ordered Federal criminal restitution is due immediately in full upon imposition, just like in civil cases and that any payment schedule ordered by a court is only a minimum obligation of a convicted offender. It would allow Federal prosecutors to access financial information about a defendant in the possession of the U.S. Probation Office—without the need for a court order. This legislation would also clarify that final restitution orders can be enforced by criminal justice officials through the Bureau of Prisons' Inmate Financial Responsibility Program. Our bill would help ensure better recovery of restitution by requiring a court to enter a pre-conviction restraining order or injunction, require a satisfactory performance bond, or take other action necessary to preserve property that is traceable to the commission of a charged offense or to preserve other nonexempt assets if the court determines that it is in the interest of justice to do so. In addition, this legislation would clarify that a victim's attorney fees may be included in restitution orders, including cases where such fees are a foreseeable result from the commission of the crime, are incurred to help recover lost property or expended by a victim to defend against third party lawsuits resulting from the defendant's crime. It would also allow courts in their discretion to order immediate restitution to those that have suffered economic losses or serious bodily injury or death as the result of environmental felonies. Under current law, courts can impose restitution in such cases as a condition of probation or supervised release but this means

that many victims of environment crimes must wait for years to be compensated for their losses, if at all.

Let me make a couple of final points. First, while this legislation reflects the entire set of recommendations from the Justice Department to improve Federal criminal debt collection, it may not include every possible improvement to the current system. For instance, the GAO has suggested making willful failure to pay court-ordered restitution a criminal offense. This is already the case for criminal defendants who willfully fail to pay a court-ordered fine. It is my hope the Senate Judiciary Committee will consider this and any other helpful improvements when it reviews this legislation.

In summary, Senator GRASSLEY and myself and others believe that it is outrageous that unpaid criminal debt ordered by Federal courts to be paid by criminals now exceeds \$40 billion. That is wrong and it ought to be dealt with. Our legislation will do so in a thoughtful, bipartisan way. It is legislation that is supported by the administration and by Republicans and Democrats who have joined in this legislation.

With the Justice Department's help, we can make criminal debt collection a top priority once again. That is good news for the criminal justice system and great news for crime victims.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, today I am introducing the St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006. In 1903, Secretary of Interior Hitchcock authorized construction of the Milk River Project as one of the first five reclamation projects under the new reclamation service. Two years later, construction was authorized for the St. Mary Diversion Facilities. Completed in 1915, the Milk River Project and the St. Mary Diversion Facilities have been in operation for nearly 100 years with minimum repairs and improvements.

The Milk River Project and the accompanying St. Mary Diversion Facilities are known as the Lifeline of the Hi-Line. The St. Mary and Milk River basins are home to approximately 70,000 people with a meager per capita income of approximately \$19,500. Most of these people depend—directly or indirectly—on the project and would be

dramatically impacted by its failure and the loss of water.

The Milk River is the backbone of the region's agricultural economy. It provides water to irrigate over 110,000 acres on approximately 660 farms. This project provides municipal water to approximately 14,000 people. Fisheries, recreation, tourism, water quality, and wildlife are all impacted by the water flow.

But now the St. Mary Diversion Facilities and the Milk River Project are facing catastrophic failure. The steel siphons have leaks and slope stability problems. Landslides along the canal and the deteriorated condition of the structure make the project an unreliable water source.

As authorized in 1903, the Milk River Project is operated as a single-use irrigation project. Since completion, nearly 100 percent of the cost to operate and maintain the diversion infrastructure has been borne by irrigators. The average annual O & M cost from 1998 to 2003 was \$420,000, of which irrigators were responsible for 98 percent. In addition, irrigators are responsible for reimbursing reclamation for the initial construction costs of the diversion facilities. Maintenance costs have increased with the accelerating deterioration of the aging facilities.

In 2003, the St. Mary Rehabilitation Working Group was formed to address the pressing needs of the system. This broad coalition of interests came together to find workable solutions. This legislation is a result of their efforts and dedication.

The St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006 will provide a feasible and comprehensive approach to rehabilitating the aging and deteriorating infrastructure while still meeting the needs of the folks in Montana. I look forward to working with my colleagues in the Senate to move this important piece of legislation forward.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that I believe offers us an opportunity to move forward in the immigration debate. My bill takes a first-things-first approach. It is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a “comprehensive” solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus were included with other more controversial elements in S. 2611—the Comprehensive Immigration Reform Act of 2006. While the other body is holding hearings on the “comprehensive” part of that bill,

we should not hold our border security hostage.

My bill will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more border patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, et cetera. It increases our surveillance assets and their deployment, and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My bill requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's amendment to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction of border tunnels or passages.

When our borders are not secure, it is our cities and counties are on the frontlines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in Southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attorney for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the \$2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated “[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings,

Bloods, NETA and lately MS-13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily byproduct.”

My bill provides relief for cities, counties and States dealing with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my bill to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally-initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This bill also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout the debate on immigration reform, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in the immigration bill, I am pleased to be introducing the Border Security First Act today with my colleague from Georgia, Senator ISAKSON, and my colleague from Missouri, Senator TALENT, because our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of addressing this issue without delay.