

(Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—90

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|-----------|------------|-------------|
| Akaka | Dorgan | McCaskill |
| Alexander | Durbin | McConnell |
| Allard | Ensign | Menendez |
| Barrasso | Enzi | Mikulski |
| Baucus | Feingold | Murray |
| Bennett | Feinstein | Nelson (FL) |
| Bingaman | Graham | Nelson (NE) |
| Bond | Grassley | Pryor |
| Boxer | Gregg | Reed |
| Brown | Hagel | Reid |
| Brownback | Harkin | Roberts |
| Bunning | Hatch | Rockefeller |
| Burr | Hutchison | Salazar |
| Byrd | Inhofe | Sanders |
| Cantwell | Isakson | Schumer |
| Cardin | Johnson | Sessions |
| Carper | Kerry | Shelby |
| Casey | Klobuchar | Smith |
| Chambliss | Kohl | Snowe |
| Coburn | Kyl | Specter |
| Cochran | Landrieu | Stabenow |
| Coleman | Lautenberg | Stevens |
| Collins | Leahy | Sununu |
| Conrad | Levin | Tester |
| Corker | Lieberman | Thune |
| Cornyn | Lincoln | Vitter |
| Craig | Lott | Voivovich |
| Crapo | Lugar | Webb |
| DeMint | Martinez | Whitehouse |
| Domenici | McCain | Wyden |

NOT VOTING—10

| | | |
|---------|-----------|--------|
| Bayh | Dole | Obama |
| Biden | Inouye | Warner |
| Clinton | Kennedy | |
| Dodd | Murkowski | |

The amendment (No. 3289) was agreed to.

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

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3:15 p.m. today, there be 2 minutes of debate prior to a vote in relation to the Ensign amendment No. 3294, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that upon disposition of that amendment, the Senate resume amendment No. 3295, another Ensign amendment, with 2 minutes of debate prior to a vote in relation to that amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendments be in order to ei-

ther amendment in this agreement prior to the vote; and that the debate time be equally divided and controlled between Senator MIKULSKI and Senator SHELBY or their designees.

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

Ms. MIKULSKI. Mr. President, we also believe we will be having a vote at more or less the same time on the Thune amendment, as it relates to the Legal Services Corporation. We are waiting for final word from Senator HARKIN on that. But when we return from the respective caucus lunches, we expect there to be a debate on the Thune amendment, the Senator from Iowa, Mr. HARKIN, will be speaking, and about that time we expect to have another UC.

There will be votes throughout the afternoon. We urge our colleagues at our respective party lunches to speak to both Senator SHELBY and myself as a way of disposing of those amendments that have been filed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 5 minutes to pay tribute to a Louisianian who passed away this past week.

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

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for her poignant comments.

Mr. President, we have another UC that has not quite ripened as yet, so I will suggest we recess for the party luncheons.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that now, at 2:15, Senator MURRAY of Washington State be recognized for up to 7 minutes; that following those remarks there be 30 minutes of debate with respect to the Thune amendment, No. 3317, with the time equally divided and controlled between Senators THUNE and HARKIN or their designees, that no amendment be in order to the amendment prior to the

vote, and that the vote in relation to this amendment occur upon the disposition of the Ensign amendment No. 3295, with 2 minutes of debate prior to the vote; and that after the first vote in the sequence the vote time be limited to 10 minutes each.

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

AMENDMENT NO. 3214 WITHDRAWN

Ms. MIKULSKI. Mr. President, I further ask unanimous consent that amendment No. 3214 be withdrawn.

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

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, there are few bills that we deal with in Washington, DC, that are more critical to the safety and well-being of our communities than the bill we are considering on the floor today. This legislation is going to help fund Federal law enforcement and justice programs that are absolutely essential if we are going to keep our neighborhoods safe, keep our justice system strong, and make sure our communities are healthy. At a time when our budgets are very tight and our needs are very great, I believe this bill invests in the right priorities. I thank Senator MIKULSKI and Senator SHELBY for their leadership and their very hard work to put this bill together.

But as all of us in this Chamber know, despite their hard work and leadership at their subcommittee to make a sound investment in the health of our communities, the President has said he will veto this bill. According to the administration, the additional funding in this bill is "irresponsible and excessive."

That is very hard to fathom when this administration is asking for over \$190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan for 1 year. While this President easily is spending our money overseas, local communities in my home State and around the country are going without the money they need for very critical programs.

The increases this legislation calls for are a fraction of what this President spends on the wars in a year. The money in this bill will go to revitalize programs that have been overlooked by this administration. My home State, for example, is experiencing a dangerous shortage of FBI agents who do essential work to ensure that we prevent another terrorist attack at home and who perform critical law enforcement duties. That shortage is one example of how this President mixed up the Nation's priorities. But this bill does make a small step toward fixing some of those years of problems.

In my home State, the lack of FBI agents for critical law enforcement needs has been a serious concern for some time, but the urgency of this situation was driven home recently in a series of articles by the Seattle Post-

Intelligencer. The paper's first article noted that since 9/11:

the White House and the Justice Department have failed to replace at least 2,400 agents, transferred from law enforcement to counterterrorism, leaving far fewer agents on the trail of identity thieves, con-artists, hate mongers and other criminals.

The article I referred to found that Washington State has a mere 2.1 FBI agents for every 100,000 residents. That is nearly half the national average.

This past week, I met with police chiefs and sheriffs from across my State, and they agreed this shift has had a real impact on State and local law enforcement. One police chief told me the FBI had virtually disappeared from white collar crime investigations. A sheriff told me the local law enforcement now investigates and prosecutes over 90 percent of all bank robberies, even though this has traditionally been a FBI responsibility.

Another police chief told me the FBI does not have the law enforcement resources to adequately staff antigang task forces, even as the gang presence and gang-related crime increases in our communities.

All of these sheriffs and police chiefs had nothing but praise for the essential work that FBI agents perform in their communities. But even as the FBI focuses on counterterrorism, they ask that it not abandon law enforcement. The Seattle FBI field office has remained understaffed even for counterterrorism agents. That is especially troubling because Washington State's industry-leading companies, international seaports, and important military facilities make it a prime target for a terrorist attack. Three years from now, thousands of people are going to travel through my home State to attend the 2010 Vancouver Winter Olympics. We have to be prepared for the worst. Currently, Washington State ranks 35th in per capita FBI agents. Clearly, that makes no sense.

I thank Senator MIKULSKI and Senator SHELBY for working with me on this issue; specifically an amendment that would end this disconnect and ensure we are placing our FBI agents where they can best protect our communities. It will also get the FBI to tell us how it intends to distribute its resources.

