

simple interest, to pay the interest on the debt, to cover what we are leaving to our children and grandchildren, is \$45,300 a year.

The greatest moral question in our country today is not the war in Iraq, it is not who marries whom, it is not abortion, it is not child abuse, it is stealing the opportunity and the heritage this country has given us and taking that away from our children and grandchildren.

I know the Senator from Vermont is not happy with me for doing this. He believes it is fruitless. But it is the very real difference between he and I. I believe there is plenty in the Federal Government that is not working right that we ought to be about fixing, and one of the ways we do that is by forcing ourselves, before we do a new program, to look at the old programs and see what is wrong with them and clean them up. You can debate that. You can object to it. But the fact is, the vast majority of Americans agree with that.

We are going to be going through this multiple times this year until we get to the fact that we are doing what our oath tells us to do. That oath is to the Constitution. We cannot fulfill that oath if we continue to waste money on ineffective programs and authorize programs that are not accomplishing their goals. It is an oath that we violate, an oath to the Constitution but, more important, it is an oath we violate to the very people who sent us here.

Every dollar we waste today is a dollar that is not going to reduce that \$453,000 for our children and grandchildren. One of the greatest joys I have in life today is that I have four grandchildren, each one of them unique, and the great pleasure of seeing your children through your grandchildren and reliving memories. That is always couched in the idea of what can I do to make sure the future is fair and a great opportunity is made available to them and all their peers throughout this country, no matter where they come from, what family they come from. Shouldn't they all have the same opportunities?

If you read what David Walker, the Comptroller General of the United States, has to say—and all you have to do is go on the Web site of the Government Accountability Office—what you find is we are on an unsustainable course. It is not what TOM COBURN says, it is what the head of the Government Accountability Office says. Things have to change. Every day we wait to change them costs us money and makes it more painful when we get around to changing them.

I plan, in a moment, on offering to proceed to the bill. We are out here today because the vision that was created for us, and the heritage that was created for us, is at risk. It is at risk because we do not want to change our culture. We don't want to be responsible. We want to pass but not oversee. We want to do the easy but not the hard. The hard is the thing that is

going to secure the future for our children and our grandchildren.

It is easy for us to pass a port security bill. It is bipartisan. It is hard for us to do the very real work of making sure every penny, of the American taxpayers' dollars is spent in an efficient way, that it is not wasted.

Mr. President, if you think \$1 in \$5 of the discretionary budget of this country should not be wasted, if you think the Congress ought to be about looking at everything and saying, is it working, ought to be about getting rid of the \$200 billion of waste, fraud, abuse, and duplication that is in our Federal Government today, then there is no way you could disagree with the principles I outlined to all the Senators in this body. Yet we find ourselves here at this point in time because the chairman of the Judiciary Committee refuses to agree with the premise that we owe it to our children and grandchildren. That is basically it because I am not about to do that. We do not believe that is necessary.

Something has to change if we are going to give our children and our grandchildren the benefits and the opportunity we have all experienced. I think that is worth taking some time on the floor, pushing the envelope to raise the awareness of the American people. I know I can't change this body through persuasion, through words. But what does change this body is the American people. The American people are the ones who send us here. If they will act, if they will put pressure on, then we will do what we are supposed to do. It is a shame we have to work it that way, but this last election proved that. It proved when we are not doing what we are supposed to be doing, the American people awaken, and they change who has the power, who has the representation.

What I am calling for is let's do that for the American people. Let's do it ahead of time. Let's not make them force a change, let's do what we were sent up to do.

With that I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, I make a motion to proceed to the bill.

The PRESIDING OFFICER. The motion is pending. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

#### COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will now proceed to the consider-

ation of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

[Insert the part printed in italic]

S. 378

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

#### TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

##### SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

“The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

##### SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting “or a family member of that individual” after “that individual”; and

(2) in subparagraph (B)(i), by inserting “or a family member of that individual” after “the report”.

##### SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of

1978 (5 U.S.C. App) is amended by striking “2005” each place that term appears and inserting “2009”.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(iv) the nature or type of information redacted;

“(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

“(vi) principles used to guide implementation of redaction authority; and

“(vii) any public complaints received in regards to redaction.”.

#### SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking “and the Court of International Trade” and inserting “, the Court of International Trade, and any other court, as provided by law”.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting “and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.”.

#### SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, \$20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

#### TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

##### SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

##### “SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

“Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation,

shall be fined under this title or imprisoned for not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”.

#### SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 118. Protection of individuals performing certain official duties

“(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

“(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

“(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

“(2) the term ‘covered official’ means—

“(A) an individual designated in section 1114; or

“(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

“(3) the term ‘crime of violence’ has the meaning given the term in section 16; and

“(4) the term ‘immediate family’ has the meaning given the term in section 115(c)(2).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

“118. Protection of individuals performing certain official duties.”.

#### SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

#### SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.”.

#### SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112;”;

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking “20 years” and inserting “30 years”; and

(B) in subparagraph (C), by striking “10 years” and inserting “20 years”;

(3) in subsection (b), by striking “ten years” and inserting “20 years”; and

(4) in subsection (d), by striking “one year” and inserting “3 years”.

#### SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after “probation”; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking “20 years” and inserting “30 years”;

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after “probation”; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking “ten years” and inserting “20 years”; and

(4) by redesignating the second subsection (e) as subsection (f).

#### SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking “ten years” and inserting “20 years”; and

(2) by striking “six years” and inserting “10 years”.

#### TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

##### SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

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

(2) in paragraph (4), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

##### “SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.”.

##### SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

“(4) grants to State courts to improve security for State and local court systems.”; and

(2) in subsection (b), by inserting after the period the following:

“Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.”.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

- (1) striking “80” and inserting “70”;
- (2) striking “and 10” and inserting “10”; and

(3) inserting before the period the following: “, and 10 percent for section 515(a)(4)”.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting “and State and local court officers” after “tribal law enforcement officers”; and

(2) in subsection (b), by inserting “State or local court,” after “government.”.

#### TITLE IV—LAW ENFORCEMENT OFFICERS

##### SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic

home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

#### TITLE V—MISCELLANEOUS PROVISIONS

##### SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

“(f) The Commission may—

“(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531);

“(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

“(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).”.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

##### SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after “hold office during good behavior,” the following: “bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges ap-

pointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

##### SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: “However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.”.

##### SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking “Northern Mariana Islands” the first place it appears and inserting “Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)”.

##### SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “2006” and inserting “2011”.

##### SEC. 506. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking “12” and inserting “11”; and

(2) in the item relating to the Ninth Circuit, by striking “28” and inserting “29”.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Mr. President, I wish to speak in favor of S. 378, the Court Security Improvement Act. But before I do, I wish to address remarks made this morning by the majority whip, the distinguished Senator from Illinois, for whom I have a lot of respect, but I have to tell you, I disagree with those comments, and I wish to take a few moments to explain why.

Throughout his comments, the Senator repeated the theme that Republicans were stopping debate on the floor and not allowing bills to be debated. I disagree with him, and I believe nothing could be farther from the truth. The truth is, as I see it, the majority has tried to force things through the Senate, and they have done so in a way that has denied the minority an opportunity to offer amendments and to allow this body, the so-called world’s greatest deliberative body, to

even have votes and make decisions on those important amendments.

This morning, the Democratic whip talked about our Founders' intent that "minority rights would always be respected." In this body, minority rights are not being respected. That is the problem. So we have no choice but to assert the last protection against majority tyranny; that is, to object or vote against invoking cloture or closing off debate.

In the past, the majority has used cloture when necessary to move a bill forward, after debate has been exhausted, but the minority refuses to allow movement on the legislation. I think that is a perfectly legitimate use of the cloture motion.

By this date in the 109th Congress—the Congress just preceding the current Congress—Republicans, when they were in the majority, had filed cloture four times. In the 108th Congress—the immediately preceding Congress—at this point in time, when Republicans were in the majority, Republicans had filed cloture five times. In the 107th Congress, Republicans only filed cloture one time at this point in time.

By comparison, since the Democrats have now become the new majority in the Senate, Democrats have filed cloture 22 times. The question naturally arises: Why are Democrats using this divisive tactic so frequently to close off debate?

Well, I think my colleague from Illinois disclosed the reason this morning when he stated:

Ultimately, they will be held accountable for their strategy. That is what elections are all about.

It is the view from this Senator, from my perspective, the Democrats are using this tactic to paint Republicans as obstructionists, when the exact opposite is true. The new Democratic majority in the Senate is refusing to allow full and fair debate on issue after issue and, more importantly, denying us an opportunity to offer amendments on important legislation and to simply have an up-or-down vote on those amendments.

