

Fundamental fairness dictates that we undo past errors to build public confidence in the rule of law. Americans must have faith and confidence that our drug laws are fair and proportional, and a rule correcting a past injustice should be applied retroactively to restore that public confidence. The public's faith is even more critical in crack cocaine cases where 85 percent of the defendants are African Americans—a fact which only enhances the public perception that harsh and punitive sentences are imposed disproportionately on persons of color.

Allowing judges to reconsider the sentences for crack offenders will not threaten public safety. As the Judicial Conference noted in its testimony before the Sentencing Commission, “no offender would be eligible for release without judicial approval.” This amendment allows judges the discretion to give a sentence outside of the Federal guidelines but does not mandate that such a sentence must be imposed. As chairman of the Senate Judiciary Committee, I have some experience with the people who serve our Nation in lifetime positions on the Federal bench. Unlike those who argue that the sky is falling, I have every confidence in the ability of our Federal judges to use this power sparingly and to provide a proper check when necessary to prevent the release of dangerous offenders back into our communities and neighborhoods.

Most importantly, while I abhor the damage done by drug abuse, I also abhor that the penalties for those in the inner city are different than for those in affluent society. For 21 years, far too many African Americans and low-level drug offenders were subject to unfair and overly punitive Federal crack cocaine sentencing laws. With the Commission's amendment to reduce this disparity, we begin the process of healing wounds which have long shaken the public's confidence in our Federal drug policy. Applying this fix retroactively is only fair and just.

The administration's failure to support retroactivity of even the slightest modification of crack penalties is both a surprise and a deep disappointment. I recall that 2 days before taking office, President Bush said that we should address this problem “by making sure the powder cocaine and the crack cocaine sentences are the same.” He also said, “I don't believe we ought to be discriminatory.” Yet his Justice Department has strongly opposed retroactive application of this crack cocaine reform amendment, even though failure to act would once again disparately impact African Americans, since an estimated 85 percent of those who would benefit from the policy are African Americans. The Justice Department's position would also erode public confidence that our drug laws are free from bias since previous drug reform amendments more likely to benefit Whites and Hispanics were made retroactive.

Thankfully, the Sentencing Commission accepted the administration's view. Their decision today was unanimous. I hope the Attorney General will take notice and move to support drug laws that treat all Americans equally.

While fundamental change will require congressional action, I salute the Sentencing Commission for its leadership on this issue. I urge my colleagues to support the Commission's decision and support additional changes to our laws to further reduce the disparity in our Federal cocaine sentencing laws. It is long past time for us to rectify this problem.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING HIDALGO EARLY COLLEGE HIGH SCHOOL

• Mr. CORNYN. Mr. President, today I recognize the many schools in my State of Texas that are working to close achievement gaps and provide their students with an excellent education. Last week, the U.S. News and World Report issued the very first national rankings for the Best High Schools in America. Out of more than 20,000 schools that were evaluated, one school in south Texas, Hidalgo Early College High School, ranked 11th among the top schools that provide “a good education across their entire student body, not just for some students.”

I will have more to say about the other schools on the list in separate remarks, but today I would like to focus on the extraordinary story of Hidalgo High School, home of the Pirates and 850 Hispanic students in grades 9-12.

Hidalgo, TX, is a small town, population 7322, on the U.S.-Mexico border about 250 miles south of San Antonio. Although Hidalgo is the fourth largest U.S. port of entry, unemployment tops 11 percent and nearly 40 percent of the population is below the poverty level. Over a quarter of the students at Hidalgo High are limited English proficient. Yet this school has a 94-percent graduation rate.

A grant from the Bill and Melinda Gates Foundation in 2006 has allowed Hidalgo High and the University of Texas-Pan American to develop an innovative partnership for college preparation. All students at Hidalgo High School are enrolled in the Early College High School Program, where they will earn both a high school diploma and an associate's degree or up to 2 years of credit toward a bachelor's degree. Students receive college level credit from the University of Texas-Pan American. The class of 2010 will be the first class to participate in this program for a full 4 years.

