

In 1938, almost 70 years ago, the U.S. Supreme Court set forth, in what I believe is seminal language, a standard of conduct that should govern the actions and decisions of U.S. attorneys. In that decision, the U.S. Supreme Court said the following:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty

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whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.

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He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

I believe these words the U.S. Supreme Court said in 1938 are equally as applicable today; that is, we are a nation of laws and we must understand that no person is above or below the law. If we are going to be a nation of laws, we must make sure those individuals in whom we repose the authority to prosecute and to enforce the laws of the United States do so in an appropriate way that meets the standards that were set forth by the U.S. Supreme Court in 1938, and also which meets the standards that are set forth in the manual that governs the conduct of the U.S. attorneys. For many of us who have watched what has happened in Iraq and other places around the world, what we see is a failure of nations to develop a rule of law. That is what sets America apart from many of these other countries that so struggle to create a safe and secure society: they do not have the rule of law which is so important to us in this country. Therefore, I believe the legislation I will be introducing will make sure that the Department of Justice and the U.S. attorneys within the Department of Justice are always in a position to uphold the rule of law for our Nation and make sure that their ability and their decisions are not compromised by any political influence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until 2:15 p.m.

RECESS

There being no objection, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 21.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that during further consideration of the concurrent budget resolution today, the first 3 hours be for debate only, the time equally divided and controlled by the chairman and the ranking minority member of the Budget Committee, and that at the end of that time, the majority leader then be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, is the majority leader being recognized for purpose of an amendment?

Mr. CONRAD. That is correct, Mr. President.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, I repeat the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CONRAD. Mr. President, let me begin, if I may, by thanking the ranking member, Senator GREGG, for the way in which he has conducted the work of the committee on the minority side and the fairness with which he has conducted it when he was in the majority. I wish to say to him that we will endeavor to approach this in the same way with him. There will not be surprises. We will try to organize this in a way that gives each side a fair opportunity to make their points and to offer their amendments. I wish to again thank Senator GREGG for his courtesy

and professionalism throughout both the times when he has been in the majority and the times he has been in the minority.

Mr. President, the budget resolution that has now passed the committee has these key elements:

It restores fiscal responsibility by balancing the budget by 2012, it reduces spending as a share of gross domestic product, it reduces debt as a share of gross domestic product after 2009, and it adopts new disciplines, spending caps, and restores a strong pay-go rule. At the same time, it meets the Nation's priorities by rejecting the President's cuts in key areas and provides increases for children's health care, for education, and for our Nation's veterans.

It also seeks to keep taxes low by protecting middle-class taxpayers with 2 years of alternative minimum tax relief, the old millionaire's tax that has rapidly become a middle-class tax trap. It also includes a deficit-neutral reserve fund for new tax relief and extensions of expiring tax provisions.

Our goal is to be fiscally responsible but to do it in a way that keeps tax rates low and addresses some of the other things we have seen that have been brought before the committee, things that are serious problems. We find abusive tax situations that have grown up around the country. We see the use of tax havens. We also see the tax gap growing geometrically—the difference between what is owed and what is paid—and that is not fair to the vast majority of American taxpayers who pay what they owe.

So we try to keep taxes low, and we include no assumption of a tax increase.

We also try to prepare for the long term by including a comparative effectiveness fund to address rising health care costs, looking at those procedures and those disciplines and those technologies that work to hold down health care costs in one part of the country and to adopt them in other parts of the country. We also adopt a new budget point of order against long-term deficit increases.

The budget resolution that came out of the committee and which we bring to the floor today starts with a \$249 billion deficit and reduces it each and every year. In fact, we almost balance in 2011 under this proposal. We do achieve balance in 2012 with \$132 billion to the plus side. One might say this is a surplus. I always hesitate to use that term because the only reason it is in surplus is because of Social Security. Nonetheless, in terms of the way deficits are calculated and reported by the press, there is a \$132 billion positive balance in 2012.

One of the most important things we have to stop is the growth of the debt. All the economists tell us the most important thing we have to do is to reverse the debt growing faster than the size of the economy. I am proud to report this budget does so. This shows