I can tell you, from my perspective, Republicans do not enjoy the procedural clash any more than Democrats do. But it is necessary to protect this institution and, even more importantly, necessary to protect the rights afforded in the Senate to the minority.

We have been eager to engage in full debate, and we understand the rules that majorities will prevail when majorities have an opportunity to vote. But the rules do not permit the new majority, the Democrats, to unilaterally set the terms for the debate. Until the Democratic majority recognizes all Members of this body have the right to debate legislation, to offer amendments, and to have votes on those amendments, we will continue in this standoff.

It is true, I believe, that only the majority—the new Democratic majority—can fix this problem by simply allowing

full debate to go forward and by allowing up-or-down votes on amendments on the Senate floor, which requires discussions, which requires negotiations, and, yes, it requires compromise.

Filing cloture—closing off debate—is an intensely aggressive move. It says: We do not want to hear your opinions. We do not want to hear your views. We do not want to consider your ideas on how to improve the legislation on the floor of the Senate. We want to shut down the debate, and we want to shove this legislation through the Senate. It is a "my way or the highway" approach to legislation. And do you know what. It does not work.

I would point out—and I guess it is fair to say if you have been in the Senate long enough—and I have not—but I have been told, if you have been in the Senate long enough, you will find yourself, at some points in your career, on the side of the majority, and at other times you will find yourself on the side of the minority. It is the way it works.

Last Congress, when Democrats were in the minority, they insisted that the filing of cloture turned the Senate into the House of Representatives—a refusal to allow open and broad debate, with hard majority rule. Here they are now, though, attempting to cut off debate at, it seems, almost every possible turn. It is the reason—and this is the consequence of it; it is not just complaining about it; this is the consequence that has a very real impact on the American people because the new majority, the Democratic majority, has refused an opportunity for full and fair debate and votes on amendments—that is the reason why Democrats have not sent any real legislation to the President for his signature after 3 months in power. They have chosen the hard edge of party politics instead of bipartisanship.

Our Democratic friends have chosen to pursue this agenda driven by campaign rhetoric instead of seeking the broad middle ground and trying to negotiate and to pass legislation on behalf of the American people. It is true that Democrats won the last election—and my congratulations to them—on a message of bipartisanship, on a message of, let's get things done. But their choices to date have not reflected any effort to seriously reach across the aisle to do that.

One example that comes to mind is on Iraq. My colleague from Illinois claimed:

We were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time on the floor considering a resolution, going on record as to whether we approve or disapprove of the President's action.

The fact is, completely the opposite occurred. Republicans on this incredibly important debate asked only that we be allowed to discuss the issue fully, and the Democratic majority repeatedly attempted to ram through their resolution without offering any alter-

natives or any opportunity for alternative resolutions to be considered and voted on. We explained this on the Senate floor over and over during that discussion, but our colleagues in the majority simply turned a deaf ear to our concerns. When they finally allowed several options to be considered, we were able to have a full debate we had been asking for all along, and then the process moved forward.

I would point out that was on the 20th iteration of the resolutions on Iraq before we had an opportunity to have that debate, a vote, and to move the process forward.

My colleague from Illinois repeated several times this morning his hope that we could "find some ways to establish bipartisan cooperation."

I say to my colleague, there is a way to do that. The majority must stop trying to ram legislation through and allow us to debate openly and to file relevant amendments and allow an up-or-down vote on those amendments.

My colleague from Illinois talked about the "do-nothing Congress" of last year—that was his phraseology—and placed sole blame for the current majority's lack of accomplishments on the minority's refusal to invoke cloture or close off debate. The Washington Post just this morning reported that only 26 percent of the public thinks the current Democratic majority in Congress has accomplished "a great deal" or "a good amount."

The fact is, this approach to legislating has not produced a single piece of significant legislation so far in this Congress due to the lack of bipartisanship and due to the lack of opportunity the minority has had to fully participate in the debate and shaping of legislation. Of the 17 laws enacted this Congress, 10 of those are naming of Federal properties. Let me say that again. Of the 17 pieces of legislation enacted in this Congress so far, 10 of them involve naming of Federal properties, Federal buildings, post offices and the like. Not one of the "six for '06" campaign promises has been passed by Congress.

The majority, to be sure, is blaming the minority for the lack of progress here based on the result of cloture votes, but let's look at the facts.

On the 9/11 bill, the recommendations of the 9/11 Commission, the House and the Senate passed different bills. Democratic leadership in neither body has brought up the other's bill so that those might be resolved in a conference committee.

On the minimum wage bill, the House and the Senate passed different versions, but no conferees have been appointed by either body.

On the emergency war supplemental, perhaps the most urgent piece of legislation we could possibly pass and send to the President to support the troops who are in harm's way as I speak, the House and the Senate passed different versions of the bill. The House, fresh off of a 2-week recess, has yet to appoint conferees to start working out

the differences between the bills to get funding to our troops. This is especially damaging and reckless, considering the majority is insisting we send a bill to the President that has a timeline for withdrawal, a provision that has caused the President to promise to veto that legislation. That means before the troops can get the money they need—in other words, to get them the equipment they need during this war—before we can get them the money, we have to come up with a bill the President will sign. Yet the Democratic majority has continued to play politics and stall the bill.

On stem cell research, no conferees have been appointed. The same for the budget. The same for lobbying reform. The list goes on and on.

The distinguished Senator from Illinois, the Democratic whip, explained that due to the numbers in this body:

On any given day, if we're going to pass or consider important legislation, it has to be bipartisan.

And that:

If we're going to be constructive in the United States Senate, we need much more bipartisan cooperation.

He continued, saying:

We should come together, Democrats and Republicans, and compromise and cooperate.

And asking,

Isn't it time we really start out on a new day in the Congress trying to find bipartisan ways to cooperate and solve the real problems that face our country?

To that I say amen. It is past time for the new majority in this body to stop acting like they are Members of the House of Representatives who are going to be able to force their will by a simple majority through the Senate because this is not the House. This is the Senate. The only way we are going to be able to get any legislation passed is through bipartisan cooperation. The only way we are going to get that cooperation is to meet in the middle somehow, to debate as our constituents would expect us to debate, to take positions—yes, firmly held positions—based on our convictions. But then ultimately we need to have votes on amendments and votes on legislation and let the majority prevail. Let's send the bills to the President for his signature. That is the way it is supposed to work. That is the way it has not been working, but we know the way forward.

I have to tell my colleagues that I and my Republican colleagues would welcome the opportunity to sit down on a bipartisan basis and to reach a consensus on important issues such as how to preserve our entitlement programs, including Social Security, Medicaid, and Medicare by protecting their long-term solvency. How do we avoid passing the bills incurred by the baby boomer generation on down to our children and grandchildren? How can we expand health care access to more Americans? How can we solve our broken immigration system, along with the broken borders that pose a national security risk to each and every Amer-

ican citizen? After all, I have to believe that is the reason we ran for public office. That is the reason we wanted to be elected to serve in the Senate—whether we are a Republican or a Democrat—to make a difference for the American people, to make our country a better place, and to make tomorrow better for our children and grandchildren than it is today. Instead, we spend day after day taking partisan votes that lead to nothing but gridlock. This is the choice of the majority, not the choice of the minority.

After the first 100 days, the Congress is, again, at a fork in the road. So far the new majority has taken the path of partisanship, but we know that will not get us down the road to progress. I hope during the second 100 days of this new Congress, the new majority will pause and decide to take the road less traveled—the road of cooperation and accomplishment.

Mr. President, I want to speak briefly on the Court Security Improvement Act, a bill of which I am proud to be a cosponsor. As we have already heard, this bill is designed to address the critical issue of the security of our judges and courthouse personnel. I have to add as a personal note, this is not a matter of just some academic interest to me. I believe I am correct in that I am the only current Member of the Senate who has served as a member of the judiciary, in my case for 13 years in our State court system in Texas, both at the trial bench and at the Texas Supreme Court level. So this is more than a matter of academic interest to me. Protecting our men and women who personify the rule of law and all that it means is very important.

The dedicated men and women who work in America's courthouses, from the judges to the court reporters to the bailiffs, preside each day over difficult, contentious, and sometimes very emotional disputes.

These public servants, just like our police, are placed in harm's way by the very nature of their jobs. They fulfill essential roles that keep our democracy running smoothly, and I have the greatest respect for the people who try to do this job and try to do it well.

Unfortunately, violence directed at public servants is on the rise, from escalating violence against police officers to courthouse attacks—including in my State of Texas—these despicable actions threaten the administration of justice and threaten our ability to invoke the rule of law.