According to Hidalgo High Principal Edward Blaha:

We continuously strive to seek high expectations for all students in their academic, civic and social endeavors and to provide them with opportunities for a successful transition to higher education and the mar-

ketplace. . . . Our high school program is designed to engage students in active, collaborative learning that emphasizes the development of critical thinking skills to be applied to real-world concepts.

Congratulations to Principal Edward Blaha, the faculty and staff, and all of the students and their families at Hidalgo High School on achieving this distinction. The decision to pursue the Early College High School Program provides students with the educational opportunities necessary to generate economic and intellectual progress. I am proud of your vision, hard work and achievement.●

##### RETIREMENT OF ELESTINE SMITH NORMAN

• Mr. GRAHAM. Mr. President, it is my honor and distinct pleasure to recognize Elestine Smith Norman for 34 years of public service to South Carolina's Third Congressional District. Elestine's dedication to her community is without equal and I was fortunate to have her as a member of my staff when I served in the House of Representatives.

Born on December 12, 1949, to the late Wilbert and Elese Morton Smith of Greenwood, SC, Elestine is the youngest of five children. She attended Brewer High School in Greenwood and became the first member of her family to graduate from college, receiving degrees from Piedmont Technical College and Limestone College.

Elestine has been married to Willie Neal Norman for 37 years. Neal works for the South Carolina Department of Social Service and is the pastor of Weston Chapel AME Church in Greenwood where they have faithfully served for 18 years.

She is a two-time survivor of breast cancer and will be the first to tell you that her faith in Jesus Christ provided her the strength to beat this deadly disease.

Elestine's commitment to her community extends well beyond the office door. She was president of the Greenwood Business and Professional Women's Club, a board member of the local United Way, and sat on the Board of Visitors for both Piedmont Technical College and Lander University. In 2007, she was recognized with the Women's History Month Government Award from the AME Church for the State of South Carolina.

Elestine began her career with the U.S. House of Representatives in 1973. She has been a constituent service liaison for four consecutive Members from the Third Congressional District, Democrat and Republican Representatives Bryan Dorn, Butler Derrick, me, and the current office holder GRESHAM BARRETT. Her love for people and her desire to serve has always put her above a party label.

At the end of this year, Elestine Norman will retire after more than three decades of public service. I thank her for her passion and dedication to her

job. She exemplifies the high level of service to humanity we should all strive to achieve.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, December 11, 2007, he had signed the following enrolled bills and joint resolution, previously signed by the Speaker of the House:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

At 1:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4341. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

S. 2440. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

S. 2441. A bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4202. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Hospital Mortgage Insurance Program" (RIN2502-AI22) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4203. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits" (RIN2577-AC62) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4204. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003" (RIN3084-AA94) received on December 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4205. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Purchase, Sale, and Pledge of Eligible Operations" (RIN3133-AD37) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4206. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rule 12h-1 under the Securities Exchange Act of 1934" (RIN3235-AJ91) received on December 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4207. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AE19) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airplane Performance and Handling Qualities in Icing Conditions"

((RIN2120-AI14)(Docket No. FAA-2005-22840)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-204)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Model DG-1000T Gliders" ((RIN2120-AA64)(Docket No. 2007-CE-032)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SICMA Aero Seat 50XXX Passenger Seats" ((RIN2120-AA64)(Docket No. 2007-NE-09)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Societe de Motorisations Aeronautiques SR305-230 and SR305-230-1 Reciprocating Engines" ((RIN2120-AA64)(Docket No. 2007-NE-26)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D Turboshift Engines" ((RIN2120-AA64)(Docket No. 2005-NE-54)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11, MD-11F, DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-061)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B/E Aerospace SkyLuxe II Passenger Seats" ((RIN2120-AA64)(Docket No. 2007-NE-21)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 2B1 Turboshift Engines" ((RIN2120-AA64)(Docket No. 2007-NE-02)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2007-