That amendment is the first step toward ensuring that the FBI's priorities are in sync with our country's security needs and its own stated priorities. I commend Senator MIKULSKI for her recognition of that need. Her work to include additional funding for the FBI in this bill is a very good first step. The next step is to increase funding to hire, train, and place new FBI agents throughout the country that will help to ease the burden the FBI has had to bear since 9/11 changed its mission.

But I think we all know more funding is needed. Unfortunately, if this President believes that increasing our FBI budget is irresponsible and excessive and plans to veto this bill, we will

not be able to make the necessary investments today that will make our country more secure tomorrow.

While Federal agents are critically important to maintaining the security of our country, we all know that State and local law enforcement are the real guardians for our communities. In this post-9/11 world, we have asked them to place counterterrorism at the top of their priorities.

But criminals have not stopped abusing children or robbing stores or dealing drugs. The local police have been told they need to do more with less, but we have reached a point today where we simply cannot ask them to do more without help.

A recent FBI crime report showed that after a decade of declines, violent crime is now rising for the second straight year. We have to make sure it doesn't rise again. This bill restores funding for our State and local law enforcement to nearly \$2.7 billion and fills a major gap, after the President cut its budget in half. This will also provide \$1.4 billion for State and local law enforcement grants, including \$550 million for COPS grants, and over \$100 million for Byrne grants. These funds are critically important and they support antidrug and antigang task forces around the country.

They fund communications equipment that helps our police and our emergency response teams talk to each other, something we all know is desperately needed in all our communities.

They fund critical programs to deal with the spread of methamphetamine, and police chiefs and sheriffs have consistently told me these grants were absolutely essential to their ability to protect our communities. Unfortunately, as I said, we have heard the President say he is going to veto this legislation. This bill addresses critical priorities across our country and I urge all my colleagues to support the bill and send the President a message from our constituents at home that he is taking our country's safety and economic well-being in the wrong direction and that we need to change focus and give our communities what they need to be safe and sound and secure.

This bill also addresses vital commercial and economic interests across the Nation.

In my home State, that means helping to ensure a healthy, sustainable salmon population. In Washington State, healthy salmon mean a healthy economy. That's why I am thankful that this bill includes \$90 million in funding for the Pacific Coastal Salmon Recovery Fund. This money will help support our State's coordinated effort to restore salmon runs and preserve a way of life in the Pacific Northwest.

When I talk with leaders in my home State about the need to restore our salmon populations, they call it critical.

When I go home and discuss with law enforcement officials, experts and the

media, about the need to increase the number of FBI agents, they say it is an urgent problem.

When I talk to local police and sheriffs about the need for COPS and Byrne grants, they say these grants are crucial to the security and safety of our communities.

Yet when I return to Washington, DC, I am told by this President that the money that is so desperately needed at home is "irresponsible and excessive."

It could not be clearer that this Administration is out of step with the priorities of the people of State and the people of this country.

We have presented the President a measured, responsible bill to bolster our security and build our economy, and I understand he has decided to reject it.

I urge all my colleagues to support this bill and send the President a message from our constituents at home: That he is taking our country's safety and economic well-being in the wrong direction, and that we need to change focus and give our communities what they need to be safe, and sound, and secure.

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate on amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE, equally divided and controlled by the Senator from South Dakota and the Senator from Iowa, Senator HARKIN.

Who seeks time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I am hear to speak in opposition to the amendment offered by the Senator from South Dakota. The amendment he offered would reduce the vital legal assistance to our most vulnerable citizens, low-income Americans who need help with their most critical legal needs.

First of all, I wish to say I am a strong supporter of the bill before us. The President proposed drastic cuts in funding for State and local law enforcement, but the bill provides a total of \$2.6 billion for State and local law enforcement which is about \$1.5 billion above the President's request. The President's budget also proposed to reduce the number of Federal law enforcement agents working to combat violent crime, but this bill rejects that cut, as well as lifting the hiring freeze on DEA agents.

I wish to point out something else. The bill further provides \$1.7 billion for U.S. attorneys, \$92 million more than last year, and it directly addresses Native American needs. The bill provides \$35 million for tribal law enforcement efforts. The bill further provides \$1 million in research on violence against Native American women.

I know Senators MIKULSKI and SHELBY did their best to provide additional resources, especially given the severe budget constraints we face, but the answer to the problems that Native

Americans have with domestic violence and violent crime is not to deprive them and other poor citizens of our country of basic legal services. That is what the Thune amendment does. Senator THUNE is putting more money into the U.S. attorneys to combat violent crime, but he is taking it out of Legal Services. That tradeoff is wrong and I encourage my colleagues to reject the Thune amendment and support the level of funding provided in the bill.

Let me take a minute to explain why the increase in funding for Legal Services is so important. In 1996, Legal Services took a drastic cut in funding by the Congress. It went from \$415 million to \$278 million. It was almost cut in half. We have been trying to get the funding back up since that time. I point out if at that time, from 1995 to now, we had kept pace with inflation, Legal Services would currently be funded at about \$566 million. This bill gets it up to \$390 million, so we are not even back up to where we were in 1995. As I said, the Thune amendment cuts \$20 million out of the increase provided in this bill and gives it to U.S. attorneys. But I also pointed out, the U.S. attorneys already got a \$92 million increase in the bill, for \$1.7 billion in total funding.

Of course, it is not just Native Americans but a wide range of low-income Americans including, in recent years, victims of Hurricane Katrina and even victims of 9/11, who utilize legal services. We have all read in recent months about the vast increase in the number of people losing their homes because of foreclosures and the scandal in the subprime lending market. Many of these people are low income, and they are going to need help from Legal Services because they will not be able to afford an attorney.

Again, make no mistake, even under this bill as it is, Legal Services is not able to serve the legal needs of all low-income Americans. For example, 50 percent of eligible applicants requesting legal assistance from the Legal Services Corporation grantees are turned away because of lack of funding. Keep in mind that, in order to be eligible for Legal Services, you have to be at or below 125 percent of poverty level. That is an income of \$25,000 a year for a family of four. That means right now we are turning away half of the families earning less than \$25,000 a year who need legal help. In some parts of the country, it is even higher. In Wisconsin, 80 percent of poor households who face legal problems do so without an attorney.

In California, 66 percent; in Nebraska, 86 percent; in Utah, 87 percent; in New Mexico, 80 percent. On and on. Those are the percentage of low-income people in those States who face a legal problem yet do not get any help.

