

Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees" (FCC 10-6) received in the Office of the President of the Senate on February 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4791. A communication from the Assistant Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rules Authorizing the Operation of Low Power Auxiliary Station in 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90" (DA 10-92, WT Docket Nos. 08-166 and 167) received in the Office of the President of the Senate on February 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4792. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, USACE Revetment, Mile 869 to 303" (RIN1625-AA00)(Docket No. USG-2009-0561) received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4793. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Notice Announcing 2010 Adjusted Thresholds for Clayton Act 7A" received in the Office of the President of the Senate on February 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4794. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States" (RIN0694-AE84) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4795. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Select Agents Controls in Export Control Classification Number (ECCN) 1C360 on the Commerce Control List (CCL); Correction to ECCN 1E998" (RIN0694-AE67) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 111-126).

S. 2768. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board

for fiscal years 2010 through 2014, and for other purposes (Rept. No. 111-127).

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. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. GREGG):

S. 3018. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBARK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 3023. A bill to phase out the use of private military contractors; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and

restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. MCCAIN):

S. 3026. A bill to provide fiscal discipline through a freeze on spending and budget process reforms; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. 3027. A bill to prevent the inadvertent disclosure of information on a computer through certain "peer-to-peer" file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT):

S. Res. 419. A resolution supporting the goals and ideals of "National Guard Youth Challenge Day"; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 420. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 553

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 553, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize

the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 841

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 910

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 910, a bill to amend the Emergency Economic Stabilization Act of 2008, to provide for additional monitoring and accountability of the Troubled Asset Relief Program.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti

to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1269

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1269, a bill to provide for enhanced foodborne illness surveillance and food safety capacity, to establish regional food safety centers of excellence, and for other purposes.

S. 1350

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1350, a bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1733

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1733, a bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1931

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1931, a bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and rec-

ommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2750

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2803

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2803, a bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2816, a bill to repeal the

sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as "National Childhood Obesity Awareness Month".

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make it a Federal offense to intimidate or threaten a witness in a State court proceeding.

This legislation I believe to be necessary based upon some very disastrous experiences in the criminal courts in Philadelphia, as evidenced by a lengthy series of articles in the Philadelphia Inquirer and a field hearing which the Judiciary Subcommittee on Crime and Drugs held in Philadelphia. What has occurred is that in many instances, witnesses are intimidated—even murdered—to prevent them from testifying.

The crime scenes in our big cities are atrocious. I spent eight years as the district attorney of Philadelphia. When I left that position, I didn't think the crime problem could be worse, but regrettably it is now, in many aspects. One of the aspects has been for the young thugs who are under accusation or friends of those who are under

charge to go to the witnesses and terrify them and even murder them. During the course of the field hearing, we had two parents testify about how their children were brutally murdered.

It is a violation of State law to intimidate a witness, but making it a Federal offense imports a great deal more pressure, more power to the situation. People do not like the Federal presence, the initiation of a criminal case, the investigation by the FBI, and the treatment of the Federal courts is materially different—at least in Philadelphia—than it is in the State court proceedings.

I think this kind of legislation would be very salutary. If you don't have the integrity of the judicial process protected, it is a very sad day in the administration of justice. I introduced this legislation on behalf of Senator SCHUMER, Senator KLOBUCHAR, and Senator KAUFMAN.

Mr. President, I ask unanimous consent that the full text of my statement and the text of the bill be printed in the RECORD.

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

Mr. SPECTER. Mr. President, I have sought recognition to introduce the State Witness Protection Act of 2010. I am joined on this legislation by Senators Kaufman, Schumer and Klobuchar as original cosponsors.

As reported by the Philadelphia Inquirer on December 14, 2009, "[p]rosecutors, detectives, and even some defense attorneys say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statement to police."

One Philadelphia Assistant District Attorney is quoted in the article saying that at least one witness in every murder trial recants. As a result, Assistant District Attorneys learn to "lock in" witness testimony early with signed statements and testimony under oath, and are expert in cross-examining witnesses who "go south." At times, the prosecutors are forced to lock up witnesses on material witness warrants to assure their appearance at trial.