This Congress has the power, and now we must exercise it, to ensure that certain and swift punishment awaits those who engage in these unconscionable acts of violence. The administration of justice—indeed, the health of our very democracy—depends on our ability to attract dedicated public servants to work at our courthouses. So we must do everything in our power to provide adequate security to these men and women who are too often targeted for violence or harassment simply because

of the position they hold and the decisions they are called upon to make.

As a former attorney general in my State, I had the responsibility of defending sentences on appeal of certain defendants who had been found guilty of violent acts. So I am acutely aware of the devastating effects criminal acts of violence have on not only the victims themselves but also on their families. Because I also used to be a judge, I am fortunate to have a number of close personal friends who continue to serve on our benches and work at our courthouses. I personally know judges and their families who have been victims of violence, and I have grieved with those victims and their families.

Our judges are impartial umpires of the law. We know they cannot help but disappoint some people because that is what they do—they make decisions. They determine winners and losers. Judges, witnesses, and courthouse personnel must not face threats and violence for simply doing their job.

The protection of the men and women who compose our judicial system and serve the public and law enforcement is essential to the proper administration of justice in our country. This important bill takes big steps toward providing additional protections on these dedicated public servants. I urge my colleagues to give it their full support.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### SUPREME COURT RULING ON ABORTION BAN

Mrs. FEINSTEIN. Mr. President, this morning, I heard my friend and colleague, Senator BROWNBACK, on the floor speaking about the decision of the Supreme Court. He and I both chair the Senate's Cancer Coalition, so it has been a great pleasure for me to work with him. But we have very different views when it comes to a woman's right to choose, and I would like to rise today to express my concern and deep dismay regarding the Supreme Court's decision in the case of *Gonzales v. Carhart*.

This judgment today is a major strike against a woman's right to choose. The Court, in this case, by a narrow 5-to-4 margin, has essentially enacted the first Federal abortion ban in this country and has struck down a primary requirement of *Roe v. Wade*—protection of the health of a mother.

In her dissent, Justice Ginsburg wrote:

Today's decision is alarming. It refuses to take *Casey* and *Stenberg* seriously. It tolerates, indeed applauds, Federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetrics and Gynecologists. It blurs the line firmly drawn in *Casey* between pre-viability and post-viability abortions. And for the first time since *Roe*, the court blesses a prohibition with no exception safeguarding a woman's health.

This is simply shocking. It is shocking because this can affect any second-trimester abortion.

Just 7 years ago, the Supreme Court struck down this very ban in *Stenberg v. Carhart* in the year 2000. It struck it down out of concern that it did not provide adequate protections for a woman's health and that the law enacted was too vague. The Federal courts, the Fifth and the Ninth Circuits, have all examined this and opposed it. No Federal Court has upheld this abortion ban until today.

Now, what has changed in the 7 years? The answer is nothing, except the composition of the Court. The additions of Chief Justice Roberts and Justice Alito have accomplished what the Bush administration has sought from its earliest days—a court willing to further restrict a woman's right to choose.

When they appeared before the Judiciary Committee during their confirmation hearings, both Chief Justice Roberts and Justice Alito affirmed their respect for stare decisis as pre-eminent and a controlling factor. In these hearings, Chief Justice Roberts said, and I quote:

People expect that the law is going to be what the court has told them the law is going to be. And that's an important consideration.

Justice Alito said, and I quote:

I've agreed, I think numerous times during these hearings, that when a decision is reaffirmed, that strengthens its value as stare decisis.

With Justice O'Connor no longer on the Court, the majority of Justices ignored what Senator SPECTER referred to as "super precedent" in these hearings.

As Justice Ginsburg points out:

The Court admits that "moral concerns" are at work, concerns that could yield prohibitions on any abortions.

She continues:

Instead, the Court deprives women of the right to make an autonomous choice, even at the expense of their safety. This way of thinking reflects ancient notions about women's place in the family and under the Constitution—ideas that have long since been discredited.

The Court, now filled with Bush appointees, is replacing the judicial precedent that they promised to respect for their definition of morality. That is where I see us as being today. With this ruling, the Supreme Court has substituted the medical decisions of politicians for that of doctors.

In the Congressional findings of the legislation creating this ban, as well as the majority opinion of the Court, poli-

cians and Justices decided what procedures are medically necessary and which are not. Justice Kennedy wrote, in today's majority decision, that the Court assumed the abortion ban would "be unconstitutional if it subjected women to significant health risks." He goes on to declare "safe medical options are available."

However, doctors who perform these procedures disagree. The American College of Obstetrics and Gynecology, the group that represents more than 90 percent of all OB/GYN specialists in the country, assembled an expert panel that identified several specific instances in which this procedure, intact dilation and extraction, has meaningful safety advantages over other medical options.

The procedure is safer for women with serious underlying medical conditions, including liver disease, bleeding and clotting disorders, and compromised immune systems.

Experts also testified that this procedure is significantly safer for women carrying fetuses with certain abnormalities, including severe hydrocephalus. That is when the head fills with water and is very often larger than the body. In these rare and heart-breaking cases in which a woman learns that something has gone tragically wrong in a pregnancy she very much wanted, no woman should be forced to bear the added burden of undergoing a medical procedure that is not the safest option.

The decision today unquestionably breaks new ground. I am extremely concerned that this has opened the door to a further judicial interference in what should be private medical decisions made by women, their partners, their religious beliefs, and their doctors. With this decision, the Roberts Court is signaling a new willingness to uphold additional restrictions on abortion, even those that do not expressly protect a woman's health. This is dangerous.

The Roberts Court has also opened the door for a major change in how it will determine whether a law unconstitutionally restricts a woman's rights. Generally, laws have been struck down when they are unconstitutional on their face, because if a law is unconstitutional for 10 people or 10 million people, then it should not stand. The Court is turning that analysis on its head. The Court's opinion today says it may uphold laws, even when they may be unconstitutional.

This means that in the future a woman could be put in an untenable situation. A woman facing a health crisis needs to act within days or weeks but instead would need to depend on the legal system. Let me give you an example.

A woman learns her pregnancy has gone tragically wrong and her health is at risk. She is told by the doctor that there exists a medical procedure that would help her, but it is banned. The alternatives will risk her health.

She has to go to court and argue that her constitutional rights, in this specific instance, have been violated.

We all know the wheels of justice spin slowly. It is doubtful the system could respond in a timely manner to a woman in this kind of crisis. If she can prove her case, she might be allowed to have the procedure, but the ban itself would still remain in place, requiring the next woman in a similar situation to have to successfully demonstrate that the law is unconstitutional. This is amazing. The Court, in effect, is requiring that women's health be at risk until it deems enough women have demonstrated the negative impact of the law on them. Requiring this type of legal challenge to any restriction on abortion will impact women in the most vulnerable situations.

I would like, for a moment, to quote Justice Ginsburg. She points out:

Those views, this Court made clear in *Casey*, "are no longer consistent with our understanding of the family, the individual, or the Constitution." . . . Women, it is now acknowledged, have the talent, capacity, and right "to participate equally in the social life of this Nation."

In this, incidentally, she is quoting Sandra Day O'Connor in places in an earlier decision.

Their ability to realize their full potential, the Court recognized, is intimately connected to "their ability to control their reproductive lives." . . . Thus, legal challenges to undue restrictions on abortion procedures do not seek to vindicate some generalized notion of privacy; rather, they center on a woman's autonomy to determine her life's course, and thus to enjoy equal citizenship stature.

In keeping with this comprehension of the right to reproductive choice, the Court has consistently required that laws regulating abortion, at any stage of pregnancy and in all cases, safeguard a woman's health.

This is now out the window. It is monumental.

In conclusion, I remember what it was like when abortion was illegal in America. It was when I was a college student at Stanford. I watched the passing of the plate to collect money so young women could go to Tijuana for an abortion. I knew a woman who ended her life because she was pregnant. In the 1960s, while abortion was still illegal, as a member of the California Board of Terms and Parole, I sentenced women convicted of illegally performing abortions. I saw the morbidity that they caused by their procedures. It was barbaric in those days. So I am very concerned with this ruling.

The Court is taking the first major step back to these days of 30, 40 years ago. Young women today have not had these experiences. They have lived only in an era in which the Court recognized their autonomy, their right to make their own medical decisions. If I were a young woman today, I would be incredibly concerned that this era is drawing to a close. The threat on reproductive freedom is no longer theoretical. Today it is very real. All those who care about protecting a woman's right to privacy should take notice and make their voices heard.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I appreciate very much the minority allowing us to move to this bill, this most important bill, dealing with court security. But here we go again; nothing happening on it. I am willing to have Democrats and Republicans debate these amendments. There have been some that have been filed but not offered.

I just left a meeting in my office with the head of the U.S. Marshals Service. His name is John Clark. He indicated to me, among other things, that this year there has been a 17-percent increase in the threats against our Federal judges, Supreme Court Justices, and all our other Federal judges; about 11,000, I think that is what he told me. I may have that number a little bit wrong; I just left him a minute ago.

