

other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

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

“(d) GEOGRAPHIC SCOPE OF ORDER.—

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

“(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

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

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

“(g) RECEIVERS.—

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

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

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

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

**SEC. 1203. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.**

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

(1) in paragraph (1)—

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

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

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

(2) in paragraph (2)—

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

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

**SEC. 1204. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.**

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

court for the district in which the defendant was sentenced may deny the request.”.

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

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

(2) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

**Subtitle C—Environmental Crimes Restitution**

**SEC. 1301. SHORT TITLE.**

This subtitle may be cited as the “Environmental Crimes Restitution Act of 2007”.

**SEC. 1302. IMMEDIATE AVAILABILITY OF RESTITUTION TO VICTIMS OF ENVIRONMENTAL CRIMES.**

Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking “or section 5124, 46312, 46502, or 46504 of title 49,” and inserting “paragraph (2) or (3) of section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)), section 1423 or subsection (a) or (b) of section 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2 and 300i-1), subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c) of the Clear Air Act (42 U.S.C. 7413(c)), or section 46312, 46502, or 46504 of title 49.”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 19, 2007, a 9:30 a.m., in open session to receive testimony on the Department of Defense’s management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss the importance of basic research to U.S. competitiveness in science.

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

**COMMITTEE ON FINANCE**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in 2125 Dirksen Senate Office Building, to hear testimony on “Grains, Cane, and Automobiles: Tax Incentives for Alternative Fuels and Vehicles”.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, April 19, 2007, at 9 a.m. for a hearing titled “Dangerous Exposure: The Impact of Global Warming on Private and Federal Insurance.”

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

**COMMITTEE ON THE JUDICIARY**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct hearing on “Department of Justice Oversight” on Thursday, April 19, 2007 at 9:30 a.m., in Hart Senate Office Building room 216.

**Witness**

The Honorable Alberto Gonzales, Attorney General, United States Department of Justice, Washington, DC.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 19, 2007 at 2:30 p.m. to hold a hearing.

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

## SPECIAL COMMITTEE ON AGING

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, April 19, 2007 from 10 a.m. to noon in Dirksen 562 for the purpose of conducting a hearing.

## Agenda

## Bioidentical Hormones.

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

## SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, April 19, 2007 at 2 p.m. for a hearing entitled, "The Road Ahead: Implementing Postal Reform."

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

## SUBCOMMITTEE ON STRATEGIC FORCES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open and closed sessions during the session of the Senate on Thursday, April 19, 2007, at 2:30 p.m., to receive testimony on military space programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

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

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

## PROGRAM

Mr. DURBIN. Madam President, we will return tomorrow in session to discuss the competitiveness bill now pending and to have debate only and then consider amendments, and we hope to vote on it early next week.

As far as our meeting this week in the Senate, we are able to point to the passage of the court security bill, which is an important piece of legislation. Unfortunately, it is a bill that took 2 days, and it should have taken 20 minutes. During the course of 2 days, we had a general debate about budget deficits and a debate which started and ended without a vote on splitting up the Ninth Circuit. It was time for some Members to bring up issues of importance to them, but I would suggest we have a limited amount to show for our activity this week because of activities on the other side of the aisle.

Twice we were stopped in efforts to call up important legislation. We wanted to have the reauthorization of the intelligence agencies in America so that they are prepared to deal in the most effective way in fighting terrorism. Unfortunately, there was re-

sistance from the Republican side of the aisle, and we weren't able to do so. The bill had to be pulled from debate on the floor and put back on the calendar for another day. Then we wanted to move to the Medicare prescription Part D Program. Those of us on the Democratic side think it is important to have a debate as to whether Medicare can offer less expensive, more affordable drugs to seniors and disabled people. The pharmaceutical companies don't like this idea. The current system is very profitable for them. They have mounted a very expensive campaign to stop any suggestion of changing Medicare prescription Part D. It would have been a lively debate, an important debate, followed closely by many seniors and their families but, unfortunately, once again, the Republican minority, within their rights, stopped us from moving to that important debate.

So for two very substantive issues, we were stopped this week from the kind of progress which I think people expect us to make. Even if we disagree between the parties, there should be a spirit of cooperation here, at least when it comes to honest debate in a reasonable period of time and then an up-or-down vote and then move on, but we couldn't reach that point this week. Sadly, the only bill that passed was the Court Security Act, as important as it is. It should have passed very quickly without controversy. It took us 2 days.

Now we have a very important bill before us, which I think is long overdue. I wish to thank Senator ALEXANDER from Tennessee and Senator BINGAMAN for being the lead sponsors on this bill. I hope the debate tomorrow will lead to some amendments the beginning of next week and then to passage. America needs to maintain the competitive edge in so many parts of our economy, particularly when it comes to manufacturing, and this bill could be very positive.

## UNANIMOUS-CONSENT AGREEMENT—S. 761

Mr. DURBIN. Madam President, I ask unanimous consent that on Friday, April 20, at 10:30 a.m., the Senate proceed to the consideration of Calendar No. 70, S. 761, the America COMPETES Act, and that during Friday's session there be debate only with no amendments in order to the bill; further, that on Tuesday, April 24, during consideration of S. 761, Senator COBURN be recognized to speak for 1 hour.

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

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the

People's Republic of China: the Senator from Nebraska (Mr. HAGEL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), and the Senator from Florida (Mr. MARTINEZ).

## AMENDING THE ETHICS IN GOVERNMENT ACT OF 1978

Mr. DURBIN. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1130, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1130) to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate.

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

The bill (H.R. 1130) was ordered to a third reading, was read the third time, and passed.

## ORDERS FOR FRIDAY, APRIL 20, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, April 20; that on Friday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; that at 10:30 the Senate begin consideration of S. 761, the America COMPETES Act, as provided for under a previous order.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business today, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 4:45 p.m., adjourned until Friday, April 20, at 10 a.m.