

hand to families, "helping them work out problems, little things."

Frank's last action was one of incredible heroism. After being shot in the back, he pushed a woman out of the line of fire and into safety. This final act of bravery not only encompassed his dedication to his job and duty to protect, but also illustrated his extraordinary character. His friend and fellow deputy, Jeff Firkins, said, "He was a hero to the end. He took every care to make sure everybody else was safe. He was a great person and he had a heart of gold."

Today, I join Frank's family and friends in mourning his death. While we struggle to bear sorrow over this loss, we can also take pride in the example he set, bravely serving to make America a safer place. It is his heroism and strength of character that people will remember when they think of Frank, a memory that will burn brightly during these continuing days of conflict and grief.

When I think about Frank's profound commitment to protect and the pain that accompanies the unjust loss of this outstanding officer, I hope that some comfort can be brought to all the loved ones Frank left behind through the words of Peter 3:14, "but even if you should suffer for what is right, you are blessed." Both Frank's final heroic act, as well as his everyday lifestyle, epitomized doing what is right. May God be with all of you who mourn this tragic loss, as I know He is with Frank.

It is my sad duty to enter the name of Frank C. Denzinger in the official record of the United States Senate for his service to the State of Indiana and the United States of America.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

(The nomination and withdrawal received today are printed at the end of the Senate proceedings.)

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions, and referred as indicated:

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, without amendment:

S. 1686. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-89).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. SPENCER):

S. 1685. A bill to reduce the sentencing disparity between powder and crack cocaine violations, and to provide increased emphasis on aggravating factors relating to the seriousness of the offense and the culpability of the offender; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1686. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. KENNEDY, and Mr. CASEY):

S. 1687. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

By Mr. CASEY:

S. 1688. A bill to amend title 10, United States Code, to extend the time limit for the use of education assistance by members of the Selected Reserve and members of the reserve component supporting contingency operations and certain other operations; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1689. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. BENNETT):

S. 1690. A bill to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER:

S. 1691. A bill to amend title 18, United States Code, to restrict the public display on the Internet of all or any portion of social security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. BAYH, Mrs. CLINTON, Mr. ISAKSON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MURKOWSKI, and Mr. VITTER):

S. 1692. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 253. A resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. REED):

S. Res. 254. A resolution supporting efforts for increased healthy living for childhood cancer survivors; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was withdrawn as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 479

At the request of Mr. HARKIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 573

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 691, a bill to amend title XVIII

of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 1011

At the request of Mr. BIDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1011, a bill to change the name of the

National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1163

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1163, a bill to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1266

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1266, a bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1346

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1346, a bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically

viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1519

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1519, a bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of

Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1621

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1681

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official deprivations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 12

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S.J. Res. 12, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 222

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 222, a resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month.

At the request of Mrs. CLINTON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 222, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. SPECTER):

S. 1685. A bill to reduce the sentencing disparity between powder and crack cocaine violations, and to provide increased emphasis on aggravating factors relating to the seriousness of the offense and the culpability of the offender; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce S. 1685, the Fairness in Drug Sentencing Act of 2007. I am joined in this effort by my colleagues, Senators KENNEDY, FEINSTEIN, and SPECTER. This bipartisan, balanced effort will adjust the existing statutory ratio for cocaine sentencing to craft a

more rational and effective sentencing policy. I must underscore that this bill continues to offer significant penalties for drug dealers and ensures that those who continue to peddle dangerous substances in our communities will endure harsh consequences for their destructive choices; at the same time, though, S. 1685 rectifies a longstanding disparity in cocaine sentencing that should have been fixed two decades ago.

Some background might be appropriate for my colleagues at this point. In 1986, Congress enacted the anti-drug abuse law to address the growing problem of drug use in our country. This legislation created the basic framework of statutory mandatory minimum penalties which are currently applicable to Federal drug trafficking offenses.

The law differentiated between powder and crack cocaine by establishing significantly higher penalties for crack cocaine offenses. It is likely this was done based on assumptions that crack cocaine was considered more dangerous and had increased levels of violence associated with its usage. Based on these assumptions, the law provided for quantity-based penalties which differed dramatically between the two forms of cocaine. Under that law, the current law, it takes 100 times more powder cocaine than crack cocaine to trigger the same 5- and 10-year mandatory minimum sentences. This penalty structure is referred to as the "100 to 1 drug ratio."

Over the last decade, public officials, lawmakers, interest groups, criminal justice practitioners, and judges have all criticized and questioned the fairness and practicality of the Federal sentencing policy for cocaine offenses created by the 1986 law. This 100-to-1 ratio is widely viewed as an unjustifiable disparity. Crack and powder cocaine are pharmacologically the same drug, and although the level of violence associated with crack is higher, it does not warrant such an extreme sentencing disparity.

It should also be noted that during the negotiations in 1986 that produced the 100-to-1 ratio law, a bill was introduced at the request of President Reagan which represented the Reagan administration's views on drug policy. This bill was described as the "culmination" of President Reagan's efforts in his commitment to fight drug abuse. The Reagan legislation utilized the same quantity of crack cocaine necessary to trigger a 5-year mandatory minimum as what is called for in the legislation we are introducing today, reducing the sentencing disparity to a 20-to-1 ratio.

While many individuals can disagree on what the appropriate ratio should be, I am completely comfortable recommending the same amount previously requested by President Reagan. I supported his proposed 20-to-1 ratio in 1986, and I support this same ratio today.

Many organizations share our concern, and the U.S. Sentencing Commission has advocated that Congress reduce the sentencing disparity on four different occasions between 1995 and 2007. The Commission has conducted a voluminous amount of research on this topic. This research has led to many conclusions by the Commission, including that the current penalties exaggerate the relative harmfulness of crack, sweep too broadly and apply most often to lower level offenders, and fail to provide adequate proportionality.

The Fairness in Drug Sentencing Act continues to recognize that crack and powder cocaine are not coequal in their destructive effects. On the contrary, the five-fold reduction in the crack-powder ratio corrects the unjustifiable disparity, while appropriately reflecting the greater harm to our citizens and communities posed by crack cocaine.

This legislation also seeks to emphasize the defendant's role in the crime and will require the U.S. Sentencing Commission to examine sentencing enhancements for all Federal drug violations, including methamphetamine. The Commission's examination should include appropriate sentencing enhancements for offenders who brandished a weapon, sold to minors or pregnant women, sold drugs near schools, were involved in the importation of the illegal drugs into our country, or have previous felony drug trafficking convictions.

Finding ways to reduce drug crime is not and should not be a partisan issue. All individuals involved in this process have tried to design a blueprint to curb the spread of drug trafficking and abuse. An easy, straightforward blueprint has unfortunately proven to be elusive. Since the 1970s, Congress has been working to improve Federal sentencing policy and has routinely made necessary changes to make our sentencing structure more just and effective. The bill we introduce today seeks to remedy mistakes of the past and will provide a rational and just sentencing schedule while continuing to reflect the fundamental and befitting goals of the criminal justice system.

Mr. KENNEDY. Mr. President, I am pleased to join Senator HATCH in support of this important legislation to reduce the difference in sentencing between crack and powder cocaine. It is important to ameliorate harsh drug laws that have discriminatory consequences.

The Sentencing Reform Act was enacted over 20 years ago to reduce unwarranted disparities and assure proportionality in punishment. Instead, the severity of crack-cocaine sentencing has had a harsh impact on low-income and African-American communities and has undermined public confidence in the fairness of the criminal justice system. Unfair sentencing feeds the perception that the criminal justice system unjustly targets the poor and minority communities.