

the future. But I would say to my colleagues, we have some very skilled people who have worked with Congressman LEVIN and myself on the Congressional Executive Commission on China, the Annual Report, 2007.

We have the most complete list of those who are being held prisoner in China, particularly as a result of human rights issues. This booklet, if you have a chance to read it, is a great description put together by some very skilled people on exactly what is happening in China.

There is some progress, and there are areas that are of great concern. We continue to monitor and work on these issues.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

Bingaman-Smith amendment No. 3208, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Vitter amendment No. 3277, to prohibit funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thune amendment No. 3317, to provide, in a fiscally responsible manner, additional funding for U.S. attorneys to prosecute violent crimes in Indian country.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, to bring our colleagues up to date, we are resuming consideration of the appropriations on Commerce, Justice, and Science. Working on a very collegial and bipartisan basis, our staffs, the Mikulski staff and the Shelby staff, have worked through the evening working to clear amendments. We believe we are making very good progress.

Where we are now is the Senator from South Carolina will be offering some amendments, and we will probably be having a debate before the noon hour, and at that time we would like to have our colleagues visit with us on how they intend to deal with the amendments they have filed.

I wish to share with my colleagues on both sides of the aisle, it is intent of the Democratic leader, Senator REID that we will finish this bill tonight. Senator REID has instructed me as the manager of this bill to complete action, even if it means staying well into the evening.

We do not have to do that because we have just a core group of amendments. If the Democrats would talk to me during the first vote, and the Republicans would talk to Senator SHELBY, we can move to dispose of them, either to withdraw them, clear them or we ask our colleagues to offer them.

I wished to thank the Senator from South Carolina for being here so promptly. I wish to thank Senator SHELBY and his staff for their work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3286

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3286.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3286.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3286) is as follows:

(Purpose: To provide that none of the funds made available under the Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a member of Congress, and for other purposes)

On page 97, between lines 6 and 7, insert the following:

SEC. 528. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any em-

ployee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

Mr. DEMINT. Mr. President, I actually have two amendments this morning. I will speak briefly on both of them.

I believe both sides have agreed these are good ideas, and I believe one will be accepted, and the other we are going to have a vote at 12, as I understand it.

But the first amendment relates to earmarking and the wasteful earmarks we have talked about often on the Senate floor. Much has been done to make earmarks more transparent, to have more earmarks disclosed.

I think as we do that, we are probably getting a better focus as a Federal Government of how we should be spending our money. But old habits die very hard. It has been very difficult for a number of Members of the House and the Senate to give up this practice of being able to send money wherever they want back in their own State or anywhere in the country.

As we have made it harder to do earmarks in the open, we have found that a number of Members of Congress or their staffs have been calling agencies to request that earmarks be done without Congress's approval at all. This type of "phone marking" has created a new loophole.

This amendment we are offering would disallow any use of funds for that type of earmarking. If I can read the amendment it is very simple.

Again, I believe both sides agree on it.

It says:

None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

That is all there is to this amendment, is to disallow this whole idea of picking up the phone and deciding where taxpayer money should go. I understand the other side is prepared to accept or have a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to acknowledge the spirit of reform of the Senator from South Carolina. We too support the spirit of reform on these matters. I support this amendment. I do believe we can accept it.

Mr. President, I ask unanimous consent that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3286) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 3289

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up amendment No. 3289.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3289.

Mr. DEMINT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

Mr. DEMINT. Mr. President, this is another simple amendment designed to get more accountability in Federal agencies. The Government Accountability Office recently published a report that has been in the media all over the country, pointing out that millions of taxpayer dollars are being wasted as employees of the Federal Government are flying all over the world in premium business class or first class, when the rules of these agencies specifically say that should not be done.

My amendment does not change any rules of the Federal agencies; it says the rules have to be complied with or the money that is in this bill cannot be used.

I will read this amendment as well:

None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent [with the number of sections that are listed] of the Code of Federal Regulations.

Again, we are not changing any regulation. We are demanding that the Federal agencies comply with their own rules and save the taxpayers hundreds of millions of dollars a year.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at noon today the Senate proceed to vote in relation to the DeMint amendment No. 3289 and that no amendment be in order to the amendment prior to the vote and that the time until then be equally divided between Senator DEMINT, Senator SHELBY, and myself, Senator MIKULSKI.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I neglected to add a cosponsor of this amendment. Senator MCCASKILL would like to be our lead cosponsor on this amendment. I appreciate her support as well as the chairman's.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Ms. MIKULSKI. Mr. President, I want my colleagues to know I rise in support of the DeMint amendment. I think it is a very commonsense amendment. I believe that when we are regulating how Government employees travel, I do believe they follow the rules. I do not believe they travel in a lavish lifestyle.

I wish to acknowledge the fact of two things: One, our colleague from South Carolina has a GAO report that indicates reform is needed; reform and clarity are needed on what our Government employees, traveling on official business, can do.

We have heard all kinds of stories about some going on business class, some going on first class, some where it is even short trips, and so on. We acknowledge, of course, as always, the validity of the GAO report. What I also want to say is this subcommittee, chaired by myself and my ranking member, Senator SHELBY, is on the side of reform. Our three themes this year were security for our country, innovation to keep us competitive, and, at the same time, accountability. We have done a major set of reviews on things such as cost overruns in the NOAA satellite program. We have also taken on things where we offered an amendment together dealing with discipline in the funding of conferences. We stopped the lavish conferences, the so-called \$4 Swedish meatball amendment.

