

SA 3275. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3276. Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3277. Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3278. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3279. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3280. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3281. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

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SA 3286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3288. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3289. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3290. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3291. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3292. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3293. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the

bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3298. Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3299. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3300. Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUE) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3301. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3302. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3303. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3304. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3305. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3306. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3307. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3308. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3309. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3310. Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3311. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3312. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3313. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3314. Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3315. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3316. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3318. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3319. Ms. CANTWELL submitted an amendment intended to be proposed to

amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the bill H.R. 3093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3270. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On 88, line 1, strike “\$625,000,000” and all that follows through line 2 and insert the following: “\$645,000,000 shall not be available for obligation until the following fiscal year and, notwithstanding any other provision of this Act, the amount appropriated to the State Criminal Alien Assistance Program is reduced by \$20,000,000.”

SA 3271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30 line 4 strike the “.” and insert “: *Provided*, That within 200 days of enactment of this Act, the Inspector General shall conduct an audit and issue a report to the Committees on Appropriations of all expenses of the legislative and public affairs offices at each location of the Justice Department, its bureaus and agencies, including but not limited to every field office and headquarters component; the audit shall include any and all expenses related to these activities.”

SA 3272. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 18 line 13 strike the “.” and insert the following:

“: *Provided*, That of the amounts provided to the Secretary within this account, \$10,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed, and met all best practices, and all Office of Management and Budget guidelines related to information technology projects: *Provided further*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That the Secretary, within 120 days of the enactment of this Act, shall provide a report to Congress that is publicly available on the Bureau’s website on the steps that the Census Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet.”

SA 3273. Mr. SHELBY submitted an amendment intended to be proposed by

him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69 line 13 after the second “.” strike all through page 70 line 10 and insert: “Of the funds appropriated in this Act for the Federal Bureau of Investigation’s Sentinel program, \$25,000,000 shall not be available for obligation until 60 days after the Committees on Appropriations receive from the Federal Bureau of Investigation a report on the results of a completed integrated baseline review for that program: *Provided*, That the report shall be submitted simultaneously to the Government Accountability Office: *Provided further*, That the Government Accountability Office shall review the Bureau’s performance measurement baseline for the Sentinel program and shall submit its findings to the Committees on Appropriations of the Senate and House of Representatives within 60 days of its receipt of the report.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase or increment of the Federal Bureau of Investigation’s Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases or increments currently under contract for development or fielding have completed 70 percent of the work for that phase or increment under the performance measurement baseline validated by the integrated baseline review referred to in SEC. 215 of this Act: *Provided*, That this restriction does not apply to planning and design activities for future phases or increments: *Provided further*, That the Bureau will notify the Committees of any significant changes to the baseline.”

SA 3274. Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) In addition to any other amounts otherwise appropriated to the Attorney General under this Act, there is appropriated to the Attorney General, \$500,000, to conduct a study, in conjunction with other Federal agencies, on—

(1) the connection between methamphetamine crimes and identity theft crimes, and assess the degree of correlation between such crimes;

(2) how individuals who use methamphetamine and commit identity theft crimes typically obtain the information of the victim of such crimes;

(3) how individuals who use methamphetamine and commit identity theft crimes misuse the information of the victims of such crimes;

(4) the possible linkages between the sale and distribution of methamphetamine, gang activity, and gang-related crimes, including whether there is an increase in gang-related crime with respect to identity theft;

(5) the needs of Federal, State, local, and tribal law enforcement to pursue and prosecute methamphetamine crimes related to identity theft and whether any changes are needed to Federal law;

(6) the advisability of imposing a sentencing enhancement—

(A) if a person commits both a methamphetamine crime and an identity theft crime; and

(B) if a person is part of a conspiracy to commit methamphetamine and identity theft crimes; and

(7) the advisability of establishing a password-protected electronic clearinghouse within the Department of Justice for Federal, State, and local law enforcement agencies to—

(A) share information on crimes involving both methamphetamine and the commission of identity theft;

(B) create a better understanding of the correlation between such crimes; and

(C) share best practices.