With so many people going unserved, every cent is crucial. The adoption of the Thune amendment would only result in furthering the justice gap in this country and in many cases hurt

the very people the Senator from South Dakota wishes to help, Native Americans.

The clients of Legal Services Corporation funded programs are the most vulnerable among us, and many of them are Native Americans. Since 2001, 2.8 percent of all of the appropriations going to Legal Services has gone to meet the legal needs of disadvantaged Native Americans in this country. That means that under this bill about \$10.4 million would go to Native American legal services. That includes South Dakota. In many of these States like South Dakota, a majority of legal services goes to serve Native American populations. In fact, in 2006, fully 67 percent of the clients served by civil legal services in South Dakota were Native Americans—67 percent. By taking money from Legal Services, you are hurting the very people who need legal help, including many of our Native Americans.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. HARKIN. Mr. President, I would be happy to yield.

Mr. DORGAN. Mr. President, I listened to the Senator's presentation. I have indicated to my colleague from South Dakota that I share his instinct and we need better law enforcement on Indian reservations. I do not think there is any question about it.

I appreciate the fact that Senator MIKULSKI and Senator SHELBY added back funds that had been eliminated in the President's budget. But we have a long way to go and we have talked about that here. The instinct is right to try to provide more funding so we are able to deal with those issues.

I held a hearing last week. A report shows that 34 percent of Indian women will be raped or sexually assaulted in their lifetime. That is unbelievable. We have serious law enforcement problems.

But I must vote against this amendment for the following reason: I cannot support an amendment, even though it adds money we need, that we will pay for by eliminating—by reducing funding for legal services, precisely because, as the Senator from Iowa says, legal services are the access to the legal system for low-income folks. It is the only opportunity they have, in many cases, for them to access the legal system.

That budget has been cut, and cut repeatedly. Now we are trying to add some back. To cut it now would be the wrong thing.

I appreciate the Senator yielding to me. I am very interested, I know the Senator from Iowa is very interested, in working with Senator THUNE and others, Senators SHELBY and MIKULSKI. I have talked to them to try to find ways to add back to these accounts in the future. We must do that. It has been partially restored in some of these areas by Senators MIKULSKI and SHELBY.

I thank the Senator from Iowa for allowing me to weigh in. I say I certainly support his presentation. I support the instinct of the Senator from South Dakota in wanting to try to improve this area of funding. But we cannot do it by taking away from such important funding as Legal Services.

Mr. HARKIN. I also appreciate the efforts of the Senator from South Dakota. Again, if you are asking whether I have any problems with where the Senator from South Dakota wants to provide additional funding, no, I do not. I have problems with where we are taking it from. That is my basic problem, because all of the data and all of the testimony tells us that Legal Services are helping the very people we are talking about, especially women who are victims of domestic violence.

Because, a lot of times, Legal Services attorneys are handling family law matters. But before they get to the prosecutorial level, for example, there are things that can be worked out. Individuals have a lawyer—for example, domestic violence restraining orders, separation agreements, or child custody arrangements, those types of things, which are civil matters. U.S. attorneys do not handle that. That is what Legal Services does.

The incidence of violence toward Native American women is tragic. As the Senator from South Dakota pointed out in his presentation earlier, he said Native American women are seven times more likely to be victims of domestic violence than other women. That is what the Senator from North Dakota also just told us.

But, again, it is precisely these citizens whom Legal Services Corporation-funded programs assist. Three out of four clients of Legal Services are women—three out of four.

Legal aid programs identify domestic violence as one of the top priorities in their caseloads. Recent studies have shown that the only public service that reduces domestic abuse in the long term is women's access to legal aid, the very assistance this amendment would drastically curtail. So legal services does make a big difference.

As I said, it is not just Native Americans I am talking about. Legal Services is still helping victims of 9/11, flood victims, Katrina victims. Now we have a whole new group of people accessing Legal Services. I am almost embarrassed to say this. There is another group we now see accessing Legal Services in a big way. Do you know who they are? Our soldiers and their families. Our soldiers and their families, because some of these enlistees who are privates and below do not get enough money. They may have problems, separations. They have been gone a long time. There are family problems. They do not have enough money to hire an attorney. Their spouses might not. So they are accessing Legal Services. This amendment would say: No, we are going to cut back on that. So, again, I think it is important for us to keep this in mind.

I know the Senator from South Dakota had mentioned the recent management problems at Legal Services headquarters. Believe me, no one was more upset than this Senator when the reports came out a year ago, first with the IG investigation and then GAO report. I say that because I started my life after law school as a Legal Services attorney. That is what I did. I know that every cent in the field counts. So if they are wasting money up here in Washington with chauffeured limousines and fancy hotels and all of that kind of stuff, it makes my blood boil, because I know what the Legal Services attorneys in the field are living with, and they are pinching pennies. They are not paid a lot.

That is why I was glad, in the education bill that passed earlier, we included Legal Services lawyers as those who would have their loans repaid if they stayed and became Legal Services attorneys.

Again, I share with the Senator from South Dakota and others my total abhorrence of what was going on in the hierarchy. I will say this: The GAO recommended a number of things for Legal Services to do to address these problems that are now being implemented, in terms of the board structure and other important oversight protections. Why it was not done before, I do not know. There is no excuse for it. There is absolutely no excuse for it. But I can say that the board is now implementing the suggestions and the recommendations of the GAO. I made it very clear as a long-time supporter of the Legal Services Corporation, I made it very clear to management that they needed to act immediately to address the GAO recommendations. I know both Senator SHELBY and Senator MIKULSKI have said the same thing to LSC. So LSC management knows that people here are watching. I know they are acting to address it. Their board of directors has publicly accepted all of GAO's recommendations. They have begun their implementation.

Mr. President, I ask unanimous consent to have printed in the RECORD the Legal Services Corporation's response to GAO which outlines the steps they are taking to ensure better management at headquarters.

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

COMMENTS FROM THE LEGAL SERVICES CORPORATION

JULY 31, 2007.

JEANETTE M. FRANZEL,
Director, Financial Management and Assurance, Government Accountability Office,
Washington, DC.

DEAR Ms. FRANZEL: Thank you for the opportunity to provide written comments on the Government Accountability Office (GAO) draft report entitled Legal Services Corporation—Governance and Accountability Practices Need To Be Modernized and Strengthened. This is Management's response to your draft report. The Board of Directors is responding separately.

We are pleased with your findings that LSC "has stronger federal accountability re-

quirements than many nonprofit corporations" and that LSC Board members "demonstrated active involvement through their strong board meeting attendance and participation in LSC oversight." We intend to build on this strong base of accountability and oversight as we respond to the recommendations for executive action which you have made. We fully accept three of your recommendations and we are committed to further action in the spirit of the fourth recommendation.

