

Whereas, after 9 years, 67 percent of American Indians and Alaska Natives who had been diagnosed with HIV/AIDS were alive, compared to 66 percent of Blacks, 74 percent of Hispanics, 75 percent of Whites, and 81 percent of Asians and Pacific Islanders;

Whereas, from 2001 through 2004, the estimated number of HIV/AIDS cases increased among Whites, Asians and Pacific Islanders, and American Indians and Alaska Natives, and decreased among Blacks and Hispanics; and

Whereas, from 2000 through 2004, the estimated number of deaths among persons with AIDS decreased among Whites, Blacks, and Asians and Pacific Islanders, but increased among American Indians and Alaska Natives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of the spread and threat of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) epidemic in American Indian and Alaska Native communities;

(2) encourages Federal, State, and tribal governments as well as Indian organizations and health care providers to coordinate efforts in HIV/AIDS testing and in the promotion of prevention activities to further efforts in the reduction of HIV/AIDS infection rates among American Indians and Alaska Natives; and

(3) designates March 20, 2008, as "Second Annual National Native HIV/AIDS Awareness Day".

PERMITTING THE USE OF THE ROTUNDA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 306 received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 306) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 306) was agreed to.

ORDERS FOR WEDNESDAY, MARCH 12, 2008

Mr. BROWN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, March 12; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and that the Senate then resume consideration of H. Con. Res. 70, the concurrent resolution on the budget.

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

PROGRAM

Mr. BROWN. Tomorrow, the Senate will resume debate on the budget resolution. Senator BINGAMAN is expected to be here to offer the next amendment.

ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent that all time during this period of morning business be charged equally against each side on the resolution and that morning business now be closed and that the Senate resume consideration of the budget resolution, and following the remarks of Senator COBURN, who was generous with his time this evening, and I am grateful for that, and the remarks of Senator SANDERS, that the Senate stand adjourned under the previous order.

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

TO CORRECT THE ENROLLMENT OF H.R. 1593

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 270 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 270) to make corrections in the enrollment of the bill H.R. 1593.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 270) was agreed to.

SECOND CHANCE ACT OF 2007

Mr. BROWN. I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 1593 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

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

Mr. LEAHY. Mr. President, I was pleased to join Senators SPECTER, BIDEN, and BROWNBACK last year as an

original cosponsor of S. 1060, the Recidivism Reduction and Second Chance Act, and to help to shepherd that legislation through the Senate Judiciary Committee. I am pleased that now our hard work will finally enable us to take up and pass the House version of the legislation, which represents significant work and compromise on the part of the bill's Senate sponsors as well as those in the House, in order to move this important bill one step closer to becoming law.

Over the past several years that we have been working on this bill, I and others have had to make many painful compromises in order to ensure that this important bill could receive the support it needs to pass and become law. In spite of these sacrifices, the Second Chance Act is a good first step toward a new direction in criminal justice that focuses on making America safer by helping prisoners turn their lives around and become contributing members of society.

In recent years, this Congress and the States have passed a myriad of new criminal laws creating more and longer sentences for more and more crimes. As a result, this country sends more and more people to prison every year. There are currently more than 2 million people in jail or prison, and there are more than 13 million people who spend some time in jail or prison each year. Most of these people will at some point return to our communities. What kind of experience inmates have in prison, how we prepare them to rejoin society, and how we integrate them into the broader community when they get out are issues that profoundly affect the communities in which we live.

As a former prosecutor, I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when these people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycles of recidivism and violence. I hope that the Second Chance Act will help us begin to break that cycle.

The Second Chance Act would fund collaborations between State and local corrections agencies, nonprofits, educational institutions, service providers, and families to ensure that offenders released into society have the resources and support they need to become contributing members of the community. The bill would require that the programs supported by these grants demonstrate measurable positive results, including a reduction in recidivism. We should be supporting good programs and demanding results for our federal tax dollars.

The bill would also set up a task force to determine ways to improve the effectiveness and efficiency of federal programs related to prisoner reentry and would authorize additional programs that would encourage employment of released prisoners, improve

substance abuse treatment programs for prisoners, and assist the children of prisoners.