(b) Not later than 12 months after the date of the enactment of this Act, the Attorney General shall submit a report to Congress describing the findings of the study conducted under (a).

(c) Notwithstanding any other provision of this Act, the amount rescinded for the Working Capital Fund of the Department of Justice under the heading “GENERAL ADMINISTRATION” under the subheading “WORKING CAPITAL FUND (RESCISSION)” under title VI of this Act is increased by \$500,000.

SA 3275. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Federal Bureau of Investigation shall submit a report to the congressional committees listed in subsection (b) that contains, with respect to the most recently completed fiscal year—

(1) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(2) the average time taken to complete each type of background check;

(3) a description of the efforts and progress made by the Director in addressing any delays in completing such background checks; and

(4) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(b) RECIPIENTS.—The congressional committees listed in this subsection are—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SA 3276. Mr. DORGAN (for himself, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008,

and for other purposes; which was ordered to lie on the table; as follows:

On page 98, between lines 18 and 19, insert the following:

TITLE VII—RESTITUTION

SEC. 701. SHORT TITLE.

This title may be cited as the “Restitution for Victims of Crime Act of 2007”.

Subtitle A—Collection of Restitution

SEC. 721. SHORT TITLE.

This subtitle may be cited as the “Collection of Restitution Improvement Act of 2007”.

SEC. 722. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(C)(i) Each restitution order shall—

“(I) contain information sufficient to identify each victim to whom restitution is owed;

“(II) require that a copy of the court order be sent to each such victim; and

“(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

“(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim’s mailing address while restitution is still owed to the victim.

“(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

“(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

“(3) The court shall direct the defendant—

“(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant’s assets or income;

“(B) to notify the court of any change in residence; and

“(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant’s ability to pay restitution.

“(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

“(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

“(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

“(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

“(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

“(D) In ordering restitution, the court may direct the defendant to—

“(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

“(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any non-exempt asset.

“(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

“(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

“(i) the need to provide restitution to the victims of the offense;

“(ii) the financial ability of the defendant;

“(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

“(iv) the projected earnings and other income of the defendant;

“(v) any financial obligations of the defendant, including obligations to dependents;

“(vi) whether the defendant has concealed or dissipated assets or income; and

“(vii) any other appropriate circumstances.

“(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

“(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the restitution obligation.

“(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

“(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

“(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) No order described in subparagraph (B) shall restrain the ability of the United

States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.”.

SEC. 723. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

“(d) PAYMENT.—

“(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

“(2) EFFORTS TO MAKE PAYMENT.—The court shall—

“(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

“(B) direct the defendant to notify the court of any change in residence; and

“(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

“(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

“(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

“(5) PAYMENT SCHEDULE.—

“(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

“(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

“(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

“(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

“(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

“(i) the court shall take such action as is necessary to protect such third party interest; and

“(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

“(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

“(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

“(A) the need to satisfy the fine or assessment;

“(B) the financial ability of the defendant;

“(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

“(D) the projected earnings and other income of the defendant;

“(E) any financial obligations of the defendant, including obligations to dependents;

“(F) whether the defendant has concealed or dissipated assets or income; and

“(G) any other appropriate circumstances.

“(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

“(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the fine or assessment imposed.

“(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10) ENFORCEMENT.—

“(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

“(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

“(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.”.

SEC. 724. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

“(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

“(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than \$100 shall include—

“(A) the name, social security account number, mailing address, and residence address of the defendant;

“(B) the docket number of the case;

“(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

“(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

“(E) a description of any modification or remission.

“(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.”.

SEC. 725. ATTORNEYS' FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

(2) in paragraph (4)—

(A) by inserting “(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking “and” at the end;

(3) in paragraph (5), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).”.

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

(2) in paragraph (3), by striking “and” at the end;

(3) in paragraph (4)—

(A) by inserting “(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).”.

Subtitle B—Preservation of Assets for Restitution

SEC. 741. SHORT TITLE.

This subtitle may be cited as the “Preservation of Assets for Restitution Act of 2007”.