Regarding the appropriate financial reporting standard for LSC, we are reviewing the Government Accounting Standards Board standards, and we expect to complete our evaluation by the end of October 2007.

Regarding a Continuity of Operations Plan program, LSC has adopted elements of a program, as noted in your draft report, and we expect to complete our comprehensive program during 2008.

Regarding a code of conduct, we have established a staff task force to develop proposals for an LSC compliance program, which will include a comprehensive code of conduct. Our goal is to have recommendations to the Board of Directors by the January 2008 Board meeting.

Regarding a risk management program, we are committed to improving the risk management program at LSC. We note that LSC has managed its risks well over the past 33 years. We will review and implement those additional program elements that are desirable and appropriate for an organization of our size.

We recommend that several clarifications be made to your draft report narrative to insure its overall accuracy. In discussing the accountability of LSC for the management of its federal appropriations, the draft report does not address the existence of congressional oversight. LSC has both authorizing and appropriations committees in the House and the Senate, and LSC is subject to regular oversight from these committees. LSC has been the subject of appropriations and oversight hearings five times in the past three years. LSC staff meet regularly with both Members and congressional staff to discuss ongoing operations.

In discussing LSC's whistleblower protections, the draft report does not acknowledge that LSC has a whistleblower protection statement in its Employee Handbook. This protection for those who complain to the Office of Inspector General (OIG) has been in place at LSC for almost 20 years.

The draft report references potential conflicts of interest with respect to LSC's Acting Special Counsels. All of the relevant information relating to the Acting Special Counsels was provided to the OIG. The OIG made no findings of any conflict of interest with respect to the Acting Special Counsels, and no report of any potential conflicts of interest exists. LSC has been and remains diligent in its ethical obligation to avoid any conflicts of interest. Since the draft report itself makes no finding by GAO of potential conflicts of interest, the placement of this reference in the "What GAO Found" section (see Highlights page) is particularly troublesome.

Finally, while we recognize that your recommendations of matters for congressional consideration are not made to LSC, we feel compelled to observe that LSC's existing statutory framework is appropriate and has served very well the purposes which Congress intended, as described in the appendices to the draft report which explain the rationale for establishing LSC as a non-profit corporation. Should there be a desire to apply some additional management requirements to LSC, that can be accomplished without modifying the nonprofit corporation frame-

work which Congress enacted. To change the framework of LSC to that of a government corporation or federal agency would subject the mission of providing civil legal assistance to poor people to the kind of political pressure and operational controls which Congress wisely sought to avoid in 1974.

Thank you for the opportunity to comment upon the draft report. This has been a helpful and constructive process for us. We welcome your recommendations for executive action.

Sincerely,

HELAIINE M. BARNETT,
President.

Mr. HARKIN. Regardless of what we may think about the management of Legal Services, and what the board was or was not doing, asleep at the switch, it is important to note that this amendment would not impact management. Only \$13 million of the \$390 million appropriated in the bill goes for management and administration. That account has not received a single penny increase in the funding, thanks to Senator SHELBY and thanks to Senator MIKULSKI. I know this because I worked with them and I championed the increase included in the bill, but to ensure that the money went where it was needed, to the programs in the field and not to management here in Washington.

Senator THUNE's amendment, in taking this money out of Legal Services, may talk about the management, but none of the increase we put in here goes to management. It all goes to the field operations. Those are the people who need it the most.

Again, I echo what my friend from North Dakota said. I think the thrust of what Senator THUNE is trying to do is laudable. Obviously we do have a problem with domestic violence and abuse of Native American women. Obviously this needs to be prosecuted. I would say before that step, though, we need to make sure we have legal services available to them, so that we cut down on the incidence of domestic abuse and domestic violence. For that reason I would oppose the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, amendment No. 3317 I submitted last night. I spoke to it at that point, but I wish to again make some comments with regard to the amendment and the need that exists in the Indian country for this additional funding.

I appreciate the passion of my friend from Iowa for Legal Services Corporation and support of that organization. But I would simply say that once again, these appropriations bills are forcing us to make decisions about what our priorities need to be.

This debate is about choosing priorities. I also say to my friend from Iowa that we are not talking about cutting Legal Services Corporation over the level they were at last year. They were at \$348 million in fiscal year 2007. My amendment would still allow a \$22 million increase over last year's level. It

would fund them at \$370 million instead of the \$390 million that is included in the base bill. So you are still talking about a 6.3-percent increase in funding for the Legal Services Corporation, so they can continue to do the work they need to do to fulfill their obligations to the American public and the American taxpayers. But what this simply does is say we have a very desperate need in Indian country, and this \$20 million could go to very good use in helping us combat violent crime on our reservations.

I guess the question we come down to in these debates on appropriations—and particularly with regard to this amendment—is: Should we provide more badly needed funding to fight violent crime in Indian country or should we put additional funds into an organization that has engaged, according to the GAO and the inspector general, in wasteful spending of taxpayer dollars by providing what would be a substantial increase above the President's recommendation of \$311 million and, as I said before, an increase of \$42 million over the \$348 million that Legal Services Corporation received in last year's appropriations bill?

This bill, the underlying base bill, provides \$390 million to Legal Services Corporation. It is a program that has not been reauthorized since 1980. That is a 12-percent increase over the amount appropriated for the Legal Services Corporation in fiscal year 2007, and a 20-percent increase over the recommendations that were made earlier this year in the administration's budget. That substantial increase comes at a time when the Legal Services Corporation has faced very serious questions about its management and expenditure of taxpayer dollars.

The GAO and the Office of Inspector General within the Legal Services Corporation clearly lay out the management and waste that has been going on in the LSC. As I said, my amendment is a modest decrease in the amount of spending that is reflected in the underlying bill. Instead of a \$40 million increase, the Legal Services Corporation would still receive a substantial increase of \$20 million under my amendment.

Again, I would say that if you look at the GAO report, it is not some dated thing. This is August of 2007. The GAO in their report, entitled "Legal Services Corporation: Governance and Accountability Practices Need to be Modernized and Strengthened," noted a dozen officers and employees of the Legal Services Corporation have received compensation in excess of the statutory compensation limitation. According to the GAO and outside legal counsel, they issued an opinion last May concluding that LSC had not complied with the statutory limitation on the rate of compensation. The GAO agreed with that conclusion, and went on to state that: Without a properly designed and implemented end process for overseeing compensation, LSC re-

mains at risk of not complying with related laws and regulations and engaging in imprudent management practices.

