

that ecosystem shift. They used to trawl for winter flounder, a very productive crop in Narragansett Bay. That is almost gone. The population has crashed 90 percent, by press reports. Now they catch scup instead. There is nothing wrong with scup, but it does not pay what winter flounder does, and it has had a real effect on that industry.

If you go out more broadly into our oceans, you go up to the Presiding Officer's home State of Alaska, into the far North, and you see ice caps that have been there for as long as the memory of the Native Alaskans runs. They have been there for as long as the memory of man runs. Now they are receding and disappearing and changing the entire arctic ecosystem.

If you go down to the Southern Ocean and the tropical coral reefs that are the nurseries of the oceans, they are bleaching, they are dying, they are going. Many are gone. If you go way offshore, you find garbage gyres in the Pacific the size of Texas and things we have dumped that are trapped out there.

You find a dead zone in seas around the world, where there simply is not the oxygen left to support life. Wherever you go, you find the acidification of the ocean. The ocean is more acid right now than it has been in 8,000 centuries, and 8,000 centuries is a long time.

We are gambling with some very dangerous consequences when we are not doing something about an ocean whose acid level is the highest it has been in 8,000 centuries. Science tells us that there have been ocean die-offs before. Very bad things can happen.

We need to take prudent action now, and it is not as if this is a choice just between a dangerous future that we need to guard against and costs that we need to impose on society now to protect against those dangers. I would be happy to have that conversation. I think it is still important because those outyear concerns for our grandchildren, our great-grandchildren are so serious that it merits a little bit of effort now and maybe even a little bit of economic pain now to spare them disaster.

But, in point of fact, when you make these investments in a new green, renewable economy, you actually win. It is not lose now to win later, it is win-win because we advance our green economy, we claw back the advantage that the Chinese, the Indians, and others—the European Union—are running away from us right now because we have not adapted our policies to the needs of the moment. You create jobs, thousands and thousands, hundreds of thousands of jobs.

You reduce our deficit; that was the calculation. You clearly enhance our national defense—there is literally no dispute about that—and you take a vital step toward energy independence so we are not in that terrible cycle of funding people who wish us harm and do us harm. Those are all wins.

There are people on this floor who would come and object. We did not have one Republican vote. Not one. Not one. But I think we should have had the fight anyway. I think it is an important fight to have. I think history will look back on this day, and when they are looking at the consequences of our heating planet, of all of the changes in our economy and our habitat in our home States that will accrue, and they look back and say: Why did you do nothing, it will be very hard to have an answer.

I think it would be better to answer: Well, at least we tried. Frankly, I think because the American public is so clearly behind this, if we had taken this to the Senate floor and we had a real fight, if we had the White House behind us and ready for a fight, if the environmental community was willing to put their resources behind this moment and stand up at the same time and join that fight, and if all of the hundreds and thousands of green businesses out there were willing to go to their elected officials and say: This is good for the economy, good for our jobs, good for development, it will help put us back in the fight against China and India and the European Union, I think we could have won. I truly think we could have won.

We probably would have started with maybe 50 Democratic votes. I would hope a few more, but I think once we engaged and all of that pressure came and the logic of the debate began to happen and the magic of the Senate of real debate, of ideas clashing, of back and forth right here in the Chamber began to happen, I think we could have gotten to it.

But even if we had not, we should not have walked away. We should not have just rolled up our tent, given up, and walked away because some fights are worth having even when you lose.

There is a plaque near the pass at Thermopylae where, many years ago, a very small band of Spartans held off the Persian Army for a while. Eventually, they were all killed. There is a burial mound where their bodies rest. On the burial mound there is a plaque. The plaque says: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

It has been 2,000 years since those Spartans died at the Thermopylae Pass. Today on the Senate floor, a Senator from Rhode Island can talk about what they did that day. If they had said: Gosh, there are an awful lot of Persians there; I do not know if this is such a great idea; we probably are not going to win today; we will just head up into the hills for a while and see how this all works out, well, maybe they would have lived another 10 or 15 years, but they would have lived in shame. They would have lived with a little cloud of disgrace on their consciences for the rest of their days. And 2,000 years later, no one would ever have heard of them. No one would ever have thought of them. There is some-

times value in having a fight even when you cannot win. And if there is value in having a fight when you cannot win, my God, there is value in having a fight when you can.

