

that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially.

Another aspect of the problem created by Republicans that we have worked hard to improve is a dramatic reduction in the number of judicial emergency vacancies. Nearly half of the judicial nominees the Senate has confirmed while I have chaired the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergency vacancies, including 9 of the 10 circuit court nominees confirmed this Congress. When President Bush took office, there were 28 judicial emergency vacancies. Now that number is 13, fewer than half.

Of course, we have made this progress even while devoting extensive time and attention to rebuilding the Justice Department in the wake of the scandals of the Gonzales era and the Bush-Cheney administration.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and virtually all of its highest ranking officials, along with several high ranking White House officials.

Earlier this month the Judiciary Committee held its ninth hearing to restock and restore the leadership of the Department of Justice in the last year alone, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. We have already confirmed 35 executive nominations so far this Congress and are poised to add to this total, having reported out of committee this month another six high-level executive nominations, including

the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice, and of J. Patrick Rowan to be the Assistant Attorney General in charge of the National Security Division.

The reduction in judicial vacancies is one of the few areas in which conditions have actually improved over the last couple of years. I wish we could say the same about unemployment or the price of gas or food, or the condition of our financial markets and housing markets. The economy has experienced job losses every month this year, and they now total more than 650,000. Compare the progress we have made on filling judicial vacancies with what has happened to cost of gasoline, food prices, health care costs, inflation, the credit crisis, home mortgages, and the national debt. All those indicators have been moving in the wrong direction, as is consumer confidence and the percentage of Americans who see the country as on the wrong track.

The American people are also best served by a Federal judiciary they can trust to apply the law fairly regardless of who walks into the courtroom. The judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I have continued to work in the waning days of this Congress with Senators from both sides of the aisle to confirm an extraordinary number of nominees late in the election year. I will continue to work with the next President to ensure that the Federal judiciary remains independent and able to provide justice to all Americans, without fear or favor.

#### LEGISLATIVE SESSION

#### MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, S. 2304.

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

The bill clerk read as follows:

A bill (S. 2304) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illness, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Improving the mental health courts grant program.

Sec. 6. Examination and report on prevalence of mentally ill offenders.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

#### SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) *AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.*—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793aa(h)) is amended—

(1) in paragraph (1), by striking at the end "and";

(2) in paragraph (2), by striking "for fiscal years 2006 through 2009." and inserting "for each of the fiscal years 2006 and 2007; and"; and

(3) by adding at the end the following new paragraph:

"(3) \$75,000,000 for each of the fiscal years 2009 through 2014.".

(b) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.*—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking "There are authorized" and inserting "(1) IN GENERAL.—There are authorized"; and

(3) by adding at the end the following new paragraph:

"(2) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.*—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.".

(c) *ADDITIONAL APPLICATIONS RECEIVING PRIORITY.*—Subsection (c) of such section is amended to read as follows:

"(c) *PRIORITY.*—The Attorney General, in awarding funds under this section, shall give priority to applications that—

"(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

"(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

"(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

"(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

"(C) document, in the case of an application for a grant to be used in whole or in part to

fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

“(D) have the support of both the Attorney General and the Secretary.”

#### SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) IN GENERAL.—Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by adding at the end the following new section:

##### “SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

“(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

“(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(2) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

“(3) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

“(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

“(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(b) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

“(c) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section \$10,000,000 for each of the fiscal years 2009 through 2014.”

(b) CONFORMING AMENDMENT.—Such part is further amended by amending the part heading to read as follows: “GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES”.

#### SEC. 5. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF THE MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking “fiscal years 2001 through 2004” and inserting “fiscal years 2009 through 2014”.

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796ii) is amended—

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

(2) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) pretrial services and related treatment programs for offenders with mental illnesses; and

“(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.”

#### SEC. 6. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term “serious mental illness” means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term “covered mental, behavioral, or emotional disorder”—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for 2009.