Now, as my friend from Iowa has noted, they are responding, as rightly they should, to address those things. But I think the question is, do you want to reward, with a 12-percent increase, a significant increase over fiscal year 2007, that kind of behavior?

We have an opportunity here again to set priorities. In my view, we have a very serious priority that needs to be dealt with on our Indian reservations in this country, which has been pointed out in any number of different stories and articles.

I have lots of personal examples I can offer from people who actually live on reservations who work in the education system. I have a letter from a superintendent from a reservation school who says: We have one school resource officer in our school system who is certified as a law enforcement officer. However, on this particular reservation, we have a total of seven BIA policemen to patrol 2.2 million acres of reservation. The response time by the BIA police department can be hours for our residents on the reservation or typically result in no response at all.

If you look at the way these cases are prosecuted on the reservation, I have another letter from a constituent who lives out there who says:

In some of these situations the people committing the criminal activities have been caught. They have been sent to jail, released and [are] back on the street committing more crimes, sometimes within 24 hours of the last crime.

This principal in his letter talked about what is becoming a very deep endemic problem on reservations; that is, the increased presence of organized gangs, violence, and drugs.

There are lots of anecdotal examples I could share of the need for additional law enforcement presence. I cosponsored, along with Senator DORGAN, an amendment earlier on this bill that would increase the number of law enforcement personnel who would be on the reservations to address what is the issue of actually apprehending people when they commit crimes. What my amendment does is couples with that the other aspect, and that is making sure that when people are apprehended for committing these types of crimes, they go on to get prosecuted.

What is amazing is, if you look at the rate of prosecution on Indian reservations and how it compares with prosecutions elsewhere—there was an article recently in the Wall Street Journal that said that based on Justice Department data, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted. That compares with 56 percent for all other cases. It goes on to say that one of the reasons those cases don't get prosecuted in Indian country is because Federal prosecutors have long distances involved, a lack of resources, and the cost of hauling wit-

nesses and defendants to Federal court. As a consequence, a lot of cases are not being dealt with.

The U.S. attorney who deals with this in a very admirable way in my State of South Dakota suffers from a lack of resources to do the work that is necessary to make sure that crimes that are committed on the reservation are dealt with, and dealt with in an expeditious way.

If you look at the data—this is Justice Department data from 1992 to 2001—the average rate of violent crime among American Indians was 2½ times the national rate. In fact, according to one report in the Indian Country Today newspaper, Native American women are seven times more likely to be the victim of domestic violence than are other women, and more than 60 percent of Indian women will be victims of violent assault during their lifetime.

Senator DORGAN was on the Senate floor yesterday discussing this issue. He noted that one-third of Indian women will be raped or sexually assaulted during their lifetime. This is unacceptable. This has to stop.

What we are simply saying with this amendment is, here is a way to address the issue. Again, we need more law enforcement personnel on the reservations, which this bill will attempt to address, as will an amendment that was offered earlier by Senator DORGAN. I cosponsored an amendment offered by Senator BINGAMAN, the meth hot spots legislation, that would allow the cops made available under that legislation to be used by Indian reservations. But it is important that we get at the issue of making sure our U.S. attorneys are in a position to be able to prosecute when violent crimes are committed in Indian country. These statistics are stunning, when you look at the number of Native American women who are subject to these types of violent crimes—in many cases, sexual assault—that go unprosecuted because of a lack of resources to the Justice Department so U.S. attorneys can bring those cases in court.

I again come back to the basic premise of the amendment. It does increase funding for the Legal Services Corporation, the underlying bill does. The base bill increases it to \$390 million from the \$348 million level in fiscal year 2007. The administration budget actually recommended \$311 million. So \$311 to \$390 million is about a 20-percent increase. That was over the administration's budget. It is about 12 percent in the base bill over the fiscal year 2007 level from \$348 million to \$390 million. What my amendment does is pares back the size of that increase by \$20 million. So it will now go from \$348 million in fiscal year 2007 to \$370 million in fiscal year 2008. That is a better than 6-percent increase. So we are not taking away anything from Legal Services Corporation or their ability to do their job. We are simply saying a part of that substantial increase, coming at a time when the Legal Services Corporation is under tremendous scrutiny

and criticism from the Government/Accountability Office, as well as from their own inspector general, it makes sense, in my view, to take those resources, those \$20 million out of that particular account, apply that to giving the U.S. attorneys the resources they need to combat violent crime on our Indian reservations.

There isn't anything that works if you don't have a secure, safe environment. Public safety is the most important responsibility we have. Our Indian reservations today are suffering from a tremendous lack of enforcement of laws, a failure on the part of our Government to respond to providing security. I have talked with school superintendents and principals whose children cannot learn when they don't have a safe learning environment. That is what we are dealing with today because of a lack of law enforcement personnel and a lack of capability on behalf of the U.S. attorneys to prosecute crimes committed in Indian country so that those who perpetrate those crimes are not released and back out on the street to commit further crimes.

It is a straightforward amendment: \$20 million out of the Legal Services Corporation increase, a substantial increase still over what they received last year, and take that \$20 million and apply it to a very desperate need that we have on our reservations to make sure we are doing our best to provide public safety so our young children in Indian country have the ability to learn, to get educated, to conduct their lives, and to create an opportunity where the economy in Indian country can grow and prosper as well. You can't do that absent public safety and security.

I reserve the remainder of my time.

The PRESIDING OFFICER. Up to 3 minutes has been reserved. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond. Again, I want to read from the bill so it is clear in everyone's mind that none of the money the Senator from South Dakota is taking out of Legal Services will come from administration. The bill itself says, page 81: \$372 million is for basic field programs, \$13.8 million for management and administration—exactly what they had last year.

Again, we are not rewarding LSC management for being bad actors, nor are we rewarding the board for the poor oversight they provided. We are keeping the management and administration account to the same level it was funded at last year. So the money Senator THUNE is proposing to cut will come from field operations.

Secondly, there is a glass half full/half empty story about the increase in this bill for Legal Services. Over 11 years ago, this Congress cut Legal Services in half. Since that time, the number of people in poverty has grown. We have more poor people. Yet we still are not even at the level we were in

1995 for Legal Services. Imagine that. If we had kept pace with inflation from 1995 to now, Legal Services would be funded at the level of about \$566 million. This bill only gets it back to \$390 million. So we are not even where we were in 1995.