I think it was worth trying. So I am going to keep pushing and coming to the Senate floor and urging my colleagues to ramp up and let's take on this fight. We have to do it together. We need to have a strong majority of our caucus because not one Republican is prepared to join with us on this issue. Not one.

We have to have the support of the White House. They have to be ready to have a fight. They have to be willing to enter into a fight in which they are not guaranteed a victory. But the principle I believe is, if you set as your own limit that you will not get into any fight you are not guaranteed to win, you are going to miss out on the most important fights of your day. That is no place to be when the stakes are high. So here we are, and there the plaque lies: Go tell the Spartans, stranger passing by, that here, faithful to their laws, we lie.

We could have had a moment. It brings a little bit of goose bumps to my skin to say those words. To think that the sacrifice of those men that many thousands of years ago is still something in our minds, in our history, and in our consciences, I would hope that the day will soon come when we have a similar fight right here and, win or lose, our grandchildren, and our great-grandchildren, looking back on this day when we let them down, will at least know that we tried; that faithful to their benefit, faithful to their good lives, we tried.

#### NORTHERN ILLINOIS FLOODING

Mr. DURBIN. Mr. President, Illinois, over the weekend, had torrential rains hit our State. They took a terrible toll on already strained water and flood control systems across Illinois. In a matter of hours, Chicago and northwestern Illinois were pounded by nearly record amounts of rainfall. An estimated 60 billion gallons of rain fell on Chicago Friday night. I was driving in. I was there. My wife was struggling to come in from Washington, and it took her all night to make it to Chicago. It led to flash flooding, a lot of evacuation, and lot of property damage.

The rain actually started Thursday night. By Friday morning, we had 6 inches of rain and flood conditions. Another intense rain began again on Friday and didn't let up until Saturday morning. In Joe Daviess County, at the northwest corner of our State, more than 12 inches fell during the course of the weekend. Roads are closed in Joe Daviess, bridges are out, and the county—along with several other counties in the region—have declared a state of disaster as they focus on cleanup and restoring basic services.

Yesterday, I talked to Mayor Larry Stebbins of Savannah and to Sheriff

Jeff Doran of Carroll County. I spoke to Randy Prasse, too, who leads the Tri County Economic Development Alliance. His group is part of the local leadership working to assess damage and restore business.

Across the north and northwestern part of Illinois, people have lost homes and businesses, many more were forced to evacuate, and hundreds of thousands lost power and safe drinking water.

The Chicago area was hit particularly hard by the Friday night rains which dumped 4½ inches of rain on Chicago and up to 7 inches on the nearby towns of Westchester and Cicero. The rains flooded 43 viaducts and quickly filled all 190 miles of the Deep Tunnel system.

I would just like to say to my friends who talk about the access of our river and canal system to Lake Michigan that if we could not send that storm water out into Lake Michigan, the flooding would be dramatically worse. We have a deep tunnel that gathers as much water as we can in these rains, but it is not enough. It was overwhelmed this last weekend. So those who have a concern about the Asian carp, as I do, need to also be as concerned about the environmental impact of decisions that might be made. We are trying to put this in the context of economic reality, flood reality, and certainly the reality that none of us want to see this invasive species in Lake Michigan. But it is a complex interconnected system, and we have to look at the entire system, not some quick press release that might suggest an easy answer that may not really solve the problem but may create more.

One apartment building along the Chicago River was evacuated before 12 feet of water rolled in—12 feet—flooding the basement and cutting off electricity to a 17-story building.

The Sun came out on Sunday and, true to form, Illinoisans began digging out and cleaning up. The damage from these floods led Governor Pat Quinn to declare a State disaster in 12 counties—Carroll, Cook, DuPage, Henders, Joe Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago. As the water begins to recede, the recovery and damage assessment has just begun. Communities such as Savannah, Westchester, Cicero, Melrose Park, and others suffered substantial damage. But anyone who suffered damage during this flood faces a long difficult process to recover. Some homes will need to be rebuilt in some parts of our State, mold and waste removed, possessions replaced or repaired, highways, bridges and other necessary infrastructure restored, and businesses reopened.