Mr. LEAHY. Mr. President, I ask unanimous consent that a Kennedy amendment, which is at the desk, be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5656) was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Examination and report on prevalence of mentally ill offenders.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

#### SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

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

(2) in paragraph (2), by striking “for fiscal years 2006 through 2009.” and inserting “for each of the fiscal years 2006 and 2007; and”;

(3) by adding at the end the following new paragraph:

“(3) \$50,000,000 for each of the fiscal years 2009 through 2014.”

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking “There are authorized” and inserting “(1) IN GENERAL.—There are authorized”;

(3) by adding at the end the following new paragraph:

“(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.”

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

“(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

“(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

“(2) promote effective strategies for identification and treatment of female mentally ill offenders;

“(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

“(4)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

“(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

“(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

“(D) have the support of both the Attorney General and the Secretary.”.

#### SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by—

(1) redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following:

“(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

“(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

“(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

“(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

“(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

“(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

“(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.”.

#### SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term “serious mental illness” means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term “covered mental, behavioral, or emotional disorder”—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for 2009.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2304), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. LEAHY. Mr. President, I was proud to be a cosponsor, but I am especially proud of the lead sponsor, Senator EDWARD KENNEDY of Massachusetts. This is a matter he has cared passionately about, and he has worked tirelessly. He relied not only on his own family experience but also the experiences of so many other thousands of families who have seen Senator KENNEDY as a champion. I applaud him.

We have been in constant contact with Senator KENNEDY during the time we have been talking about this issue. Incidentally, we are, of course, talking about The Mentally Ill Offender Treatment and Crime Reduction Reauthor-

ization and Improvement Act. I have talked with him about his personal experience and with those who are mentally ill, and his concern about this whole subject has been shown time and time again. So I applaud Senator KENNEDY and all the other cosponsors for what they have done.

Today, the Senate will finally turn to legislation to reauthorize the Mentally Ill Offender Treatment and Crime Reduction Act. Though this bill was reported by the Judiciary Committee in April, it has stalled on the Senate floor for 5 months due to Republican objection. I am glad that we are moving forward on this bill today.

I was a sponsor of the original authorization of this Act in 2004, and I am proud that these programs have helped State and local governments to reduce crime by providing more effective treatment for the mentally ill. I am pleased to be a cosponsor of the reauthorization of this important legislation in this Congress, and I thank Senators KENNEDY, DOMENICI, and SPECTER for their leadership on this issue.

All too often, people with mental illness find themselves in a revolving door between the criminal justice system and the streets of our communities, committing a series of minor offenses. These offenders end up in prisons or jails, where little or no appropriate medical care is available for them. This bill gives State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public's safety, and the mentally ill offenders themselves. More than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, and about 20 percent of youth in the juvenile justice system have serious mental health problems. Almost half the inmates in prison with a mental illness were incarcerated for committing a non-violent crime. This is a serious problem that I hear about often when I talk with law enforcement officials and others in Vermont.

Under this bill, State and local governments can apply for funding to create or expand mental health courts or other court-based programs, which can divert qualified offenders from prison to receive treatment; create or expand programs to provide specialized training for criminal justice and mental health system personnel; create or expand local treatment programs that serve individuals with mental illness or co-occurring mental illness and substance abuse disorders; and promote and provide mental health treatment for those incarcerated in or released from jails and prisons.

The grants created under this program have been in high demand, but only about 11 percent of the applications submitted have been able to receive funding due to the scarce Federal funds available. The bill's sponsors and I worked hard to determine an appropriate authorization level of funding, which has unfortunately been slashed

in this bill in order to accommodate the objection of the junior Senator from Oklahoma. I look forward to working with Senators KENNEDY, DOMENICI, and SPECTER as the appropriations process moves forward so that these vital programs can be adequately funded.

This legislation brings together law enforcement, corrections, and mental health professionals to help respond to the needs of our communities. They are familiar with the unique problems states face with mentally ill offenders, and they understand the importance of federal support. I am glad the Republican objection to moving this bill forward has been lifted, and I hope the House passes this important bill swiftly.