Lastly, while I understand what the Senator from South Dakota is saying about violent crime in Indian country and on reservations, we are cognizant of that, but why take the money away from the very services helping our Native Americans. As I said, 67 percent of Legal Services money spent in South Dakota goes to Native Americans. I would submit that a lot of that goes to help prevent the kind of domestic violence that results in prosecutorial action later on. Think of it like preventive medicine. Better to have Legal Services there, access for poor Indians who want to come in who may have domestic problems, landlord-tenant problems, child custody problems, whatever, that may lead to some kind of domestic violence. Better to let them have access to Legal Services and take care of it that way before it blows up into a violent situation.

I, again, hope Senators will reject the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, in response to my colleague from Iowa, this amendment doesn't take anything away from Legal Services Corporation. They received \$348 million in fiscal year 2007. This base bill proposes to increase that by \$42 million, or about 12 percent, to \$390 million in 2008. This isn't taking away anything they currently have. In fact, under my amendment the Legal Services Corporation gets a 6.3-percent increase over fiscal year 2007. There is nothing being taken away from anybody. There is nothing they have today that is going to be taken away. They will see a 6.3-percent increase. What this does is shift money to what, in my view, is a higher priority, and that is the need we have in Indian country for making sure that we are doing a better job of prosecuting cases and enforcing the law. We have a serious problem.

This is from the Justice Department: American Indians annually experience 7 sexual assaults per 1,000 residents compared with 3 per 1,000 among African Americans and 2 per 1,000 among whites. The statistics are in front of us. We cannot afford to allow these conditions to continue to exist at a time when we have a lot of young people coming up on Indian reservations who need access to good education, need an opportunity to achieve their dreams. You just can't do that absent public safety. What we have today in Indian country is a very serious situation. For everybody who comes into my office, this is the issue that continues to recur that they share with me. We have to address it. I believe we have a responsibility to do that.

This amendment does it in a responsible way, not by cutting anything for an organization from where it is today, but it simply reduces the increase that the Legal Services Corporation would get, from a 12-percent increase over last year's level to a 6.3-percent increase over last year's level, which seems a fair way of going about this.

I urge my colleagues to support the amendment and to do something about law enforcement and the crime problem that exists today on America's Indian reservations. In so doing, we will improve the quality of life for our citizens who live on America's reservations and hopefully provide a safer future for their children.

With that, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I know the hour between 3 and 3:15 has not been designated for debate, but as the manager of the bill and also as a professionally trained social worker, I want to speak against the Thune amendment.

What we want to acknowledge is the validity of the concerns to fund help for the Indian tribes. But let's go to the facts. Fact No. 1, the President's budget request eliminated dedicated funding for tribes. This very President, this very administration has eliminated dedicated funding for tribes. This committee, on a bipartisan basis, rejected that. It is true, we do need to help get those resources into Indian country. We do not doubt the validity of that. In response, we said no to the President eliminating dedicated funding, and yes to \$83 million. This subcommittee will put in \$83 million for tribal programs to fight crime, protect victims, and to help troubled tribal youth; \$35 million for tribal law enforcement, for training, hiring, for equipment, for court improvement projects; \$28 million for additional tribe assistance; \$10 million for youth intervention programs; \$6 million for domestic violence programs. We have said no to the President eliminating this, and yes to the \$83 million. Even the way OMB counts, that is real money. The second thing is we should not pit one group of needy Americans against the needs of other Americans.

Let's go to Legal Services. This agency was created in 1974, and it has been fighting for its existence ever since. But little by little over the years we made incremental improvements in its funding. However, in 1996 came a horrendous and Draconian cut. Legal Services endured a 50-percent cut in their funding. In 1980, the funding was \$300 million. Remember what we are talking about now. In 2007 funds, we are talking about \$390 million. If we had kept funding at the 1980 levels, just

with inflation, Legal Services would be funded at \$757 million.

So guess what. Senator MIKULSKI, the Democrats take charge. We take a look at Legal Services and we say: We are concerned. We are concerned that for over 1 million people Legal Services helps, 1 million need to be turned away. Fifty percent of the people who come for legal services have to be turned away because of a lack of lawyers, paralegals, and other support staff.

Let me say this: As a social worker—and, I might add, I am a dues-paying National Association of Social Workers member. I was a foster care worker. I was a child abuse worker. I was an antipoverty program worker. I am still that kind of social worker, only now I fight it on the floor of the Senate rather than in the neighborhoods of Baltimore.

As social workers, two of our best friends were our Legal Services lawyers and our school nurses. We could turn to them to have a team to help get families on the right track. We would turn to those Legal Services lawyers so that if a spouse was in a domestic violence situation, we could get the law enforcement help to them. We could get them through a divorce proceeding to get them on the right track, to give them a second chance, to get them moving.

Often they were victims of predatory lending or other schemes and other scams. It was the Legal Services lawyers to whom we would turn to get that taken care of. Sometimes unscrupulous landlords would have them in lead-saturated houses. We could turn to our Legal Services lawyers and our public health nurses and we were able to turn lives around. Thank God for the Legal Services lawyers.

Now, the Senator from South Dakota says this will not hurt anybody. You are not going after a corporation. We are eliminating lawyers and paralegals and the social support staff to help 1 million people. Darn right you are having an impact. You are not going after something called a corporation; you are going after our increases there.

Now, we did not fund administrative costs. We did not kind of bloat up a bureaucracy. Our money is specifically focused on lawyers, paralegals, and the social support staff for a difference. So when we say let's take it from Legal Services to help the tribes, well, 70 percent of the Legal Services population in South Dakota is Native American.

So I would hope we are not pitting one group of needy Americans against another group of needy Americans. We hope you reject the Thune amendment, support the Mikulski-Shelby bipartisan bill that puts \$83 million in to help with tribal assistance. We are looking at how to deal with additional resources on the meth issues.

Let's put Legal Services back on track. Let's help those lawyers. Let's help those paralegals. Let's help that social support staff work with people, families, and child services to turn

lives around. One of the best ways to really help fight crime is in those early interventions we can do with families. So really, I ask you, with all the professional experience I ever had in these areas, let's stick with Legal Services.

Madam President, I ask unanimous consent that the vote sequence now commence at 3:30 p.m. today under the same conditions and limitations as previously ordered and that the time until then be equally divided between the managers or their designees.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3295

Ms. MIKULSKI. Madam President, in about 15 minutes we will be voting on a series of amendments, and I wish to comment now on one of them, the Ensign amendment No. 3295.

I want my colleagues to know I oppose the Ensign amendment No. 3295. What the Senator from Nevada is proposing is to reduce the NASA funding in this bill by \$150 million and to put it into something called the State Criminal Alien Assistance Program.