I thank Senator BIDEN, Senator SPECTER, and Senator BROWNBACK for consistently working with me to make a good bill even better. They accepted my suggestion to fix a provision that would have made it difficult for States without large urban areas to obtain grants. They also agreed with me that it made sense for victim services agencies to have a role in administering grants, for victims' needs to be specifically addressed by grants authorized by the bill, and for safeguards to be added to provisions aiming to integrate families of offenders in order to ensure that children are protected.

They also worked with me to include in the Senate's legislation an important study of the collateral consequences of criminal convictions federally and in the States, which would encourage appropriate policy to help successfully reintegrate released offenders into society. I am disappointed that partisan and unprincipled objections prevented this study, which is very important but in no way provocative, from being a part of the final bill. I am glad to report, though, that this important study was passed into law in December as part of the Court Security Improvement Act of 2007. I am similarly glad that we are moving now to pass the best version of the Second Chance Act that we can.

I thank the Vermont Department of Corrections and the Vermont Center for Crime Victim Services for helping me to identify important improvements and to make this bill better for the people of Vermont and the people of America. The Vermont Department of Corrections and many others in Vermont strongly support the Second Chance Act, which gives me confidence that this legislation we pass today represents an important step in making our country safer.

Mr. BROWN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1593) was ordered to be read a third time, was read the third time, and passed.

Mr. BROWNBACK. Mr. President, Today, I rise to congratulate my colleagues on the passage of the Second Chance Act, a bill that we have been working on for over 4 years. I am pleased to join with Senators BIDEN and SPECTER and Chairman LEAHY in supporting the passage of this bill. I, like my colleagues, have worked long and hard on this bipartisan legislation that is supported by over 200 bicameral and bipartisan organizations.

I truly believe that with this bill, we have an incredible opportunity to reshape the way in which our Nation fights crime, addresses poverty, and

provides for safer communities. Indeed, we have all seen the statistic. Over 650,000 individuals will be released from our Federal and State prisons, and 9 million are released from jails. Approximately two out of every three individuals released from prison or jail commit more crimes and will be re-arrested within 3 years of release, placing increasing financial burdens on our States and decreasing public safety.

This is unacceptable and must be addressed. Recidivism is costly, in both personal and financial terms. Consider: the American taxpayers spent approximately \$9 billion per year on corrections in 1982, and in 2002—nearly two decades later—taxpayers spent \$60 billion.

In addition to the astronomical costs of recidivism, the Nation's prison population is projected to continue to grow over the next 5 years by an additional 13 percent. According to "Public Safety, Public Spending: Forecasting America's Prison Population 2007–2017", State and Federal prison populations are expected to add approximately 192,000 persons at a cost of \$27.5 billion between 2007 and 2011.

If that is not astonishing enough, State spending on corrections has risen faster over 20 years than spending on nearly any other State budget item—increasing from \$9 billion to \$41 billion a year. The average annual operating cost per State inmate in 2001 was \$22,650, or \$62.05 per day. Among facilities operated by the Federal Bureau of Prisons, it was \$22,632 per inmate, or \$62.01 per day. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

Despite that fact that taxpayers went from spending \$9 billion per year on corrections in 1982 to \$60 billion two decades later, the failure rate of our prison system has not improved over the last 30 years.

However, my concerns with our correctional system do not stop here. Not only do we need to ensure that our communities are safer, that the money spent on corrections result in drastically lower recidivism rates, but we must also look at the cost to the children of incarcerated individuals. A recent study found that children of prisoners are five times as likely to be incarcerated later in life as a child who has not had a parent incarcerated. Fifty-five percent of prisoners have children under the age of 18 and, tragically, more than 7 million children can claim a parent in prison, in jail, under parole, or under probation supervision.

Additionally, some incarcerated parents owe more than \$20,000 in child support debt upon their release. Parents play a vital role in the lives of their children—and the role of incarcerated parents is no different. The children of individuals in our prison system often depend upon their incarcerated parent, at least in part, for financial support, and look to that parent for guidance in

many aspects of their lives. Failing to address this very important facet of the family structure within the prison population could be contributing to the deterioration of families.