Mr. DOMENICI. Mr. President, I rise today with my colleagues, Senator KENNEDY, Senator LEAHY, and Senator SPECTER, to laud the passage of S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008. This bill reauthorizes and improves several programs intended to provide federal support for collaborations between criminal justice and mental health systems.

I must first show my great admiration and appreciation for Senator TED KENNEDY, with whom I have worked diligently on legislation related to mental illness. His support, knowledge, and friendship have been invaluable in our joint fight for better access and opportunities for the millions of Americans who suffer from some form of mental illness. To him I owe a debt of gratitude and am thankful for the opportunity to have worked so closely with him for so many years.

It is estimated that approximately 16 percent of adult U.S. jail and prison inmates suffer from mental illness and the numbers are even higher in the juvenile justice system. Many of these individuals are not violent or habitual criminals. Most have been charged or convicted of non-violent crimes that are a direct consequence of not having received needed treatment and supportive services for their mental illness.

The presence of defendants with mental illnesses in the criminal justice system imposes substantial costs on that system and can cause significant harm to defendants. In response to this problem, a number of communities around the country are implementing mental health courts, a specialty court model that utilizes a separate docket, coupled with regular judicial supervision, to respond to individuals with mental illnesses who come in contact with the justice system.

Many communities are not prepared to meet the comprehensive treatment and needs of individuals with mental illness when they enter the criminal justice system. The bill passing today is intended to help provide resources to help states and counties design and implement collaborative efforts between criminal justice and mental health

structures. The bill reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Grant Program and reauthorizes the Mental Health Courts Program. It creates a new grant program to help law enforcement identify and respond to incidents involving persons with mental illness and it funds a study and report on the prevalence of mentally ill offenders in the criminal justice system. All of these reforms will help to address this problem from both a public safety and a public health point of view. This will help save taxpayers money, improve public safety, and link individuals with the treatment they need to become productive members of their community.

Certainly, not every crime committed by an individual diagnosed with a mental illness is attributable to their illness or to the failure of public mental health. Mental health courts are not a panacea for addressing the needs of the growing number of people with mental illnesses who come in contact with the criminal justice system. But they should be one part of the solution. Evidence has shown that in communities where mental health and criminal justice interests work collaboratively on solutions it can make a significant impact in fostering recovery, improving treatment outcomes and decreasing recidivism.

I thank my good friends for working with me on this very important issue. I appreciate their commitment to advancing these important programs and I am thankful to be here to see the passage of this legislation that we worked so hard on.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, it is a privilege to join my colleague from New Mexico, Senator DOMENICI, in strongly supporting Senate passage of S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008. This bicameral, bipartisan legislation demonstrates strong Federal support for helping local communities address the current crisis in which far too many persons with mental illness are subjected to incarceration, not treatment. With full funding, this proposal has the potential to achieve significant reforms in the criminal justice system's treatment of people diagnosed with mental illness.

I commend Senator DOMENICI for his leadership on this bill and on many other initiatives to improve our Nation's mental health system. I also commend the leadership of Representatives BOBBY SCOTT and FORBES in the House of Representatives on this issue. This important legislation will promote cooperative initiatives that will significantly reduce recidivism and improve treatment outcomes for mentally ill offenders.

Based on the most recent studies by the Bureau of Justice, more than half of all prison and jail inmates in 2005

had a mental health problem, including 56 percent of inmates in State prisons, 45 percent of Federal prisoners, and 64 percent of jail inmates. According to a report by the Council of State Governments' Criminal Justice-Mental Health Consensus Project, the rate of mental illness in State prisons and jails is at least three times the rate in the general population, and at least three-quarters of those incarcerated have a substance abuse disorder.