Again, we are pitting good ideas against each other. That is why you have to really rely upon the chairman and ranking member, who kind of strike a balance with this bill.

In the CJS bill, we did want to fund the State Criminal Alien Assistance Program. We know how important it is because it reimbursed the States for detaining illegal immigrants. This is a priority for this subcommittee, and we provided \$400 million to do that. We are very aware that State budgets are stretched thin, that they should not bear the cost of paying the bill for detaining illegal immigrants. We do not want to create another unfunded Federal mandate there. So working with my colleague on the other side of the aisle, we made sure there was \$400 million in it. Now, we acknowledge that the Senator from Nevada would like to increase it. We would like to increase it as well. But already the President is threatening a veto because we restored the funding for the COPS Program.

Now, the cut to NASA is not a benign cut. It would be a devastating blow to NASA. It would be a major setback to

the exploration programs and a devastating blow to the science programs. It would harm our effort to do very important things, one of which is a key priority for funding the next-generation shuttle.

The shuttle, as we now know it, will retire in 2010. It is getting older, it has fewer flights that it can continue, and we need to be returning to space with a new vehicle. It is the No. 1 priority, on a bipartisan basis, for Senators KAY BAILEY HUTCHISON, RICHARD SHELBY, BILL NELSON, and BARBARA MIKULSKI, who kind have been the space Senators here. Also, it is the No. 1 priority for the administration, and it is the No. 1 priority for the director of NASA that we need not delay in getting ready for that vehicle that returns us to space.

From 2010, for another 3 to 5 years, we will have no access in space. We are going to rely on the kindness of allies to go back. We cannot lose time or ground. Our national security and our national honor depend upon it. Also, this would have a tremendous impact on the state of science, which goes to major efforts in terms of better understanding our planet Earth, where we do suspect intelligent life, and also the impact of climate changes. It is wonderful that we win the Nobel Prize on climate change—and we support our former colleague, Vice President Gore—but we have to keep winning those. Remember, the Nobel Prize not only went to Gore but to the scientists studying this. Regardless how you feel about the climate crisis, I think we need sound science and sensible solutions. So please, while we are looking at how are we going to pay the bills for the detention of illegal aliens in State facilities, don't penalize NASA. That would be an incredible setback to national security, to national honor, to national innovation, and a key administration priority.

So I hope that when the Ensign amendment No. 3295 comes up for a vote, my colleagues will join me in tabling this amendment.

I cannot say enough about the cooperation of Senator SHELBY and his staff and about finding a balance in this bill, because we had so many competing needs, and in each one we tried to strike the balance. We had the will, but we didn't quite have the wallet to do what we needed to do. But we certainly have made significant progress and went well beyond downpayments in meeting our responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I rise in opposition to amendment No. 3295 offered by the Senator from Nevada.

This amendment seeks to take \$150 million from NASA and will give it to the State Criminal Alien Assistance Program—a program that is already \$400 million dollars over the budget request of zero.

At first glance, a reduction of \$150 million from NASA's \$17 billion budget would seem minimal.

However, let's look at the facts. After debating this bill, it is clear that NASA is a priority for the Senate.

We debated and added an additional \$1 billion to NASA in order to partially compensate for the funding shortfall NASA has endured since the Columbia disaster. This funding will only cover one-third of the \$2.7 billion needed to keep NASA on track.

To cut funding will endanger NASA missions that will inform us about the world we live in, and cripple our ability to be competitive in space.

We are in a space race. While we are the current leader in space, there are many countries that want to take our place and are aggressively moving forward to do so.

The administration has articulated, and Congress has endorsed, a vision for exploration. The return of our astronauts to the Moon is a Priority and we have provided the funding to accomplish that goal.

Now this funding is in jeopardy.

And what are we jeopardizing our future for? The State Criminal Alien Assistance Program—a program that was not requested by the administration, and currently is funded in this bill at \$400 million.

We are being asked to add \$150 million to a program that barely touches many of our States. Since 2000, five States have received 77 percent of the \$2.8 billion in funding for this program.

Let me say that again—77 percent, or \$2.2 of the \$2.8 billion, for this program since 2000 has gone to only five States.

This can hardly be called a national program, although I'm sure it is an important program.

Yet, our Nation's space program benefits the lives of every American. The work that NASA does, from encouraging students into science and engineering careers, to innovative technology advances, improve our quality of life. The forward and innovative thinking at NASA helps to ensure our Nation has the ability to compete, and lead, in the global economy.

We are committed to keeping our leadership role in space.

In order to do so, we must make the right investments in space at the right times. That time is now.

I encourage my colleagues to oppose the Ensign amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

There are 2 minutes remaining under the previous order.

Ms. MIKULSKI. Madam President, I reserve 30 seconds for myself.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I wish to oppose this amendment. What we have, thanks to the two Senators who are leading this bill, is emergency funding for NASA to replace the funds that NASA had to expend as a result of the destruction of the Space Shuttle Columbia. These are funds that normally would be provided, as they were over two decades ago in the destruction of the Space Shuttle Challenger, out of emergency funds. Instead, this time, NASA has had to take it out of its hide, out of its own operating funds. Therefore, all the plans of what NASA is doing to complete the International Space Station, as well as prepare for the new vehicles, Orion and Ares, in the stack called Constellation, in a program to take us into human orbit again and eventually to the Moon, as well as all the scientific research that is going on, it is all coming out of these funds instead of out of emergency funds.

The two Senators have offered the leadership to make NASA whole. This little agency which is being starved of funds, they have restored these emergency funds. And now here comes Senator ENSIGN wanting to penalize NASA again.

I understand my time is up, and I yield the floor.

AMENDMENT NO. 3294

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate, equally divided and controlled, prior to a vote in relation to amendment No. 3294, offered by the Senator from Nevada, Mr. ENSIGN.

Ms. MIKULSKI. Madam President, on Ensign amendment No. 3294, I support this amendment and urge my colleagues to do so as well. We have arrived at a bipartisan solution. It is Ensign amendment No. 3295 that the Senators from Florida and Alabama and I oppose.