SEC. 742. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

“§ 3664A. Preservation of assets for restitution

“(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

“(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

“(A) shall—

“(i) enter a restraining order or injunction;

“(ii) require the execution of a satisfactory performance bond; or

“(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

“(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

“(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

“(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

“(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

“(b) DEFENDANT'S RIGHT TO A HEARING.—

“(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

“(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

“(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

“(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

“(3) HEARING.—

“(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

“(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

“(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

“(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

“(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

“(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT HEARING.—

“(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

“(A) the order causes an immediate and irreparable hardship to the moving party; and

“(B) less intrusive means exist to preserve the property for the purpose of restitution.

“(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

“(3) INTERVENTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

“(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(d) GEOGRAPHIC SCOPE OF ORDER.—

“(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

“(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United

States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

“(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

“(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

“(g) RECEIVERS.—

“(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

“(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.”.

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

“Sec. 3664A. Preservation of assets for restitution.”.

SEC. 743. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end; and

(B) by inserting after subparagraph (C) the following:

“(D) committing or about to commit a Federal offense that may result in an order of restitution.”; and

(2) in paragraph (2)—

(A) by striking “a banking violation” and all that follows through “healthcare offense” and inserting “a violation or offense identified in paragraph (1)”;

(B) by inserting “or offense” after “traceable to such violation”.

SEC. 744. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after “in which the debtor resides.” the following: “In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.”.

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after “the filing of a civil action on a claim for a debt” the following: “or in any criminal action where the court may enter an order of restitution”; and

(2) in subsection (d)—

(A) by inserting after “The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.” the following:

“In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution \$ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.”;

(B) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]”; and

(C) by inserting after “You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.” the following:

“If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”.

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]”; and

(2) by inserting after “you want the proceeding to be transferred.” the following:

“If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”.

SA 3277. Mr. VITTER (for himself, Mr. SESSIONS, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

SEC. 217. None of the amounts made available in this title under the heading “COMMUNITY ORIENTED POLICING SERVICES” may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 3278. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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.’”.

SA 3279. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 3280. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place, insert the following:

SEC. _____. VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.

IN GENERAL.—For each fiscal year beginning after the date of the enactment of this Act, 25,000 of the immigrant visas allocated under section 203 (c) of the Immigration and Nationality Act for Diversity Immigrants shall be made available to aliens seeking immigrant visas who:

- (1) are otherwise admissible under the INA;
- (2) achieve the highest scores on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and
- (3) take the exams described in (2) above in the English language.

SA 3281. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, strike “\$1,747,822,000: Provided,” and insert “\$2,247,822,000: Provided, That of the total amount appropriated, \$500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program 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: *Provided further*, That the amount provided to expand Operation Streamline is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*,”.

SA 3282. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, strike “\$1,747,822,000: Provided,” and insert “\$2,247,822,000: Provided, That of the total amount appropriated,

\$500,000,000 shall be used by the agencies involved in Operation Streamline to incrementally expand this program 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: *Provided further,*”.

SA 3283. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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.

SA 3284. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, insert “, and of which \$10,000,000 shall be used 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” before the semicolon.

SA 3285. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

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

(1) The Census, taken every ten years since 1790, is necessary for determining Congressional representation, Electoral College votes, and government program funding;

(2) The United States Census Bureau is required to count citizens and non-citizens alike;

(3) The data provided by the United States Census Bureau is essential to understanding population trends and providing the federal government and the Congress with important information related to public policy debates, including information on the number of undocumented persons living in the United States; however, the collection of this information is not more important than the full and effective enforcement of our immigration laws;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the administration of the 2010 Census by the United States Census Bureau should not reduce the ability of the Department of Homeland Security to effectively enforce the immigration laws of the United States, and that the Immigration and

Customs Enforcement Bureau of the Department of Homeland Security should continue aggressive enforcement of federal immigration laws during the administration of the census.

SA 3286. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

SA 3287. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) None of the amounts made available in this title under the heading “COMMUNITY ORIENTED POLICING SERVICES” may be used in a subdivision of a State if such subdivision does not comply with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(b) Any amount that is not available for a subdivision of a State under the limitation set out in subsection (a) shall be made available to the government of that State for community oriented policing services.