This is important legislation. It allows our Federal judges not to have to list the names of their children, where they live, where the individual judge lives. We had in Illinois a terrible situation where one of these disgruntled defendants in a criminal case went to some judge's home and waited for the family to come home and killed them.

We need to move this bill. I don't want a hue and cry from the minority that we are not allowing amendments; we want amendments. If people want to amend this bill, let them do it. But I am going to file cloture on this bill tonight for a Friday cloture vote. We have got to complete legislation around here. We cannot come here each day and sit around looking at each other. We should be doing some legislating.

If people do not like this bipartisan bill that is now before the Senate, offer an amendment to change it. I am not going to give my speech—I have given it too many times—on our being thwarted in efforts to move forward on improving the intelligence services of this country. I don't need to give a speech about our inability to negotiate for lower prices of prescription drugs. But we are now on court security. I had to file cloture on that. After cloture was invoked, they allowed us to move to the bill, saving us 27 hours or 28 hours on it. I do not think it is appropriate that we stand around here today and tomorrow.

We have a bill that is bipartisan to its very core, a competitiveness bill. Senator BINGAMAN, a Democrat, and Senator ALEXANDER, a Republican, have worked on this bill. This is their pride and joy. It is the legislation that will improve this country's ability to be more competitive scientifically. I

want to move to that bill and finish it this week. I cannot while this is still around with nothing being done on it.

I alert everyone within the sound of my voice, if you don't like this bill, come and amend it. Lay down an amendment and we will debate it, we will table it, we will approve it, we will vote, and it won't be passed.

But our judges, our U.S. Marshals, our U.S. attorneys need this. In my heart I so understand the importance. I said this morning here, this legislation will also help State courts, not only Federal courts. In Washoe County, Reno, NV, a divorce proceeding was going forward. A very rich man, quite frankly, didn't like what was happening in the divorce proceeding, so this man killed his wife in her home—they were divorced, his ex-wife. The child was in the house, and he took her in the garage, slit her throat, killed her, took the car, drove to a garage, took his hunting rifle, and from 200 yards from a parking lot shot through a window and hit the judge.

That window should have had bullet-proof glass in it. It didn't. This bill will allow local jurisdictions to have the ability to obtain items such as bullet-proof glass.

We are living in a violent society. We have to, with our judiciary, which is so independent and strong, do what we can to protect it. I was in Ecuador with a congressional delegation. The President of that country, when I told him a little story—and we were in the Embassy. The President of Ecuador was standing next to me, and I told him about the 2000 Presidential election.

I said: You know, that is an interesting election. President Bush got less votes than the person he beat. The matter went to Florida where there was so much confusion and consternation in counting the votes there. The matter worked its way to the Supreme Court. The Supreme Court decided that George Bush would be President of the United States. The minute that was done, I said, in Ecuador: George Bush became my President.

In our great country, which is ruled by law, not by men, there was not a tire burned, a window broken, a demonstration held, because we are a country of laws, and George Bush became everybody's President. I did not like the decision of the Supreme Court; I disagreed with it. But that is the law, that is the law of our country.

When I finished, the President of Ecuador said: I only wish we had a court system like yours.

That is what this bill is all about, to try to have our court system one that is as strong as it has been.

So if my friends on the other side of the aisle come here and say, as they have done on a number of occasions: Well, we didn't have a chance to offer an amendment—we finished this vote early today. They have had all day to offer all of the amendments they wanted. Democrats had every opportunity, if they do not like this bill, to offer an

amendment to change it. But we are going to complete this bill by Friday one way or the other.

Now, Mr. President, it is possible under the rules that when we vote on Friday on cloture on the bill—we are on the bill now. It could be 30 hours, but everyone here should understand, we are going to be in session 30 hours after cloture is invoked.

We are not going to play around here, and think, well, we will finish it next week. We are going to finish this bill this week, if it takes Saturday or Sunday or whatever it takes, and everyone should understand that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate at this time is a bill to make our courts safer. This is an issue we take personally in Chicago because in 2005, one of our most respected Federal judges had her mother and husband killed in her home, murdered by an upset individual who didn't like the way he was treated in a courtroom. He stalked her family, invaded her home, killed her aging mother, and husband, who was the love of her life. I know this judge because I appointed her to the Federal bench. I have met her daughters and I know her close friends in Chicago. I think about her every time the issue of court security comes up. She is a wonderful woman who has devoted her life to public service. She has put in the time that we expect from real professionals. She has done her best to be fair and just. She works hard. We owe her security in the workplace and security for her family.

That is why Senator OBAMA and I introduced an appropriations bill right after this happened, trying to put some money into the U.S. Marshals Service to protect judges across the United States. That is what this bill is all about. There is nothing partisan about this legislation. There is nothing even controversial about it. This bill should have been passed quickly, sent to the House and approved because it makes a better effort to protect these judges in their homes, gives more resources to U.S. marshals, puts stiffer penalties in for those who harass and shoot at and kill those who serve us in the judiciary. This is basic common sense. Instead of taking up this bill and passing it quickly, as we should have to get it in place and to put the protections in place, it has been slowed down.

One of our colleagues is exercising his rights under the Senate rules. I said earlier I will fight for him to have the right to speak it, on any bill, to offer

an amendment to it, to express himself, and to have the Senate decide finally what the decision will be on his amendment. I respect his right to do that. But instead we are going to slow this bill down for 2 days. We will have amendments filed, six, and they are just going to sit on the desk while the clock runs. Instead of moving to other legislation which is critically important we will just sit here. That is unfair. I don't think that is consistent with what the American people expect of the Senate.

I have called on my colleagues, the one who has six amendments filed and any who have other amendments, please bring them to the floor right now, within the next hour. Let's start the debate right now. Let's set them for a vote as quickly as possible. Let's stop these stall tactics on bills as basic as this, protecting the personal security of judges across America.

It is time for us to get down to business in the Senate. Look around at all the empty chairs. Look for the person who sponsored the amendments to this bill. You won't find him.

It is time for us to get down to business in the Senate. People expect us to. This week has been a pretty horrible week when you look at it. We came in here trying to pass a bill that would authorize intelligence agencies across our Government to make America safer, 16 different intelligence agencies, a bipartisan bill, worked on long and hard by Senator ROCKEFELLER, chairman of the Intelligence Committee, and his staff, and Senator BOND and his staff. The bill was ready to go, a bill which should have passed years ago, stopped in its tracks by the Republican minority that said, no. Vice President CHENEY objects to a provision in the bill relative to the interrogation of prisoners; imagine that he would raise that issue again. Therefore, all Republicans, with maybe a couple exceptions, are going to stop debate on the bill. That was strike 1.

Strike 2, a provision to amend the Medicare Prescription Drug Act so that we could have more competition and lower prices for seniors and disabled when they buy drugs. Some agree with it; some disagree. The pharmaceutical industry hates it; it cuts into their profits. It was worth a debate to see whether we could help seniors pay for their drugs and lower prices. But, no, the Republican minority said: No, we are not going to even debate that. We won't let you go to that. It is within their power to stop us, and they did it again.

Now comes this bill for court security, and for the third strike this week, the Republicans have said: No, we want to slow you down. We want to run out the clock. We want to put amendments on the table and not call them for consideration.

It is becoming increasingly clear what the Republican game plan is. We have seen it this week on three pieces of legislation. We see it with this bill.

I have spoken to majority leader Senator REID who spoke moments ago. We have important business to do. In fact, we have business which is very bipartisan. This bill, which has been slowed down by one Republican Senator, has as cosponsors Senators SPECTER, CORNYN, COLLINS, and HATCH, all Republican Senators. It is a bipartisan bill. It is not even controversial. Why aren't we doing this? It isn't as if there are other things going on on the Senate floor. We are waiting on the Senators who want to stop or slow down this bill to finally come and do their business. It is not too much to ask. I understand we are all busy. From time to time we have to leave the Hill to go to a committee meeting. I know I filed an amendment and waited a while to call it. But now this Senator has had his time. He has had the whole day. We should call up one amendment before we go home, just in good faith, to indicate that this is really a serious effort, that there is a substantive reason to slow down this important legislation. We need to remind our colleagues of our responsibility to do the people's business.

#### IRAQ

I just joined the majority leader and others in meeting with the President of the United States to talk about the war in Iraq. I am glad we had this meeting. We didn't reach a new agreement or compromise. I wish we had. We started a dialog, and that is important. There were heartfelt emotions expressed at that meeting by many of us on both sides of the issue, by the President, as well as by Senator REID and myself and many others. Speaker PELOSI was there. The majority leader of the House, STENY HOYER, was in attendance, as was JIM CLYBORN, the majority whip, and the Republican leadership. We talked about the war in Iraq at length and where we need to go.

