

Mexico's communities. I hope the Senate will give this legislation its every consideration. I thank Senator BINGAMAN, Chairman of the Energy and Natural Resources Committee for cosponsoring this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 255

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "New Mexico Water Planning Assistance Act".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) **STATE.**—The term "State" means the State of New Mexico.

**SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.**

(a) **IN GENERAL.**—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) **TECHNICAL ASSISTANCE.**—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) **ALLOCATION.**—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) \$5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambé, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) \$1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) \$1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for South-

west New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) \$4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) **NON-REIMBURSABLE BASIS.**—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) **AUTHORIZED TRANSFERS.**—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this Act \$3,000,000 for each of fiscal years 2008 through 2012.

**SEC. 5. SUNSET OF AUTHORITY.**

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—RE-AFFIRMING THE CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 22

Whereas all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

Whereas postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

Whereas the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

Whereas the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

Whereas the Postal Accountability and Enhancement Act (Public Law 109-435) expressly reaffirmed the right of postal customers to have access to a class of mail sealed against inspection;

Whereas the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109-435) does not grant Federal law enforcement officials any new authority to open domestic mail;

Whereas the signing statement on the Postal Accountability and Enhancement Act (Public Law 109-435) issued by President Bush on December 20, 2006, raises questions about the President's commitment to abide by these basic privacy protections; and

Whereas the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109-435) that in any way diminishes the privacy protections accorded sealed domestic mail under the Constitution and Federal laws and regulations:

Now, therefore, be it

*Resolved*, That the Senate reaffirms the constitutional and statutory protections accorded sealed domestic mail.

Ms. COLLINS. Mr. President, I rise today to submit a Senate resolution that will reaffirm the fundamental constitutional and statutory protections accorded sealed domestic mail. I am very pleased to have the distinguished chairman of the Senate Governmental Affairs and Homeland Security Committee, Senator LIEBERMAN, as a cosponsor, Senator CARPER, who was the author of the postal reform bill with me in the last Congress, Senator COLEMAN, and Senator AKAKA, all of whom have been very active on postal issues.

On December 20, President Bush signed into law the Postal Accountability and Enhancement Act that Senator CARPER and I originally introduced in 2004. This new law represents the most sweeping reforms to the U.S. Postal Service in more than 30 years.

The Presiding Officer and new chairman of the committee knows well that of all the legislation our committee produced last year, in many ways this was the most difficult to bring to completion.

The act, which will help the 225-year-old Postal Service, meets the challenges of the 21st century, establishes a new rate-setting system, helps ensure a stronger financial future for the Postal Service, provides more stability and predictability in rates, and protects the basic feature of universal service. One of the act's many provisions provides continued authority for the Postal Service to establish a class of mail sealed against inspection.

The day President Bush signed the Postal Reform Act into law, he also issued a signing statement construing that particular provision to permit "searches in exigent circumstances, such as to protect human life and safety." While I understand that the President's spokesman has explained that the signing statement did not intend to change the scope of this new law, it has resulted in considerable confusion and widespread concern about the President's commitment to abide by the basic privacy protections afforded sealed domestic mail. For some, it raised the specter of the Government unlawfully monitoring our mail in the name of national security.

Given this unfortunate perception, I wish to be very clear as the author of this legislation. Nothing in the Postal Reform Act, nor in the President's signing statement, alters in any way

the privacy and civil liberty protections provided to a person who sends or receives sealed mail. In fact, the President's signing statement appears to do nothing more than restate current law, but by the mere act of issuing the signing statement, unfortunately, the administration raised questions about what, in fact, is their intent.

Under current law, mail sealed against inspection is entitled to the strongest possible protections against physical searches, the protections afforded by our Constitution which guard against unreasonable searches. With only limited exceptions, the Government needs a warrant issued by a court before it can search sealed mail. This is true whether the search is conducted under our Criminal Code to obtain evidence of a crime or under the Foreign Intelligence Surveillance Act, FISA, of 1978 to collect foreign intelligence information concerning a national security threat. Only when there is an immediate danger to life or limb or an immediate and substantial danger to property can the Government search a domestic sealed letter or package without a warrant. Let me give a couple of examples. That could occur when there are wires protruding from a package, for example, or odors escaping from an envelope or stains on the outside of a package indicating that the contents may constitute an immediate danger or threat.

Americans depend on the U.S. Postal Service to transact business and to communicate with friends and family, and if there is any doubt in the public's mind that the Government is not protecting the constitutional privacy accorded their mail, if there is suspicion that the Government is unlawfully opening mail, then our Nation's confidence in the sanctity of our mail system and, indeed, in our Government will be eroded. That is precisely why I am joining with my colleagues in submitting this resolution today. It makes clear to all law-abiding Americans that the Federal Government will not invade their privacy by reading their sealed mail absent a court order or emergency circumstances. Any contrary interpretation of the Postal Reform Act is just plain wrong.

I invite my colleagues to join me in cosponsoring this resolution which reaffirms the constitutional and statutory protections accorded to domestic sealed mail. I say to the Presiding Officer, the chairman of the committee with jurisdiction over this matter, that I hope we can act very quickly and get this resolution approved by the full Senate. I believe it is important that we go on record without any delay to assure the American people that those protections which they value so much are still in place and have not been altered, given the doubt that the President's signing statement created.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 9. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 10. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 11. Mr. DEMINT (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 12. Mr. DEMINT (for himself and Mr. OBAMA) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 13. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 14. Mr. DEMINT proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 15. Mr. SALAZAR (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 16. Mr. STEVENS proposed an amendment to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 17. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. SESSIONS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. ENSIGN, and Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 18. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 19. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 20. Mr. BENNETT (for himself and Mr. MCCONNELL) submitted an amendment in-

tended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 21. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 9.** Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows.

On page 51, between lines 12 and 13, insert the following:

##### SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

“(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.”

(b) GRANDFATHER PROVISION.—The amendment made by subsection (a) shall not apply to any spouse of a Member of Congress serving as a registered lobbyist on the date of enactment of this Act.

**SA 10.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows.

On page 34, line 5, strike “\$100,000” and insert “\$200,000”.

**SA 11.** Mr. DEMINT (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 103 and insert the following:

##### SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

##### RULE XLIV

##### EARMARKS

“1. It shall not be in order to consider—  
“(a) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or