We must stop subsidizing programs that do not work and that lead, in turn, to negative behavior less safety, more crime, and more money wasted.

The Second Chance Act of 2007, co-authored by Senator BIDEN, Ranking Member SPECTER, Chairman LEAHY, and myself, as well as our counterparts in the House of Representatives, is a bill that will address this issue by providing grant money to States through the Department of Justice and the Department of Labor to encourage the creation of innovative programs geared toward improving public safety, decreasing the financial burden on States and successfully reintegrating exoffenders into society.

Additionally, this bill authorizes two grant programs designed to aid non-profit organizations—faith-based and community based organizations—that provide programs to those incarcerated. As you may know, faith-based programs are very successful in reintegrating offenders into society. A 2002 study found that faith-based prison programs result in a significantly lower rate of re-arrest than vocation-based programs—16 percent versus 36 percent.

A 2003 study on Prison Fellowship Ministries' Texas InnerChange Freedom Initiative, IFI, program found that IFI graduates were 50 percent less likely to be re-arrested. The 2-year postrelease re-arrest rate among IFI postrelease graduates in Texas was 17 percent compared with 35 percent of the matched comparison group. And finally, the study found that IFI graduates were 60 percent less likely to be reincarcerated and the 2-year postrelease reincarceration rate was 8 percent of IFI graduates—8 percent—versus 20.3 percent with the matched comparison group from a nonfaith-based program.

The bill also focuses on systematic changes within the criminal justice system by encouraging more coordination between Government agencies, encourages States, and local governments to reevaluate their current statutes in order to streamline their budgets and provide for more effective transition programs for inmates, which include: education, job training, life and family skills, programs for children of incarcerated parents, as well as substance abuse treatment.

Further, I want my colleagues to know that there are real accountability measures within this bill. If grantees do not show significant progress in reducing the recidivism rates for program participants they will not be eligible to receive further funding under this act.

States have already shown that recidivism rates can be dramatically cut with innovative programs, and I am

proud that my State, Kansas, is a leader in this regard. In Kansas, the Shawnee County Re-Entry Program engages corrections officials and community partners to develop comprehensive re-entry plans for people in prison who have been assessed as high-risk for re-offending upon release. In the 12 months prior to release, program participants work closely with case managers to develop their reentry plans. Case managers continue to provide support as needed following release.

The Shawnee community is closely involved in the program as well, serving on accountability panels and as volunteer community connectors. The program also developed a data collection system to enable facility and parole case managers to enter information more easily. The system allows facility staff and case workers to share data with other data systems within other State agencies, and faith and community-based providers. A Web-based data system would also help build the capacity of community and faith-based organizations to track data similar to State data collections methods. In this way, State agencies can more easily compare data and outcomes with information collected by faith and community groups. This is just one example of innovation in addressing the concerns facing our criminal justice system.

Indeed this bill is much needed and will serve as a catalyst for systemic change. This bill could not have happened without the hard work and determination of over 200 organizations, such as Prison Fellowship Ministries, Open Society, the Council of State Governments, and the U.S. Conference of Catholic Bishops, as well as many State and local government correction officials and law enforcement officials—a truly bipartisan/bicameral coalition of partners committed to changing the criminal justice system.

Mr. President, I thank my colleagues, Senators BIDEN and SPECTER, and Chairman LEAHY. Together we were able to implement vital legislation geared to improve public safety, give aid to States, and to truly give those incarcerated a second chance not only to fully integrate into society in a positive way but to provide them with a hope for a positive future not only for themselves but for their families as well.