It is our belief that if we don't include language in the appropriations bill which says to the Iraqis that we are not going to stay there indefinitely, they are going to drag their feet forever when it comes to making the political reforms that are necessary. We are going to leave our soldiers stuck in the middle of a civil war. Mr. President, 3,311 Americans have died in service to this country while serving in Iraq. These are our best and bravest. They have given their lives, and they continue to give their lives while we debate and delay. It is time for us to move forward.

I suggested to the President in the moments that I had to express my point of view, if he won't accept a timetable for starting to bring American troops home, can't we at least hold the Iraqis to the timetable that they have offered us for political reform? They have missed deadline after deadline. They promised to bring their country together. They promised to bring their army into a leadership that will be effective. They have promised to try to resolve the old differences

from the Baath Party under Saddam Hussein. Promise after promise after promise they have failed to keep while our soldiers fight and die every single day.

#### DARFUR

Despite the obvious differences from that meeting, there was one hopeful sign. We started the meeting, and I began by praising President Bush for delivering a speech today at the U.S. Holocaust Museum on the subject of the genocide in Darfur. It was the appropriate venue for the speech. The Holocaust Museum offers a powerful backdrop to consider the horrors of genocide. I am glad the President made this speech. I applaud him for making it. I had hoped that he would be a little bit stronger, but I understand, speaking personally with the President, that he wants to give new U.N. General Secretary Ban Ki-moon some time to use his office effectively.

The President essentially today, though, by every measure, gave Sudan a final warning, and it is about time. The President stated that within a "short period of time," to use his words, President Bashir of Sudan must take the following steps: Allow the deployment of the full joint African Union-United Nations peacekeeping force in the area of Darfur where somewhere near 400,000 people have been murdered and over 2 million displaced. The President of Sudan must also end support for the Jingawit militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, and end his obstructionism. If he does not, President Bush stated, the United States will respond.

First, the U.S. will tighten economic sanctions on the Sudanese Government and the companies it controls. Second, the President will also levy sanctions against individuals who are responsible for the violence. Third, the U.S. will introduce a new U.N. Security Council resolution to apply multilateral sanctions against the Government of Sudan and impose an expanded arms embargo. This resolution will impose a ban on Sudanese offensive military flights over Darfur.

Last fall the President's special envoy talked about a January 1st deadline after which the United States would impose sanctions that would cripple the Sudanese oil industry. That deadline is months behind us, and the sanctions the President outlined are not as potent as they might be in terms of truly hitting the oil industry as I hoped they would.

The U.N. resolution and multilateral sanctions would be a major step forward. If we don't see rapid progress from the Sudanese Government, I urge the President to both introduce the U.N. resolution and to call for a vote. Let's put the countries of the world on notice that they must stand and be on the record on ending this genocide in Darfur.

As I said, I understand President Bush is responding to a special request

from U.N. Secretary General Ban Ki-moon who asked for some more time to negotiate. All I can say is, I hope the Secretary General's faith that real progress is being made is justified. At least on paper there has been a breakthrough in the last few days. The Sudanese Government has reportedly agreed to allowing 3,000 U.N. peacekeepers to deploy. But we have had promises like this in the past and no action.

China, Sudan's biggest supporter and biggest customer for its oil, has also started taking mutant, limited, but proactive steps in recent weeks to convince the Sudanese to move forward on peacekeeping. China's Assistant Foreign Minister recently toured refugee camps full of people from Darfur who had fled their homes. That is not a typical stop on a Chinese Government tour, a positive sign that China is not blind to the human rights abuses going on in Sudan. China has reportedly played an important role recently in urging the Sudanese Government to move forward.

At the same time, however, China continues to oppose sanctions even if Khartoum continues to obstruct peacekeeping. The Chinese Defense Minister recently announced that China is interested in developing military cooperation with Sudan, whatever that could possibly mean. As for Sudan, while Khartoum has said it will allow deployment of 3,000 U.N. peacekeepers, a new U.N. report details how the Sudanese Government is flying arms of heavy military equipment into Darfur.

This morning's New York Times has photographs of the Sudanese painting their airplanes to appear to be United Nations aircraft and African Union aircraft so that they can deceptively ship arms into this region that will be used to kill innocent people. That is the government we are dealing with in Khartoum. Sudan has promised to allow 3,000 U.N. peacekeepers and their equipment into Darfur. If it keeps the promise this time, it would be a start, but what is needed, as the President said today at the Holocaust Museum, is the full 21,000 combined U.N.-African Union force with the means and mandate to protect the people of Darfur. The people of Darfur have waited long enough for peace and security and the end of genocide. Now is the time to act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I am about to call up the managers' amendment the distinguished senior Senator from Pennsylvania and I have worked on.

So, Mr. President, I send to the desk, on behalf of myself and Senator SPECTER, an amendment.

The PRESIDING OFFICER. There is already a pending committee amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, parliamentary inquiry: What is currently pending?

The PRESIDING OFFICER. What is currently pending is a committee-reported amendment to the bill.

Mr. LEAHY. Would that be the Feinstein-Kyl amendment?

The PRESIDING OFFICER. It is the language on page 20, starting at line 22: "Federal Judges For Courts Of Appeals."

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The committee amendment was agreed to.

#### AMENDMENT NO. 896

Mr. LEAHY. Mr. President, I believe the managers' amendment is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. SPECTER, proposes an amendment numbered 896.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make technical changes)

On page 5, line 5, strike "any other court" and insert "the United States Tax Court".

On page 5, line 10, after "otherwise provide" insert ", when requested by the chief judge of the Tax Court,".

On page 5, line 13, strike "person" and insert "persons".

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike "\$ 118." and insert "\$ 119."

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties."

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5,

United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike "magistrates" and insert "magistrate judges".

On page 20, line 9, strike "MAGISTRATES" and insert "MAGISTRATE JUDGES".

On page 20, strike lines 17 through 22 and insert the following:

#### SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Mr. LEAHY. Mr. President, this amendment, on behalf of myself and Senator SPECTER, irons out a few remaining technical and jurisdictional issues relating to our Court Security Improvement Act of 2007. We are offering a managers' amendment that contains a few technical fixes, including grammatical changes and proper references to "magistrate judges."

This bipartisan amendment will make clear that additional protection provided to the Tax Court by the Marshals Service shall be reimbursed by the funds allocated to the Tax Court. We also clarify the construction of which officers qualify as "judges" so that all Federal judges are treated the same with regard to life insurance.

Senator LIEBERMAN raised an objection with regard to section 505, which provided for the reauthorization of the Ethics in Government Act. I understand that Chairman LIEBERMAN is currently working to reauthorize that legislation, so Senator SPECTER and I have agreed to remove it from our court security bill.

I note for my colleagues that no major policy changes relating to improving the security that our Federal judges receive appear in this managers' package. I thank the distinguished Senator from Pennsylvania, Mr. SPECTER, for working with me on this important legislation.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment—

Mr. LEAHY. Mr. President, I understand there is a concern on the other side of the aisle, and as the one who has the floor at this point, I withhold that request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. 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. 891

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 891 be called up for its consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 891.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should offset the cost of new spending)

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE.**

(a) **FINDINGS.**—The Senate finds that—(1) the national debt of the United States of America now exceeds \$8,500,000,000,000;

(2) each United States citizen's share of this debt is approximately \$29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

Mr. COBURN. Mr. President, this is a very simple amendment. It says: it is the sense of the Senate that we should not create new spending programs when we have to borrow money to pay for them; that, in fact, we ought to create priorities, that the priorities ought to be the same type of priorities that everybody in this country has to face every day with their own personal budget, that they cannot go out and use their credit card without having a consequence.

This is a very simple amendment. I wish to read it thoroughly so everybody understands what the amendment says. It says the following:

The Senate finds that—

(1) the national debt of the United States of America now exceeds \$8,500,000,000,000;

(2) each United States citizen's share of this debt—

from the oldest to the youngest—

is approximately \$29,183;

(3) every [penny] that the United States Government borrows and adds to this debt is money [that will be borrowed] from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

It also states:

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints [every American faces] everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources. . . .

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. LEAHY. Mr. President, would this also include the hundreds of billions of dollars we have borrowed so far for the war in Iraq?

Mr. COBURN. Absolutely. I agree with that.

Mr. LEAHY. Would this mean we would not be able to continue to borrow money for the war in Iraq?