In Philadelphia between 2006 and 2008, the District Attorney's Office filed witness intimidation charges against approximately 1,000 individuals. Their conviction rate on these charges, however, is only 28%.

Witness intimidation and violent crime are problems that I have worked on for decades, since I was an Assistant District Attorney and later District Attorney in Philadelphia, and on the Judiciary Committee, where I have served since 1981 when I was sworn in.

Criminal trials cannot proceed unless there are witnesses, and if witnesses are subject to intimidation or even worse, murdered, criminal cases cannot go forward. And unless witnesses can be assured they will be protected, the problem of witness intimidation cannot be expected to go away.

Philadelphia's witness intimidation problems are similar to those faced by many communities in our country. A recent Op-Ed in the Chicago Tribune stated that witnesses often want to cooperate with police, but the risk of retribution is too great. The article posed the following question "What would happen if we diminished the risk and created

a greater sense of assurance that the law would do its job in actually making the streets safe as well as protecting those who decide to turn killers in?"

On January 8, 2010, I chaired a field hearing in Philadelphia for the Senate Judiciary Subcommittee on Crime and Drugs on witness intimidation to explore how law enforcement can better protect witnesses. Two parents—each who lost a child to gun violence—testified. Barbara Clowden told us that her son Eric Hayes, 17 years old, was killed just two days before he was to testify in an arson trial in Philadelphia. Because Eric's life had been threatened, in January 2006 his family entered into the city's witness relocation program. Eventually the money from the program ran out and they had to relocate to Northeast Philadelphia where Eric was murdered. No one to date has been convicted of Eric's murder.

Ted Canada is a Philadelphia resident and SEPTA bus driver. In 2005, his son Lamar Canada was shot 12 times and killed by Dominick Peoples and another unidentified shooter in Philadelphia over a gambling debt. One witness to the shooting, Johna Gravitt, 17 years old, was murdered 10 days after he testified at the preliminary hearing and identified Peoples as one of the shooters. Another witness initially cooperated but after his statement to the police was publicly posted in his neighborhood identifying him as a "snitch," he recanted. Peoples, nevertheless, was convicted.

The most notorious example of witness intimidation in Philadelphia involves Kaboni Savage, a drug kingpin who was federally indicted last April on racketeering and murder charges for retaliating against his former drug associate, Eugene Coleman. Coleman had agreed to testify against Savage in a federal trial. The federal charges allege that to retaliate for this, Savage orchestrated the firebombing of Coleman's family home on the 3200 block of North 6th Street in Philadelphia during the early morning hours of October 9, 2004. Killed in the fire were Coleman's mother, Marcella Coleman (age 54); Coleman's infant son, Damir Jenkins (15 months old); Marcella Coleman's niece, Tameka Nash (age 34), and her daughter, Khadjah Nash (age 10); Marcella Coleman's grandson, Tahj Porchea (age 12); and a family friend, Sean Rodriguez (age 15). In a conversation secretly recorded by court authorized wiretaps, Savage explained how witness intimidation works, "Without the witnesses, you don't have no case . . . No witness, no crime."

The witness intimidation problem is exacerbated by internet sites, such as whosarat.com, which expose the identities of witnesses and government informants. Gang members and criminals are becoming more computer savvy. They use the internet to find out who may be a cooperating witness by accessing public court dockets. They also access other sites to locate these individuals. With this information obtained anonymously through the internet, gang members and other criminals can easily threaten or harm witnesses, as well as their family members.

It is imperative that we find a way to make people feel safe if they step forward and provide information to law enforcement. As Philadelphia Police Commissioner Charles H. Ramsey testified at the Subcommittee hearing, "the only way we're going to deal with crime in communities is when the community steps forward, but they have to feel comfortable in doing so and know they have support."

To better protect state witnesses from witness tampering and witness retaliation, I am introducing today The State Witness Protection Act of 2010, a bill that ensures that state witnesses will receive the same protections