Mr. BROWN. Mr. President, I yield the floor to my colleague from Oklahoma, Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

Mr. COBURN. Mr. President, I am going to spend a little while tonight talking about the budget. I have listened to the budget debate all day, just like I did yesterday. I came in yester-

day and listened to the debate. I have heard about tax increases and I have heard about spending and I have heard the things going back and forth. But what I did not hear was anything that had to do with this: This is the oath of a Senator. There are some interesting things. Let me read it first:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

The interesting thing about that oath is nowhere in that oath does it mention your State. There was, by design, never any intended part by our Founders that we would place parochialism ahead of our duty to this country. Yet where do we find ourselves today? With \$9 trillion, almost \$10 trillion, at the end of this fiscal year, in direct debt.

We have heard all sorts of numbers quoted today. The actual number for the obligated unpaid-for liabilities that our next generations will face is actually \$79 trillion. It is interesting where that comes from because that comes from the retirement benefits for our service personnel, the retirement benefits for Federal employees, including people who work in this Chamber, Medicare payments, Medicaid payments, all the various trust funds we have set up through the years, such as the Inland Waterway Trust Fund, the trust funds associated with other distinct obligations in terms of infrastructure in this country. We are stealing all that money every year that is supposed to go to it. As a matter of fact, the budget deficit this year will be, in real accounting standards—not Enron accounting standards—\$607 billion, of which about \$160 billion of that is going to come from Social Security and about another \$30 billion to \$35 billion from all these other trust funds.

So when you hear a number that comes from Washington, I want us to be very suspect because we are much like the CEO at Enron, Ken Lay. We are not going to send you the real number. It is not because we do not intend to be honest; it is because we have sold out to parochialism.

Now, I want us to think about that for a minute. Later on, I am going to show some examples. I am going to go through \$350 billion-plus worth of waste that occurs annually in this country. But how is it that we have \$350 billion—by the way, it is not going to be disputable. There is going to be an absolute reference to either a GAO study, a CBO score, a congressional hearing or published reports that are out there. So it is not going to be TOM COBURN's estimate. It is going to be a factual basis of what is occurring in our country.

But how is it we got to the point where Members of Congress—both of the House and of the Senate—have all

of a sudden forgotten what their oath is; that, in fact, their primary means is: How do I send more money home to my State? How is it that we have gotten to where we have \$79 trillion in unfunded liabilities? We have \$10 trillion in true debt, at the end of this fiscal year. We are going to have a \$600 billion deficit—real deficit—this year, which we are going to obligate our children to pay for.

I would put forth: We forgot our oath. We forgot what it is about. Our State is not mentioned. When I am parochial for my State, there is no way I can live up to the oath I took when I came into this body. There is no way, if I am parochial for Oklahoma or Ohio, I can possibly make a decision that is in the long-term best interest of the country, when I am thinking about the best interest of my State in the short term.

So, consequently, what came about from that? Well, here is what we saw in terms of earmarks, the growth of earmarks and the growth of Government spending. Isn't it interesting, we have heard all the debate today about tax increases, but nobody, except Senator BROWNBACK, talked about cutting spending. Here we have the earmarks in 2006. In 2007, there were another 11,800 earmarks. So it went to 12,000 earmarks. But the spending continues to rise. There is a correlation between earmarks and spending, and it is this: Earmarks are the gateway drug for overspending.

Let me explain how it works. If I want something for Oklahoma and I submit a request and the appropriators are kind enough to honor that request and I do not vote for the bill, regardless of whether I agree with the bill, the next time another appropriations bill comes up and I have a request, I will not get it. So all of a sudden my earmark blinds me on a parochial basis for what is best for Oklahoma, but I do not do what is best for the country. So you see this trend going up, and it continues to go up. If you had one for debt, you would see that. If you had one for unfunded liabilities, you would see the same thing.

Now, what did our Founders have to say:

Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated.

This is Thomas Jefferson, the founder of the Democratic Party. This is what he said:

As it was never meant they should provide for that welfare but by the exercise of the enumerated powers.

Earmarks are not enumerated powers. The only power they are is how we find ways to get ourselves reelected. That is the power they are. Here is the founder of the modern Democratic Party who now chastises us with his words about what earmarks are.

Yet what do we do? We are going to have a vote. We are going to have a vote on this budget on a moratorium on earmarks. I am very thankful to Senator DEMINT for bringing that up.