Mr. COBURN. This is a sense of the Senate. I would be happy for us not to borrow money. We had \$200 billion a year in waste, fraud, abuse, and duplication outlined by the Federal Financial Management Subcommittee last year. Appropriators refused to look at that, ways to fund it. Mr. President, \$200 billion—we could spend \$100 billion on the war and \$100 billion to lower the deficit. I would be very happy to apply this to everything we do. Every American has to do exactly the same thing with their own budget every day.

Mr. LEAHY. Mr. President, if I could continue for a moment, without the Senator losing his right to the floor. I share his concern about expenditures. I wish we were back in the days of President Clinton, where we built up a surplus and started paying down the Federal debt; other than what a Republican-controlled Congress voted for, which has tripled the national debt.

Mr. COBURN. The Senator makes a great point. The realistic fact is, we decreased the Federal debt \$2 billion under the entire Clinton administration. Mr. President, \$2 billion. One year we had a true surplus—a true surplus. That was the extent of it. And since then, and before then, we have borrowed the future of our children away.

To continue, this resolution states:

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security. . . .

I say to Social Security recipients, we borrowed \$140 billion, last year, from Social Security to pay for things we were not willing to either trim down, make more efficient or eliminate in duplicative programs.

We also are borrowing from foreign governments. That is affecting our financial status. But most importantly, we are borrowing from future generations of Americans.

The amendment states:

(b) . . . It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

It is very simple. A resolution has no impact of law. It says: We agree, here are the rules under which we ought to operate. It does not bind anybody. It says, if we are going to create new programs, we either ought to find a way where we do not borrow to pay for them or we ought to offset them by eliminating ineffective programs.

In 2001, as the Senator rightly noted, the Federal debt per person in this country was \$21,000. It has risen almost \$10,000 since 2001. A lot of people are quick to dismiss that figure, say it does not matter, we only need to worry about the debt and the deficits as compared to the economic growth in the size of our economy. A better rule of thumb is how Government growth compares to the growth of wages and earnings. Last fiscal year alone, the real Federal deficit increased in excess of \$300 billion—a debt our children and grandchildren will repay. So \$7.2 billion was spent each day, or \$84,000 was spent per second—per second. If regular Americans must tighten their belts to live within their means, the Federal Government should do the same instead of authorizing new spending without offsetting similar spending.

Last year's interest costs alone were 8 percent of the total Federal budget. In contrast, the average American spends about 5 percent of their income as a percentage of their interest costs. The Federal Government spent \$226 billion on interest costs alone. According to the Government Accountability Office, by the year 2030, interest will consume 25 percent—25 percent—of the Federal debt.

So why do I bring this resolution to the floor? I bring the resolution to the floor to make the point that when we authorize new programs, we ought to find the money to pay for them and we ought to reduce programs that aren't effective. We ought to look at the programs that aren't accomplishing what we want them to, we ought to eliminate duplicate programs where one works well and one doesn't work quite so well and put the money into the one that works well so we get good value for our dollars, and we ought to change the habits under which we work so we can all accomplish what we would like to see.

I would like to see middle-income wages rise in this country at a rate faster than they rise for the wealthy

class. I would like to see opportunity enhanced in this country. I would like to see a balanced budget so we don't steal opportunity from our children and our grandchildren. I don't think most people disagree with that.

The reason we are out here debating this is I had a simple request: Let's just find some deauthorization amendments so that when we bring this new and very needed bill to the floor—and I agree and I think everybody on the Judiciary Committee agrees this is a good bill; it is going to pass—shouldn't we make some hard choices, just like every family makes? Instead, we choose not to. We decide we will pass a new bill. We will add \$40 million a year to the cost to run the Government, but we won't deauthorize anything that is out there that is not working effectively. We won't fix the improper payments that are going on in this country to the tune of about \$40 billion—that is billion with a "b." That is a thousand times more in improper payments than this bill costs. We won't do the hard work that is necessary.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to yield to the Senator. By the way, I enjoyed the Senator's speech on Darfur, and as the Senator from Illinois knows, I agree with him very much. I thank him for his efforts on the genocide that is now occurring in Darfur.

Mr. DURBIN. I thank the Senator from Oklahoma. He has been a stalwart in the effort for Darfur.

I would like to read a sentence to the Senator from Oklahoma and ask him what it means. It is a sentence from the underlying bill, which is an authorization bill. It relates to section 105. Here is what it says:

In addition to any other amounts authorized to be appropriated for the U.S. Marshals Service, there are authorized to be appropriated for the U.S. Marshals Service to protect the judiciary \$20 million for each of the fiscal years 2007 through 2011.

Now I would like to ask the Senator this: If we pass this bill authorizing \$20 million to be appropriated to the U.S. Marshals Service to protect judges and then do not appropriate the money for that purpose, how much money will come out of the Federal Treasury going to the U.S. Marshals pursuant to this bill?

Mr. COBURN. None.

Mr. DURBIN. I would like to ask the Senator another question.

Mr. COBURN. I am happy to answer it.

Mr. DURBIN. Isn't that what this is all about?

Mr. COBURN. No, it is not.

Mr. DURBIN. You were claiming a reauthorization—

Mr. COBURN. Mr. President, reclaiming the floor, here is what it is about. The Senator from Illinois is a great advocate for those who are less fortunate in this country. That is what this is about. It is about changing the habits of the Senate.

I understand the appropriations process. I understand the authorization process. Changing the habits says we are not going to authorize new programs until we have done our homework on the programs that aren't effective. That is the whole purpose of this amendment.

I understand the Senator's consternation with my desire. I understand that most people inside Washington disagree. But I also understand that most people outside of Washington say that if you increase spending—authorized spending, not appropriated spending but authorized spending—\$40 million and never look at what you can deauthorize, whenever we get to a surplus or when we get to a balanced budget, we are going to spend more money. We are not going to make the hard choices. That is exactly what happens. We can disagree with that but, in fact, that is how we got an \$8.9 trillion deficit. That is how we ran a \$300 billion-plus deficit this year. It is the process. It is the process where we have decided that authorization has minimal power to influence in this body and that appropriations has all power.

My point in making us debate this resolution on this bill and bringing it up is to say: Let's start the process where we start looking, as our oath charges us to do, at what doesn't work. Let's bring a bill that authorizes something that is very good and bring a bill that deauthorizes something that might get funding even though it is not effective.

I will give an example: the COPS Program. It is a very good program. It helps a lot of cities. Why shouldn't it be competitively bid? Why shouldn't the cities with the most need get the help with their police force rather than the cities whose Members put an earmark in for the COPS Program, and any money that doesn't go to true need comes back to the Federal Treasury? Why wouldn't we do that? Because that is hard work. Because we might alienate one group as we do what is best for everybody in America.

I understand the resistance to my efforts in challenging the way we operate in the Senate, and I understand the opposition to my techniques and methods in trying to accomplish that. However, as the Senator from Illinois knows, if I am a champion for anything, I am a champion for making sure we don't waste one penny anywhere. The best way to do that is to start having good habits in how we arrange what we are going to spend.

The fact is, it is very easy to find offsets in authorization because we have three times as much authorized as we actually spend. So the Senator's point is exactly true, but it doesn't direct us down to the problem. If we get in the habit of making the decision we are going to look at the programs that don't work, we are going to deauthorize the programs that don't work, guess what we will do. We eventually

might get rid of the one \$1 of every \$5 on the discretionary side today that is either waste, fraud, abuse, or duplication—\$1 in \$5. No one in this body blows 20 percent of their personal budget on stuff that doesn't mean anything or have any return. Yet in the discretionary budget, everything except Medicare, Medicaid, and Social Security, that is exactly what we do. It is exactly what we do. So why would we not say: Let's change. Let's fulfill an obligation to two generations from us now. I know what I am doing today isn't going to have a great impact on the next appropriations bill or the next one after that or the one after that, but 5 years from now, it might have an impact.

The point is, let's live like everybody else out there. Let's not take the credit card and not look at the things we really should be looking at. Let's do some extra work. Let's try to accomplish what is best for everybody in this country, no matter what their economic station in life, no matter what their background, no matter what their position is. They all have a limited budget. They have to make choices. They have to make choices, and they have to prioritize things. The Senate doesn't; they just authorize another bill and never deauthorize anything else.

Mr. President, with that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Oklahoma. I respect his fiscal conservatism. I respect his belief that our budget deficit is a source of growing concern for all of us. He says we need to start with good habits. I believe we need to start with the right language. We need to understand what the Senator is asking us to consider.

He started by saying that no family in America has the luxury the Federal Government has of spending more than they bring in year after year after year, which is what our deficit does at the Federal level. No argument there. Let me use another family example. My wife and I have raised three children. Occasionally, we have given them some choices. A father could say to his son: You have \$200 coming up for your birthday. Here are the choices you can make: You can buy a new suit—it wouldn't be a bad idea if you are going to go out for an interview—or you can buy that bicycle you have had your eye on for a long time that you want to take to college or I know you want to buy an iPod. OK. Make a choice, but you only get \$200. Make one of those choices. I authorize your birthday gift to be spent on those three things, but I will not appropriate—I will not give you the \$200 for all three, only for one. Three choices are on the table; you only get to choose one.