SA 3288. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

After the period on page 97 line 9, insert the following:

SEC. xx. (a) The Administrator of the National Aeronautics and Space Administration shall submit quarterly reports to the Inspector General of the National Aeronautics and Space Administration regarding the costs and contracting procedures relating to each conference or meeting, held by the National Aeronautics and Space Administration during fiscal year 2008, and each year thereafter, for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the number of and purpose of participants attending that conference or meeting;

(2) a detailed statement of the costs to the Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the National Aeronautics and Space Administration in evaluating potential contractors for any conference or meeting.

SA 3289. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.

SA 3290. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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 “GENERAL ADMINISTRATION” 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 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 \$30,000,000.

SA 3291. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.

(a) IN GENERAL.—In addition to the amounts appropriated for the Southwest

Border Prosecutor Initiative in title II under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", there is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, \$20,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by \$20,000,000.

SA 3292. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 53, line 6, strike "of which \$30,000,000" and all that follows through "offices" on line 11.

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

SEC. 528. SOUTHWEST BORDER PROSECUTOR INITIATIVE.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, \$50,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices.

(b) OFFSET.—The amount appropriated for the Advanced Technology Program of the National Institute of Standards and Technology in title I under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is reduced by \$50,000,000.

SA 3293. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 26, after line 24, insert the following:

SEC. 114. Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 26) is amended—

(1) in the first sentence, by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) in the second sentence, by striking "October 1, 2010" and inserting "February 18, 2009".

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 33, line 26, strike the period and insert "Provided further, That an additional \$7,845,000 shall be available to carry out the

Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of \$7,845,000."

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 53, line 11, strike the semicolon and insert "Provided, That an additional \$150,000,000 shall be available for such program offset by a reduction in the amount under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of \$150,000,000;"

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 528. INCREASE IN FUNDING FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INCREASE IN FUNDING.—The amount appropriated or otherwise made available under title I under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" is hereby increased by \$100,000,000 for scientific and technical research and services.

(b) DECREASE IN FUNDING.—The amount appropriated or otherwise made available under title I for necessary expenses of the Advanced Technology Program is hereby decreased by \$100,000,000.

SA 3297. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 528. LIMITATION ON EMERGENCY DESIGNATION.

None of the funds appropriated or otherwise made available in this Act to carry out return to flight activities associated with the space shuttle may be designated as an emergency requirement or necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

SA 3298. Mr. KERRY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 51, line 15, insert "Provided further, That of the amount appropriated under

this heading, \$2,000,000, may be made available for salaries and expenses for the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office" before the period.

SA 3299. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 45, line 11, after "other custodial facilities" insert the following: "Provided further, That the Director of the Federal Prison System may use amounts made available under this heading to carry out a pilot program for children (not older than 36 months of age) of nonviolent female offenders, under which such children will be housed, fed, and cared for in Federal correctional facilities housing women (including such a facility in which Federal prisoners are housed under a contract with the Government) and participate in programs specifically designed to benefit mother and child".

SA 3300. Mrs. MCCASKILL (for herself, Mr. DOMENICI, and Mr. INOUE) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 26, after line 24, insert the following:

SEC. 114. DTV CONSUMER EDUCATION.

(a) IN GENERAL.—The amount appropriated under the heading "PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION" under this title is increased by \$10,000,000, which shall be used for competitive grants to public television broadcast stations, or a consortium of such entities, to assist such stations in conducting consumer education efforts concerning the transition from analog to digital television: *Provided*, That the Secretary of Commerce shall award such grants not later than 90 days after the date of enactment of this Act: *Provided further*, That such grants shall not be subject to the requirements of section 392(b) of the Communications Act of 1934: *Provided further*, That receipt of any grant amounts for consumer education efforts shall in no way prohibit or affect the eligibility of such public television broadcast stations from receiving funds for any other grant amounts for construction and planning as authorized under section 391 of such Act.

(b) OFFSET.—The amount made available under each account in this title for the Department of Commerce for administrative travel expenses, supplies, and printing expenses shall be reduced on a pro rata basis, so that the total of the reductions equals \$10,000,000.