Far too often, individuals are subjected to the criminal justice system, when what is really needed is treatment and support for mental illness or substance abuse disorders. Families often resort in desperation to the police in order to obtain treatment and assistance for a loved one suffering from an extreme episode of a mental illness. During times of such distress, families feel they have no other alternative because persons with symptoms such as paranoia, exaggerated actions, or impaired judgment are unable to recognize the need for treatment.

It is unconscionable, and may well be unconstitutional, for these vulnerable individuals to be further marginalized after they are incarcerated. Too often they are denied even minimal treatment because of inadequate resources. Most mentally ill offenders who come into contact with the criminal justice system are charged with low-level, nonviolent crimes. Once behind bars, they may well face an environment that further exacerbates symptoms of mental illness that might otherwise be manageable with proper treatment, and they may soon be back in prison as a result of insufficient and inadequate services when they are released.

This bill reauthorizes critical programs to move away from troubled systems that often result in the escalating incarceration of individuals with mental illness. Through this legislation, State and local correctional facilities will be able to create appropriate, cost-effective solutions. In particular, I am very supportive of the crisis intervention teams that many communities have developed to expand cooperation between the mental health system and law enforcement. These teams have been very effective in enabling officers to spend less time arresting mentally ill individuals and more time directing them toward treatment. I also support the continued expansion of mental health courts, so that defendants can be placed into judicially supervised community-based treatment programs, which often result in better outcomes and reduced recidivism.

To date, we have seen only a fraction of the possible potential of this legislation, because only a small number of communities have been able to benefit from this legislation. Because of limited Federal funding, only 11 percent of applicants have been able to receive one of these grants, even though demand for them is high. No magic solution will solve the problems faced by communities across America. But this

bill will effectively address local needs by fostering greater cooperation between law enforcement and mental health providers.

In addition, members of State and local law enforcement need access to training and other alternatives to improve safety and responsiveness. It reauthorizes the Mentally Ill Offender Treatment Program and maintains its authorized funding at \$50 million a year. The legislation also authorizes grants to States and local governments to train law enforcement personnel on procedures to identify and respond more appropriately to persons with mental illness, and develop specialized receiving centers to assess individuals in custody.

The broad support for this legislation includes the Council of State Governments, the National Alliance on Mental Illness, the National Sheriffs Association, the Bazelon Center for Mental Health Law, the National Council for Community Behavioral Healthcare, the National Alliance for the Mentally Ill, the Campaign for Mental Health Reform and Mental Health America. These organizations understand it will provide much needed assistance to help solve this complex problem. Courts, law enforcement, corrections and mental health communities have all come together in support of this legislation, and Congress is right to respond.

Individuals and their loved ones struggle with countless challenges and barriers during a mental health crisis. With this bill, Congress will be providing significant new support for needed cooperative efforts between law enforcement and mental health experts. I am pleased that the Senate supports this legislation, and I am optimistic it will be enacted before the end of this current session of Congress.●

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, at the outset, I wish to thank my distinguished colleague, the chairman of the Senate Judiciary Committee, for the committee's action in considering the judicial nominees and for moving ahead with their confirmations today. Senator LEAHY is used to being generous and statesmanlike, but to confirm all these judges at this time, on September 26, considering the background of the controversies in the Senate, is an act of statesmanship. If they wrote a book "Profiles in Statesmanship," as well as the book "Profiles in Courage," Senator LEAHY would be at the top of the list.

There has been a lot of controversy during the last 2 years of the administration regarding judges. Both Republicans and Democrats have been at fault in the last 2 years of President Reagan's administration, the last 2 years of President George H. W. Bush, the last 2 years of President Clinton,

and beyond President Clinton. As I have said on the floor on a number of occasions, I have crossed party lines to support President Clinton's judges because I thought they were inappropriately bottled up. There is controversy now and we have moved ahead. Senator LEAHY has been the leader, the chairman of the committee, to get the job done.

There are three Pennsylvanians in the group of judges that we are confirming today: C. Darnell Jones, II, president judge of the Philadelphia Court of Common Pleas; Mitchell Goldberg, judge on the Bucks County Court of Common Pleas; and Joel Slomsky, a distinguished practitioner. Three very distinguished nominees.