Authorization bills put choices on the table, and then the appropriations bills make a choice. It doesn't mean my son is going to get \$600 at the end of the day; he only gets \$200. He has to make a choice from the gifts I have authorized. The Senator from Oklahoma is arguing that giving my son a choice of three things means he is going to demand all three and get them. Wrong. It is a matter of discipline when it comes to the appropriations process. The authorization process is not the problem. We could authorize much more than we ultimately spend, and we do, but in the final reckoning, the budget resolution says you can only spend so much money. You can only spend \$200 on your birthday, I say to my son, even though you are being given three authorized choices.

So when the Senator offers us this sense of the Senate, it sounds an awful lot like pay-go, which is now the process we are following in the Senate which says: If you want to spend some money, you have to find a way to increase a tax or cut spending in other areas. It is pay as you go. But the Senator from Oklahoma applies it to authorizations. It is a different world. Confusing the two is not going to help us reach a balanced budget; confusing the two creates confusion. Authorization is not appropriation.

Earmarks can be appropriations. I have seen them. I have done them. I have announced them in press releases. I am happy to do so to bring money back to my State as best I can for good reasons, and I stand by them and defend them. People challenge them. That is the nature of this business as I consider it.

The bottom line is, if I am authorized to have three bridges in Illinois, authorized to have three bridges in Illinois and only have money for one bridge to be appropriated, I have to make a choice. The people in my State have to make a choice. Life is about choices. It is not about what I might choose; it is what I ultimately have to choose—one bridge, one birthday gift. That is the appropriation. That is why this is so different.

Ordinarily, this resolution, until it gets to its resolved sense-of-the-Senate clause, is pretty easy to take. I might disagree with some of the rhetoric here and there, but when you end by arguing that an authorization is an expenditure of money, it is just not accurate. It doesn't state what happens here in Congress.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. COBURN. Under your premise, only bills that are authorized get funded, correct?

Mr. DURBIN. But all bills that are authorized do not get appropriated.

Mr. COBURN. Except you are wrong. Last year, \$220 billion of unauthorized programs were appropriated.

If I may—will the Senator yield to me? I am happy to yield back in a moment.

Mr. DURBIN. Sure.

Mr. COBURN. Let's carry your analogy a little further. What has really happened is you give your son \$200, but the mandate is—you are going to spend \$100 on a broken iPod or a used iPod, and you have \$100 to buy down towards a good one, but you mandate that you spend \$100 on the bad one. That is the analogy. That is why we ought to de-authorize programs that aren't working. That is why we ought to oversight aggressively every area of the Federal Government.

Let me take one other exception, and then I will be happy to yield back to the Senator.

Mr. DURBIN. Could I interrupt the Senator just to say this: This is getting painfully close to a debate, which rarely occurs on the floor of the Senate, so please proceed.

Mr. COBURN. I love it. I love to debate the Senator from Illinois.

I take a different tact, and the Senator knows that. I look at the oath I took when I came to the Senate. It didn't say "Oklahoma" in it; the Senator's didn't say "Illinois." What the oath says is to defend the Constitution of the United States and do what is best for the country as a whole and in the long term.

Now, the Senator—and I admire him greatly—admitted that he plays the game the way it is played. I am telling him that the American people are ready for the game to be played a different way—a totally different way. Part of that is looking at the authority under which we allow money to be spent and recognizing that if we are going to authorize something new, given the jam we are in, all you have to do is talk to David Walker and look at what is going to happen in the next two generations. Don't we have an obligation to look at the programs that are not authorized?

Would the Senator answer this question: When was the last time he saw a program deauthorized in this body?

Mr. DURBIN. I am happy to respond. I think the Senator has asked a good question but not the right question. When we fail to appropriate money for an authorized program, we are saying there is a higher priority. We are saying that authorized program may not be as valid or as valuable today as when it was enacted, and we make the choice. The Senator referred to this, and I know he didn't mean to demean the process in saying that I am "playing the game." I don't think I am "playing the game" when I do the best I can to help the 12½ million people I represent. If the Senator ran into a problem—and occasionally Oklahoma has a challenge—I will be there to help him, too. That is the nature of it. We try to represent our States and also do what is good for the Nation.

Secondly, if authorization is broken, as the Senator from Oklahoma says,

the obvious answer is, either don't appropriate money for it, or when the appropriations bill comes to the floor, strike it and move the money to another program. You have the right to do that as a Senator. But the fact that the options or choices are out there doesn't mean that every one of them is going to be honored and appropriated.

Mr. COBURN. Mr. President, reclaiming the floor, if I might, the thing that strikes me is the Senator is a wonderful debater, except when he says the appropriators appropriating money on an authorized program—that is great, except the American public needs to know that 22 percent of what we appropriate has never been authorized. Never.

So the fact is, we say authorization means something, but it means nothing as far as the appropriations process goes. The real point of this debate is how do we grab hold of this problem, this behemoth of a problem that will face our children and grandchildren in the next 20 to 25 years, and do it in a way that will give us the greatest opportunity for them?

My idea—and obviously many people disagree with it—is I think we ought to start looking at every program. We ought to ask a couple of questions: Can we measure its effectiveness? Is there a metric on it that says this program is supposed to do this? Is there a metric there so we can measure it? I am of the mind to say that if you cannot measure something, you cannot manage it. Ninety percent of the programs have no metric in the Federal Government, so we don't know if they are working.

No. 2, is it a program that is still needed? We don't ever look at the authorizing level. The Senator would have us defer everything to appropriations, and that is what we actually do because 20 percent of what we appropriate is not authorized and everything we authorize isn't appropriated. So, obviously, authorizations are meaningless. So what we should do is eliminate authorizing committees and just have appropriations committees and we will all be on appropriations committees.

Third, we should ask, is this still a legitimate function of the Federal Government? When we ran a \$300 billion-plus true deficit last year and every State, save one, had big surpluses, should we not ask the question: If we are doing things that really are not the Federal Government's role to do, and we have a deficit and the States have a surplus, should we not let them do it without our fingers taking 15 percent of the money as we send it back?

Mr. DURBIN. If the Senator will yield, I will make a constructive suggestion, not to make a debate point or anything else, but to serve his purposes. Can I suggest that instead of a sense-of-the-Senate resolution, the Senator from Oklahoma, when an authorization bill comes along, offer a sunset provision to be added to it to say that at a certain period of time this authorization ends and has to be

reauthorized? Would that not serve his purpose?

Mr. COBURN. As a matter of fact, I did just that on the last 9/11 bill, and the Senator from Illinois voted against it. I voted to sunset it. I actually offered the amendment that said we should sunset it and look at it in 5 years, and the Senator from Illinois disagreed. He thought, no, we should not do that. This Senator must admit that he does have a constructive suggestion. I just wish he had voted that way when we had the amendment up.

Mr. DURBIN. I was reluctant to do this, but I am going to refer to a couple of votes of the Senator from Oklahoma. His amendment was to sunset the entire Department of Homeland Security. Also, on two separate occasions he voted against pay-as-you-go requiring 50 votes. Here are two different roll-calls where the Senator's vote would have made the difference.

Mr. COBURN. My amendment did not sunset the whole Department of Homeland Security. It was the grants process.

Mr. DURBIN. That is what keeps our country safe.

Mr. COBURN. It is made up of how we dole money out to the States rather than looking at the best interests of the country and looking at the risk base for national security and homeland security. I am basically for a true pay-go that says the options are two. One option said the only option is, if we won't cut spending, we will raise taxes. That is a pay-more, not a pay-go. It is pay more.

I am proud of those votes. I had consternation over it because I want to try to hold to those things. But the pay-go as outlined two times in the language was a vote for pay-more.

Will the Senator agree with me that there is waste, fraud, and abuse in the duplication of the Federal Government.

Mr. DURBIN. Absolutely.

Mr. COBURN. Will the Senator agree that since we had a \$300 billion-plus deficit last year—\$200 billion-plus if we weren't in the war in Iraq—if we took that off the table, would it not make sense for us to try to get rid of the waste, fraud, duplication, and abuse?

Mr. DURBIN. Of course. But I include the war in Iraq—

Mr. COBURN. It doesn't include the war. Let me finish my point.

Mr. DURBIN. I said I do include the war in Iraq.