SA 3301. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 26, after line 24, add the following:
SEC. ____. SENSE OF THE SENATE REGARDING THE 2010 CENSUS.

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

(1) Article I of the United States Constitution requires the taking of a census that counts all persons in the United States.

(2) The census, taken every 10 years since 1790, is necessary for determining Congressional representation, Electoral College votes, and Government program funding.

(3) The data provided by the United States Bureau of the Census is essential to understanding population trends and providing the Federal Government and Congress with important information related to public policy debates.

(4) According to the Brookings Institution, the Federal Government disburses \$323,000,000,000 through 100 Federal programs to State and local governments based on data provided by the census.

(5) Congress has historically provided increased funding resources to the United States Bureau of the Census in years prior to each decennial census to allow the Bureau to adequately prepare for the taking of the census.

(6) Public Law 110-92, the continuing resolution, which held funding increases for the census at previous fiscal year levels, jeopardizes the ability of the United States Bureau of the Census to prepare for the 2010 census.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that during the 2010 Census, all Federal agencies should cooperate with the United States Bureau of the Census in a manner consistent with the constitutional requirement to count all persons in the United States, and that Congress should provide adequate funding resources to the United States Bureau of the Census to achieve an accurate census.

SA 3302. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 528. ITC REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, 5 years after the date of the enactment of this Act, and every 5 years thereafter, the International Trade Commission shall submit a report to Congress on each free trade agreement in force with respect to the United States. The report shall, with respect to each free trade agreement, contain an analysis and assessment of the analysis and predictions made by the International Trade Commission, the United States Trade Representative, and other Federal agencies, before implementation of the agreement and actual results of the agreement on the United States economy.

(b) CONTENTS OF REPORT.—Each report required by subsection (a) shall contain the following:

(1) With respect to the United States and each country that is a party to a free trade agreement, an assessment and quantitative analysis of how each agreement—

(A) is fostering economic growth;
 (B) is improving living standards;
 (C) is helping create jobs; and
 (D) is reducing or eliminating barriers to trade and investment.

(2) An assessment and quantitative analysis of how each agreement is meeting the

specific objectives and goals set out in connection with the implementation of that agreement, the impact of the agreement on the United States economy as a whole, and on specific industry sectors, including the impact the agreement is having on—

(A) the gross domestic product;
 (B) exports and imports;
 (C) aggregate employment, and competitive positions of industries;
 (D) United States consumers; and
 (E) the overall competitiveness of the United States.

(3) An assessment and quantitative analysis of how each agreement is meeting the goals and objectives for the agreement on a sector-by-sector basis, including—

(A) trade in goods;
 (B) customs matters, rules of origin, and enforcement cooperation;
 (C) sanitary and phytosanitary measures;
 (D) intellectual property rights;
 (E) trade in services;
 (F) electronic commerce;
 (G) government procurement;
 (H) transparency, anti-corruption; and regulatory reform; and
 (I) any other issues with respect to which the International Trade Commission submitted a report under section 2104(f) of the Bipartisan Trade Promotion Authority Act of 2002.

(4) A summary of how each country that is a party to an agreement has changed its labor and environmental laws since entry into force of the agreement.

(5) An analysis of whether the agreement is making progress in achieving the applicable purposes, policies, priorities, and objectives of the Bipartisan Trade Promotion Authority Act of 2002.

SA 3303. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 82 line 2 strike “2006 and 2007” and insert “2007 and 2008”.

SA 3304. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert “: *Provided further*, That of the funds provided under this heading, \$2,000,000 is made available for the Office of Response and Restoration for the Damage Assessment Restoration Revolving Fund for sampling, analysis, and clean-up related to the disposal of obsolete vessels owned or operated by the Federal Government in Suisun Bay, California.”.

SA 3305. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 5 strike “373,000” and insert “370,800”.

SA 3306. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 7 strike “3,200” and insert “3,100”.

SA 3307. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 81 line 9 strike “13,800” and insert “13,100”.