Already cash-strapped, many of the affected communities are struggling to figure out how they will manage the cleanup, repair the roads, restore the bridges, and help the residents recover. I spoke last night with John Blum, the County Board Chair for Stephenson

County, Congressman MANZULLO, and other leaders in the region. We also talked to Marvin Shultz, Joe Daviess County board chair, and Rodney Fritz, the Carroll County board chair. They are hurting, but they are determined. They are working around the cloak to restore services and get their communities back to work.

As the State and Governor continue to assess damages and options for recovery assistance, I am standing ready. I am sure, with my colleague, Senator BURRIS, to help Illinois residents impacted by this flood. I look forward to working with the Governor to explore any Federal assistance for which the State and communities may be eligible.

Mr. President, I might say, we were recently asked by the States of Tennessee and Rhode Island to deal with their horrible flooding conditions, and we did, no questions asked. In this body, we stand as a family for our Nation. If one part of our Nation is struggling with a disaster, we stand together to help. No questions asked about Democrats and Republicans, no questions asked about are we going to raise a tax to do it. Let's help these people in trouble right now. I hope once the assessment is made we don't have to come here and ask for that assistance for Illinois. But if we do, I will do it with the knowledge that I have stood with other communities and other States when they have faced similar circumstances, and this Senate and this government have responded when needed.

#### REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
SENATOR TOM COBURN, MD,  
Washington, DC, July 27, 2010.

Hon. MITCH MCCONNELL,  
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 714, National Criminal Justice Commission Act of 2010.

I support the goals of this legislation and believe that our criminal justice systems should be effectively and efficiently managed. However, I believe that we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

First, this bill costs the American people \$14 million. While an amendment proposed by the bill's sponsor does have offset language, it is insufficient. It does not specifically rescind a certain program or dollar amount from the Justice Department's budget. Rather, it directs the Attorney General to propose an offset in the amount of \$14 million. This will neither guarantee a truly wasteful or fraudulent DOJ program will be eliminated, nor even guarantee an offset will

be enacted into law, as the bill does not require Congress to act on the Attorney General's proposed offset.

Moreover, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now more than \$13 trillion. That means over \$42,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$11.2 trillion. Despite pledges to control spending, Washington adds \$4.6 billion to the national debt every single day—that is \$3.2 million every single minute.

Second, I believe this legislation gives the federal government too much control over the practices of state and local criminal justice systems. This commission is tasked with a very broad and comprehensive review of federal, tribal, state and local criminal justice systems' costs, practices and policies. While I support and affirmatively recommend individual states' investigation and analysis of their own criminal justice systems, doing so is not the responsibility of the federal government. Our Constitution establishes distinct responsibilities for the federal government, and we should use federal funds wisely to prioritize and support those enumerated powers. By allocating \$14 million in federal funds under this legislation, we do a disservice to our own federal criminal justice system.

For example, the purposes of this commission are broad enough to include an analysis of juvenile incarceration policies. The Congressional Research Service (CRS) notes, "administering justice to juvenile offenders has largely been the domain of the states . . . there is no federal juvenile justice system." CRS continues, "states and localities have the primary responsibility for prevention and control of domestic crime." This is just one example of how the breadth of commission's duties not only fails the test of federalism, but also fails the federal criminal justice system. By focusing on issues that are clearly the responsibility of the states, this bill gives short shrift to needs of the federal criminal justice system.

States are already free to share with each other the positive and negative features of their individual criminal justice systems. States do not need a federal commission in order to communicate their ideas to one another. Furthermore, the budgetary decision by a state to spend certain state revenues on state corrections, for example, versus other state budget line items is the business of each individual state, not the federal government. Each state has different needs and priorities based on its own unique population for which it must account in its budget allocations. Congress should focus on improving its oversight of the federal criminal justice system under its jurisdiction so it can be an example to the states of best practices, rather than spending money on a commission to help the states determine what is right for their communities.

Third, the scope of the report required under this legislation is entirely too broad to be completed within the 18 month timeline. If Congress is looking for specific recommendations for improvements in federal, tribal, state, and local criminal justice systems, this commission will not accomplish that goal effectively in 18 months.

In fact, the Government Accountability Office (GAO) has been asked to produce similar reports in the past. However, GAO has declined to do so because of the breadth of the report elements, such as the ones required under this bill. In addition, in GAO's experience, states do not return requests for information promptly or responsively in order to create a report that is actually helpful and valuable to Congress. In fact, the outcome of