Mr. COBURN. It was in there, but say we were not in the war and we were still down to \$200 billion—let's take that off the table. Say we have a \$200 billion deficit, and we can demonstrate from our subcommittee hearings \$200 billion a year in waste, fraud, and abuse. Yet we did nothing about it. We did nothing.

I have enjoyed my debate with the Senator from Illinois. I ask that we vote on the question at hand. I thank him for his kindness.

Mr. DURBIN. Mr. President, I understand Senator SPECTER may have a

comment he wants to make. I respect the Senator's view on the budget, though we disagree. We both understand the seriousness of the deficit. I don't think authorizations are the problem. For that reason, I will vote against this amendment. When we vote on a pay-go amendment, I hope you can join us.

Mr. COBURN. As long as it is not a pay-more amendment.

Mr. DURBIN. Frankly, it has to include taxes instead of spending.

I will yield the floor to the Senator from Pennsylvania, if he is prepared to speak. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, I have an amendment in my hand by Senator John Ensign. I will send it to the desk. I ask unanimous consent to set aside the pending amendment and to have this called up.

Mr. LEAHY. Reserving the right to object, and I may, we are about to have a vote in connection with the amendment of the Senator from Oklahoma. If we are going to start talking about amendments for a couple of hours and bring up another one, we are not going to get anywhere on the bill for court security, which has been passed twice by this body. So I object.

The PRESIDING OFFICER (Ms. CANTWELL). Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, a great deal of what the Senator from Oklahoma has offered, I agree with; that is, that we ought to live within our means as a society. I have consistently supported constitutional amendments for balanced budgets, to require the Congress to live within its means, like States, cities, and we personally must live within our means. I have supported the line-item veto. I think the transparency for awards, also known as earmarks, will be an improvement of the current system.

I agree with what the Senator from Oklahoma has said about the problems created by the national debt and by the deficit. But the sense-of-the-Senate conclusion, I think, goes further than we can, realistically. The last paragraph says:

It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

When you talk about living within our means and a balanced budget, in the line-item veto, I would agree with that; but when you talk about offsetting the authorizations, that goes to a

point that I think goes too far because the legislative process has two steps. One step is the authorization and the second step is the appropriation.

It is common practice to have authorizations that will be substantially beyond what an appropriation will be. The real decisive factor is what money is appropriated, what money is spent, not what moneys can be authorized. But in structuring programs and authorizations, it is the common practice to put a figure in that is larger than may be used, but it is there for purposes of contingency, if more should be used, so that the real critical factor is the appropriations process.

I cannot agree with what the Senator from Oklahoma seeks to accomplish on tying the hands of the authorizers because of the established practice that I think is appropriate. For that reason, I regrettably cannot support what my colleague has offered, although I think the underlying purpose is very valid.

Mr. LEAHY. Madam President, if this was our Department of Justice authorization bill, these kinds of amendments could certainly be considered.

We are talking about a court security bill which has passed this body twice, which is urgently needed. I am trying to keep extraneous matters off it and have them offered on legislation where it is more appropriate.

#### AMENDMENT NO. 896

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside and that the managers' package be considered and agreed to, and we revert to the pending amendment.

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

The amendment (No. 896) was agreed to.

#### AMENDMENT NO. 891

Mr. LEAHY. Madam President, my understanding is the managers' package has been agreed to and we are back on the Coburn amendment.

The PRESIDING OFFICER. Amendment No. 896 is agreed to, and the Coburn amendment is pending.

Mr. LEAHY. Madam President, I don't want to surprise my colleague from Oklahoma, I will in a moment move to table his amendment. Again, if this was a DOJ authorization bill—and I have presented and passed in this body DOJ authorization bills before—then if he wanted to bring the amendment up, we could vote it up or down. This is a different bill. We want it to be a clean bill.

Therefore, Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—59

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Landrieu	Salazar
Byrd	Lautenberg	Sanders
Cantwell	Leahy	Schumer
Cardin	Levin	Snowe
Carper	Lieberman	Specter
Casey	Lincoln	Stabenow
Clinton	Lugar	Stevens
Cochran	McCaskill	Voinovich
Collins	McConnell	Warner
Conrad	Menendez	Webb
Dodd	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murphy	

NAYS—38

Allard	DeMint	Kohl
Baucus	Dole	Kyl
Bayh	Ensign	Martinez
Brownback	Enzi	Roberts
Bunning	Feingold	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Sununu
Coleman	Hagel	Tester
Corker	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	

NOT VOTING—3

Johnson	Lott	McCain
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The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. GRASSLEY. I ask unanimous consent that I be able to speak in morning business.

Mr. REID. Madam President, I ask the distinguished Senator from Iowa, my dear friend, I have to file a cloture motion. It will take me just a minute.

Mr. GRASSLEY. Surely.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 107, S. 378, the Court Security Improvement bill.

Robert Menendez, Sherrod Brown, Dick Durbin, Harry Reid, Ron Wyden, Debbie Stabenow, Patrick Leahy, Sheldon Whitehouse, Ted Kennedy, Tom Carper, Kent Conrad, Frank Lautenberg, Joe Lieberman, Claire McCaskill, Robert P. Casey, Patty Murray, Jay Rockefeller.

#### MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent we be allowed to proceed to a period of morning business with Senators permitted to speak therein. The Senator from Iowa wishes to speak for a half hour. After that, Senators will be recognized for up to 10 minutes each.

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

#### FINISHING CONSIDERATION OF S. 378

Mr. REID. Madam President, if I could take another minute of the time of the distinguished Senator, we hope we can finish this bill tomorrow. That would be my desire. Tomorrow is Thursday. I am filing this tonight. The time ripens for voting on this Friday morning. But Friday morning occurs at 1 a.m. We have to finish this bill as soon as we can. I am alerting everyone, there could be a vote Friday morning at 1 a.m.

I also suggest that I have been trying for some time now to do a bipartisan bill that has been worked on by many Senators. There are 50 cosponsors of this legislation, dealing with competitiveness. On our side it will be managed by Senator BINGAMAN. It is my understanding on the other side it will be managed by Senator ALEXANDER. I hope we can have an agreement to move to that. I hope I do not have to file a motion to proceed to that piece of legislation. Remember, next week we need to complete work to send to the President the supplemental appropriations bill.

Having said that, I want to alert everyone I think it is too bad. This bill that is before the body now, the Court Security bill, has been passed by the Senate on two separate occasions. We have filed cloture; cloture was invoked. I appreciate very much the minority allowing us to move to the bill. But this afternoon I had a meeting with Mr. Clark, head of the U.S. Marshals Service. This year, threats to Federal judges have gone up 17 percent. We have had vile things done to judges all over the country, even in the State of Nevada, and we need to give Federal courts and local courts protection. We need to be a country that is ruled by the finest judicial system in the world, which we have now, and we cannot

have bad people take away our court system—and violence can do that.

I hope we can finish this bill in a reasonable time tomorrow. If not, tomorrow will be a long night.

I appreciate very much my friend from Iowa allowing me to speak for a minute.

The PRESIDING OFFICER. The Senator from Iowa.

#### DRUG SAFETY

Mr. GRASSLEY. Madam President, today I wanted to speak on an issue I speak on many times, drug safety. Today is a little different approach to it, though, because earlier today the Committee on Health, Education, Labor, and Pensions began marking up S. 1082, the Food and Drug Administration Revitalization Act. For the first time in almost a decade we have an opportunity to reform, to improve, and to reestablish the FDA as an institution committed to making patient safety as important as bringing new drugs to the market.

S. 1082 presents a framework for the future of drug and device safety. I am gratified by some of its current contents and I express some disappointment about others. That is the purpose of my speaking to my colleagues.

First, I am gratified the bill attempts to address some of the overarching issues plaguing the FDA that have been repeatedly revealed by the investigations I conducted of the FDA over the last 3 years. In particular, S. 1082 takes a number of steps to address the issue of transparency, the issue of accountability, and the issue of respect for the scientific process that has been lacking for some time at the FDA. S. 1082, for example, requires that within 30 days of approval, the action package for approval of a new drug must be posted on the FDA's Web site. This requirement, however, only applies to a drug with an active ingredient that has not been previously approved by the FDA. The action package would contain all documents generated by the FDA related to the review of a drug application, including a summary review of all conclusions and, among other things, any disagreements and how these disagreements were resolved. If a supervisor disagreed with the review, then the supervisor's opposing review would be available to the public. And to address the many allegations that the Food and Drug Administration safety reviewers are sometimes coerced into changing their findings, I greatly welcome the provision that states a scientific review of an application is considered the work of the reviewer and must not be changed by FDA managers or the reviewer once that review is final.

The bill also takes steps to bring more resources to the FDA for drug safety, another matter I have been discussing for years. In addition, the bill requires the Food and Drug Administration's Drug Safety and Risk Management Advisory Committee to meet