SA 3308. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 14, strike “\$8,000,000” and insert “\$8,000”.

SA 3309. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 72, line 14, before the period insert the following: “: *Provided further*, That of the amounts appropriated or otherwise made available under this heading for cross-agency support programs, \$10,000,000 shall be made available, and distributed in equal increments, to each of NASA’s 10 centers for the development of educational activities in science, technology, engineering, and mathematics related to the civilian space program of the United States”.

SA 3310. Ms. MIKULSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 528. None of the funds appropriated or otherwise made available by this Act may be made available for a public-private competition conducted under Office of Management and Budget Circular A-76 or to convert a function performed by Federal employees to private sector performance without such a competition unless a representative designated by a majority of the employees engaged in the performance of the activity or function for which the public-private competition is conducted or which is to be converted without such a competition is treated as an interested party with respect to such competition or decision to convert to private

sector performance for purposes of subchapter V of chapter 35 of title 31, United States Code.

SA 3311. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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)(i)(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.

SA 3312. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

(a) IN GENERAL.—Title II of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821 et seq.) is amended by adding at the end thereof the following:

“SEC. 208. LIST OF VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

“(a) IN GENERAL.—The Secretary 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.”.

SA 3313. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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.

SA 3314. Mr. SUNUNU (for himself, Ms. SNOWE, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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).”.

SA 3315. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by \$40,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by \$40,000,000.

SA 3316. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under

the heading “LEGAL ACTIVITIES” under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, each amount made available under this Act, except for the amount under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” shall be reduced on a pro rata basis by the appropriate percentage to reach \$20,000,000.

SA 3317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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

SEC. 217. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “UNITED STATES ATTORNEYS SALARIES AND EXPENSES” under the heading “LEGAL ACTIVITIES” under this title is increased by \$20,000,000, which shall be used for the prosecution of crimes described in section 1152 or 1153 of title 18, United States Code.

(b) Notwithstanding any other provision of this Act, the amount appropriated under the heading “PAYMENT TO THE LEGAL SERVICES CORPORATION” under the heading “LEGAL SERVICES CORPORATION” under title IV is reduced by \$20,000,000.

SA 3318. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES

(a) In this section, the term conference means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) The Administrator of NASA shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the public Internet website of the agency in a searchable, electronic format, a report on each conference for which the agency paid travel expenses during Fiscal Year 2008 that includes—

(1) the itemized expenses paid by the agency, including travel expenses and any agency expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference;

(4) in the case of a conference for which the agency was the primary sponsor, a statement that—

(A) justifies the location selected;

(B) demonstrates the cost efficiency of the location;

(C) the date of the conference;
 (D) a brief explanation how the conference advanced the mission of the agency; and
 (E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the agency.

SA 3319. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3274 submitted by Ms. CANTWELL (for herself, Mr. SMITH, and Ms. COLLINS) and intended to be proposed to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, line 7 of the amendment, after "agencies" insert "and the United States Sentencing Commission".

UNITED STATES TRANSPORTATION COMMAND 20TH ANNIVERSARY

On Tuesday, October 2, 2007, the Senate agreed to S. Res. 319 and its preamble, as follows:

S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

- (1) the United States Transportation Command at Scott Air Force Base, Illinois;
- (2) the Air Mobility Command at Scott Air Force Base, Illinois;
- (3) the Military Sealift Command in Washington, District of Columbia; and
- (4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth

during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peacekeeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democracy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to "improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war";

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

- (1) providing common-user and commercial transportation, terminal management, and aerial refueling;
- (2) providing global patient movement for the Department of Defense through the Defense Transportation System;
- (3) serving as the Mobility Joint Force Provider; and
- (4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

Resolved, That the Senate—

- (1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (in-

cluding the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

ORDERS FOR TUESDAY, OCTOBER 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 16; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled between the majority and minority, with the Republicans controlling the first half and the majority controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 3093; that on Tuesday, the Senate stand in recess from 12:30 to 2:15 in order to accommodate the respective party conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I see no one wishing to speak further today; therefore, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Tuesday, October 16, 2007, at 10 a.m.