I see the Senator from Colorado is on the floor, and there are two Colorado judges, as well as other judges, that were confirmed. I thank the chairman for his action taken today.

Mr. LEAHY. Mr. President, if the Senator will yield, one, I appreciate his kind words. He and I have been friends from our days when we first met as prosecutors in our jurisdictions. So I appreciate that.

I also appreciate the fact that he has said privately what he has said publicly in thanking me. The Senators from Colorado, the Senators from Florida, and the Senators from Virginia have also joined with the Senators from Pennsylvania in thanking me for moving these nominations. I am sure when the RECORD is read that Senators from the other States will be aware of what we have done. But I do appreciate that. His words mean a great deal to me.

Mr. SPECTER. Mr. President, a few more concluding comments. I was glad to yield to my distinguished colleague, the chairman of the committee.

I also wish to comment briefly about the intellectual property enforcement bill, which is the Leahy-Specter bill. I am glad to see that has cleared and that the holds have been taken off, and I thank Senator COBURN for taking the hold off, after very extensive discussions, which I know the chairman has had and I have had. This is a very important bill for the intellectual property community to provide enforcement and to provide teeth so intellectual property is respected, giving additional powers to the Department of Justice to see to it that the infringement of intellectual property is acted upon swiftly.

I see a number of my colleagues waiting to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATIONS OF CHRISTINE ARGUELLO AND PHILIP BRIMMER

Mr. SALAZAR. Mr. President, I rise, first and foremost, to thank the chairman of the Judiciary Committee, Senator PATRICK LEAHY, for his statesmanship and his hard work and leadership on the Judiciary Committee, as on so many issues. The ten judges that have just been confirmed show the kind of

statesmanship he brings to this body, and I am very proud to be able to work with him and proud to be able to work with the distinguished ranking member as well.

I wish to make a brief comment regarding two of the judges who were confirmed a moment ago, and they would be Christine Arguello and Philip Brimmer from Colorado.

Christine Arguello is a person who was nominated by President Clinton, now over 10 years ago, to the district court, as well as the Tenth Circuit Court of Appeals. She is truly an American dream. She was born and raised in very humble circumstances. There was a poignant time where, because her father worked on the railroad, she actually lived in a boxcar. Yet, over time, she became a very successful student and ended up at Harvard Law School. She went on to have a very distinguished career both in the private sector and the public sector and served as my chief deputy attorney general during the time I served as the attorney general for the State of Colorado.

She is a tenured law professor. She knows the law well, and she will make the State of Colorado and the United States of America very proud with her service on the bench of the U.S. District Court for the State of Colorado. So I congratulate her, and I thank Senator LEAHY and Senator SPECTER for their leadership in moving that through the house.

I wish to congratulate Phil Brimmer, who will join Christine Arguello in the U.S. District Court. He comes from a family of distinguished jurists, and he has a distinguished academic career and now over 7 years of leadership experience within the U.S. Attorney's Office in Colorado, where he has been in charge of the special prosecutions unit. He is a lawyer's lawyer. Both Christine Arguello and Phil Brimmer will move the hands of justice forward in a way we can all be very proud of for the State of Colorado.

I see there are two of my colleagues on the floor, Senator BINGAMAN and Senator MIKULSKI. I think they are waiting to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### TRIBUTE TO SENATORS

Mr. BINGAMAN. Mr. President, I want to take just a few minutes to speak about our colleagues who have announced their plans to retire at the conclusion of this 110th Congress. We obviously will miss them. There are five individuals about whom I wanted to say a brief word: Senators ALLARD, HAGEL, CRAIG, WARNER, and DOMENICI. They have all brought their intelligence, principles, and perspectives on the issues confronting our Nation. The Nation is better for their efforts.

Senators ALLARD and HAGEL both came to the Senate in 1996.