So on Ensign amendment No. 3294, I urge support of this amendment and urge we go to a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back. The question is on agreeing to Ensign amendment No. 3294. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

from North Carolina (Mrs. DOLE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—91

| | | |
|-----------|------------|-------------|
| Akaka | Dorgan | Menendez |
| Alexander | Durbin | Mikulski |
| Allard | Ensign | Murkowski |
| Barrasso | Enzi | Murray |
| Baucus | Feingold | Nelson (FL) |
| Bayh | Feinstein | Nelson (NE) |
| Bennett | Graham | Pryor |
| Bingaman | Grassley | Reed |
| Bond | Gregg | Reid |
| Boxer | Hagel | Roberts |
| Brown | Harkin | Rockefeller |
| Brownback | Hatch | Salazar |
| Bunning | Hutchison | Sanders |
| Burr | Inhofe | Schumer |
| Byrd | Johnson | Sessions |
| Cantwell | Kerry | Shelby |
| Cardin | Klobuchar | Smith |
| Carper | Kohl | Snowe |
| Casey | Kyl | Specter |
| Chambliss | Landrieu | Stabenow |
| Coburn | Lautenberg | Stevens |
| Cochran | Leahy | Sununu |
| Coleman | Levin | Tester |
| Collins | Lieberman | Thune |
| Conrad | Lincoln | Vitter |
| Corker | Lott | Voinovich |
| Cornyn | Lugar | Webb |
| Craig | Martinez | Whitehouse |
| Crapo | McCain | Wyden |
| DeMint | McCaskill | |
| Domenici | McConnell | |

NOT VOTING—9

| | | |
|---------|---------|---------|
| Biden | Dole | Kennedy |
| Clinton | Inouye | Obama |
| Dodd | Isakson | Warner |

The amendment (No. 3294) was agreed to.

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

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I think it is important we hear from the Senator from Nevada on this next amendment, which is an important one.

AMENDMENT NO. 3295

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3295 offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, very briefly, this is an amendment that would take \$150 million out of the NASA budget. We know NASA has been increased by \$1 billion over last year's budget, and we also increased this past week \$1 billion in emergency funding. It is \$150 million, not including the billion dollars in emergency funding over the President's request. We seek to help something that is always underfunded, and that is to help especially the southwestern States and their local law enforcement to combat criminals who are illegal aliens. There is a huge problem. They do not have the resources. So we took \$150 million out of

the NASA budget to put it toward programs to help combat not only illegal immigration but especially those who are here illegally and who are committing crimes. That is simply what this amendment does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 30 seconds to the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President and colleagues, I hope very much we will not adopt this amendment. We are already looking at a 5-year gap between 2010 when the shuttle goes out of existence and 2015 when the crew-returned vehicle comes online. That is a security risk for the United States. If we adopt this amendment, we are going to lengthen the time that America cannot put anyone in space. Russia can, China will probably be able to, India may be able to, but not America. That is a security risk I am not ready to take, and I hope my colleagues will defeat this amendment.

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

Ms. MIKULSKI. Mr. President, I too oppose the Ensign amendment. We have met our responsibility to the State Criminal Alien Program. We have put \$400 million in it. I believe the amendment is unnecessary.

I oppose it, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—68

| | | |
|-----------|----------|---------|
| Akaka | Brown | Cochran |
| Alexander | Bunning | Collins |
| Bayh | Byrd | Conrad |
| Bennett | Cantwell | Corker |
| Bingaman | Cardin | Cornyn |
| Bond | Carper | Craig |
| Boxer | Casey | Crapo |

| | | |
|------------|-------------|-------------|
| Dodd | Levin | Rockefeller |
| Dorgan | Lieberman | Salazar |
| Durbin | Lincoln | Sanders |
| Feinstein | Lott | Schumer |
| Gregg | Lugar | Sessions |
| Hagel | Martinez | Shelby |
| Harkin | McCaskill | Smith |
| Hatch | Menendez | Snowe |
| Hutchison | Mikulski | Specter |
| Inhofe | Murkowski | Stabenow |
| Johnson | Murray | Stevens |
| Kerry | Nelson (FL) | Sununu |
| Kohl | Nelson (NE) | Vitter |
| Landrieu | Pryor | Voinovich |
| Lautenberg | Reed | Whitehouse |
| Leahy | Reid | |

NAYS—25

| | | |
|-----------|-----------|-----------|
| Allard | Dole | McCain |
| Barrasso | Domenici | McConnell |
| Baucus | Ensign | Roberts |
| Brownback | Enzi | Tester |
| Burr | Feingold | Thune |
| Chambliss | Graham | Webb |
| Coburn | Grassley | Wyden |
| Coleman | Klobuchar | |
| DeMint | Kyl | |

NOT VOTING—7

| | | |
|---------|---------|--------|
| Biden | Isakson | Warner |
| Clinton | Kennedy | |
| Inouye | Obama | |

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. KYL. Mr. President, on rollcall Vote No. 367 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

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

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I have two very brief unanimous consent requests.

On rollcall 367, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

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

AMENDMENT NO. 3317

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled prior to a vote in relation to amendment No. 3317, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, last year the Legal Services Corporation was funded at \$348 million. This year the administration's budget proposed a funding level of \$311 million. The base bill under consideration today funds the Legal Services Corporation at \$390 million, which would be a 12-percent increase over the appropriated level in

fiscal year 2007. What my amendment does is simply takes \$20 million out of that increase. It still increases the Legal Services Corporation by 6.3 percent over fiscal year 2007 but takes \$20 million of that proposed increase for the Legal Services Corporation and applies it to fighting violent crime on America's Indian reservations by increasing funding for our U.S. attorneys so they can prosecute crimes committed on Indian reservations.

Around the country, 56 percent of crimes that are brought to U.S. Attorney's Offices end up being prosecuted. On Indian reservations that number is 30 percent. People on Indian reservations should not have to live in fear. Public safety is something for which we have responsibility. It is important we do something to address that. This amendment will move money toward fighting crime on Indian reservations to make it safer for people who live there.

Ms. MIKULSKI. Mr. President, on behalf of Senator HARKIN and myself, we vigorously oppose this amendment. We too acknowledge that we should help people who are victims of crime on Indian reservations. But the administration eliminated all funds to do that.

The bipartisan agreement puts \$83 million in for tribal programs to fight crime, protect victims, and help troubled tribal youth. What this amendment does is take money out of the first meaningful increase that Legal Services has had. This does not take money from something called a corporation, it takes it out of the lawyers, the paralegals, and the support staff who provide legal services to the poor in this country. In South Dakota, 70 percent of those are Native Americans.

Senator HARKIN and I oppose this moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—62

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

NAYS—31

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

NOT VOTING—7

| | | |
|---------|---------|--------|
| Biden | Isakson | Warner |
| Clinton | Kennedy | |
| Inouye | Obama | |

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

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

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

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

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

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

The Senator from Vermont.

AMENDMENT NO. 3249

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

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

The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

AMENDMENT NO. 3249, AS MODIFIED

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

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

The amendment, as modified, is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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