

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008—Continued

## AMENDMENT NO. 2384

Mrs. MURRAY. Mr. President, the Senate is currently considering the Homeland Security appropriations bill. Earlier, the Senator from Louisiana offered amendment No. 2384. I am concerned that the amendment is being offered to an appropriations bill. That amendment is clearly authorizing an appropriations bill. Notwithstanding any other provision of the law, it is my understanding that the Homeland Security and Governmental Affairs Committee objects to that amendment. Therefore, I raise a point of order under rule XVI.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Mrs. MURRAY. 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. BINGAMAN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. 2388 TO AMENDMENT NO. 2383

Mr. BINGAMAN. Mr. President, I call up Senate amendment No. 2388 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, Mrs. HUTCHISON, and Mr. CORNYN, proposes an amendment numbered 2388 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the end of the bill, insert the following:

**TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT****SEC. 601. SHORT TITLE.**

This title may be cited as the “Border Law Enforcement Relief Act of 2007”.

**SEC. 602. BORDER RELIEF GRANT PROGRAM.**

## (a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on

a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

## (c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

## (e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

## (2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A)  $\frac{1}{3}$  shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B)  $\frac{1}{3}$  shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant

other State and local public funds obligated for the purposes provided under this title.

**SEC. 603. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment is aimed at providing needed assistance to law enforcement agencies to address the problem of criminal activity along our Nation's borders. The legislation is cosponsored by myself, Senator DOMENICI, Senator HUTCHISON, and Senator CORNYN. It has passed the Senate on two previous occasions, including last year as part of the Senate's 2007 Homeland Security Appropriations bill.

Specifically, the amendment establishes a competitive grant program within the Department of Homeland Security to help local law enforcement that is situated along our borders to cover some of the costs they incur as a result of having to deal with illegal immigration, with drug trafficking, with stolen vehicles, and with other border-related crimes. The amendment authorizes \$50 million a year to enable law enforcement within 100 miles of the border to hire additional personnel and obtain the equipment and cover the overtime and transportation costs they incur in these activities. Law enforcement outside of this geographic limit that is provided for in the amendment would be eligible if the Secretary of Homeland Security certified that they were located in a “High Impact Area.”

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along these borders are small, rural departments that are charged with patrolling large areas of land with very few officers and very limited resources. According to a 2001 study of the U.S.-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceed \$89 million each year. Counties along the southwest border are some of the poorest in the country and are not in a good position to cover these additional costs.

For far too long, local law enforcement agencies operating along our borders have had to incur significant costs due to the inability of Government to secure our Nation's borders. It is time that the Federal Government recognize that border communities should not have to bear this burden alone. For that reason, I urge my colleagues to support this amendment.

I am informed this amendment has been cleared by both sides, and I think we are ready to go to a vote on it, unless the managers wish additional debate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we have reviewed this amendment. It is as the Senator from New Mexico said, a matter that has been before the body

before and has been previously approved. We have no objection to proceeding as suggested by the Senator.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2388) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

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

#### SECOND HIGHER EDUCATION EXTENSION ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1868 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1868) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading, read the third time and passed, as follows:

#### S. 1868

*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 "Second Higher Education Extension Act of 2007".

#### SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "July 31, 2007" and inserting "October 31, 2007".

#### SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

Mr. REID. Mr. President, I have spoken to the two managers, Senators BYRD and COCHRAN. We have done some work this afternoon. We are getting a feel of the legislation. Senator CANTWELL has an amendment she will offer at the appropriate time. Maybe it can be worked out with the managers. If it cannot, we certainly are not going to be able to debate it all tonight. We are working on the warrior legislation. If we decide to finish that tonight, that will be done by unanimous consent and won't require a rollcall vote. At least it won't require one tonight. So I think that with a number of balls being up in the air—and we are waiting for other Senators to come and offer amendments—we will have no more rollcall votes tonight.

I suggest, though, that Senators should understand that tomorrow is Wednesday and we really need to finish this bill. I hope Senators who have amendments to offer will do that. I checked with the managers, and I have spoken with Senator COCHRAN. Tomorrow, if we are in a period where there are no amendments being offered, we will move to third reading. If people want to improve this bill in any way that they feel appropriate, the way to do it is to come and offer an amendment.

I have said today—and I say it again—I don't want to file cloture on the bill. I think it would set a pattern for how we need to work on appropriations bills. Let's get this done in the regular order. In fact, I said earlier today—and I will say it again—I have spoken to the President's Chief of Staff about appropriations bills generally. My feeling is that we will be happy to sit down and talk to the President's people about an overall program to get these bills passed. In the meantime, let's do them one at a time. The power of the White House, whether it is a Democratic or a Republican President, comes when we have the conference, anyway.

Again, I hope we can work within the regular order to get this passed. I notify all Senate offices that there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### WOUNDED WARRIOR

Mr. REID. Mr. President, we have not been able to clear the Wounded Warrior legislation. It is my understanding the minority is looking at that again tonight. Hopefully, we can get it done tomorrow.

When I come in in the morning, when the Senate convenes, I am going to ask consent again to pass that. This is one of the opportunities we have to really do something for the troops. The Defense authorization bill, the other stuff in it, doesn't become effective until the beginning of the fiscal year, October 1, but this, Wounded Warrior, becomes effective upon passage and approval, so it would really be good if we could do that sooner rather than later. As soon as we complete it here, we will be that much closer to being able to get that to the President. The House can do it very quickly.

I was meeting with the Speaker this afternoon. It is amazing what they can do in just a short period of time. I went over my list of things I wanted to complete for the Senate this next couple of weeks: This appropriations bill we are working on now, SCHIP, the conference report on ethics, and then the one on 9/11.

She had two pages of things they were going to do in the next couple of weeks. We can't do that here but she can. That is when you realize the difference between the House and the Senate.

#### EDUCATION AND THE MINIMUM WAGE

Mr. BROWN. Mr. President, during the last year I have listened to a lot of things Ohioans have said, have told me, as I have traveled from Cleveland to Portsmouth, and from Toledo to Cincinnati and from Youngstown to Lima and Bryan. I have heard repeatedly, particularly middle class and working families talk about lost opportunity, that they do not have the same opportunity for wage increases, do not have the same opportunity to join a union, do not have the same opportunity to send their kids to college.