We believe the DeMint amendment is also in that same spirit of reform Senator SHELBY and I brought to this subcommittee and we now bring with our bill to the floor. We are deep down reformers. We want to make sure we accomplish the mission of the agencies for which we are the guardians of the purse. But at the same time, we want to make sure taxpayers are getting value for their dollar. Where there is excess, poor judgment, or poor management, we are going to hold agencies to the fire. We are going to hold agencies accountable. Therefore, when this vote is taken, I urge, in the spirit of reform, the spirit of accountability, that we join, once again, on a bipartisan basis and pass this amendment. We so appreciate the work of the GAO, a wonderful independent watchdog that Congress can turn to where it is not the Senator from South Carolina's opinion or the opinion of the Senator from Maryland about what is going on or the need for reform, but we work on clearheaded analysis, intellectual rigor, let the facts speak for themselves.

When you look at this GAO report, the facts do point to the fact that we

do need reform in this area. I am a supporter, but I also want to acknowledge, though we need reform, I want to clearly state that most civil servants follow the rules when they book their tickets on Government travel. It ensures that these employees follow current regulations that will limit the purchase of first-class tickets.

In the spirit of accountability, reform, and responsibility for the taxpayers, again, I thank Senator SHELBY for his work. We have made a lot of progress on the spirit of reform.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina, Mr. DEMINT, for his amendment dealing with travel and spending. If we can save millions of dollars by people not flying first class, and so forth, and abusing the system, we ought to do it. The spirit of this amendment is good and I hope we can all vote on that at 12 noon, when we have agreed to do so. I commend him for offering the amendment. It will be good law for us to follow.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I may call up a couple of amendments and talk for 3 or 4 minutes on them.

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

AMENDMENTS NOS. 3294 AND 3295, EN BLOC

Mr. ENSIGN. Mr. President, I call up en bloc amendments Nos. 3294 and 3295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments en bloc numbered 3294 and 3295.

Mr. ENSIGN. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3294

(Purpose: To increase funding for the United States Marshals Service to ensure full funding for the Adam Walsh Child Protection and Safety Act of 2006 and offset the increase by reducing funding for the Advanced Technology Program)

On page 33, line 26, strike the period and insert "": *Provided further*, That an additional \$7,845,000 shall be available to carry out the Adam Walsh Child Protection and Safety Act of 2006 offset by a reduction in the amount available for the Advanced Technology Program under the heading 'INDUSTRIAL TECHNOLOGY SERVICES' in title I of \$7,845,000."

AMENDMENT NO. 3295

(Purpose: To increase funding for the State Criminal Alien Assistance Program and offset the increase by reducing funding Nasa funding)

On page 53, line 11, strike the semicolon and insert "": *Provided*, That an additional \$150,000,000 shall be available for such program offset by a reduction in the amount

under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION' 'SCIENCE, AERONAUTICS AND EXPLORATION' in title III of \$150,000,000;''.

Mr. ENSIGN. Mr. President, amendment No. 3295 is to increase by \$150 million the State Criminal Alien Assistance Program and offset it with a \$150 million decrease in the NASA budget currently in the bill. The NASA budget was increased \$150 million over the President's request in the underlying bill and then an emergency spending of an additional billion dollars which was, by the way, already from over a billion dollars more than in the bill last year. We are taking \$150 million of that and putting it toward this program that is underfunded every year. It is to assist the States in prosecuting and arresting people who are here illegally who have committed crimes.

This is an important piece of legislation. We don't have enough money for correctional officer salary costs for incarcerating undocumented criminal aliens, and this amount of money, especially for the border States of the Southwest, is very important.

It might be drug programs people who are here illegally are running. I was watching a program the other day that was talking about cheese heroin, something that can addict our children with one dose. Kids have died. I think there are 30 or 40 of them who have died in Texas literally with one dose. Most of that is coming from our southern border. We need to provide local law enforcement the resources to deal with aliens who are coming to this country who are dealing with the drug program. This is an important problem that we need to add extra funding to. We still have a problem with illegal immigration in securing our borders, but without a comprehensive immigration bill, we at least need to add money so we can help the States prosecute and incarcerate people who are here illegally, undocumented criminal aliens who are here illegally who are wreaking havoc on communities around the United States. I believe this is an important amendment. It is critical that we help our States, counties, local parishes, tribal, and municipal governments battle illegal immigration and keep law-breaking illegal aliens off our streets.

The second amendment is an amendment that will fully fund the Adam Walsh program. We all know what the Adam Walsh Child Protection Safety Act has done. This will fund it up to the President's request. It is \$7.8 million for the U.S. Marshals Service to fully implement the Adam Walsh Child Protection Safety Act. We are taking the money from the ATP program. I believe it is absolutely critical that we fully fund the Adam Walsh Child Protection Safety Act. As a father of three children, the Adam Walsh Child Protection Act is critical to keeping the children safe. It is a small amount of money, but it will bring the program

up to what the President has requested. It is an important program. The advanced technology program has been something of questionable efficacy. We should take some of that money and fully fund the Adam Walsh Child Safety Act of 2006.

Having briefly spoken, I can speak on it more later. I know there is other business to attend to, but I think these are both very important amendments. I hope my colleagues will support them.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I will respond to the Senator from Nevada, both on process as well as content. I believe, with the concurrence of Senator SHELBY, that there is one of the amendments we might be able to take, and then the other, of course, would be a vote in which we would move to table the amendment after lunch. But if I could respond to the Senator from Nevada in terms of content, where he wishes to increase funding for the Marshals Service for the full funding of the Adam Walsh Protection and Safety Act, we acknowledge the validity of the concerns of the Senator from Nevada in this regard. The Senator and I have been involved in a group where we are trying to put our values into action. The Senator might recall my own background is that of a social worker. I was a child abuse worker. I find that there is nothing more despicable than a child predator. I believe it is so dastardly, so despicable, so repugnant that every time I think about the work Adam Walsh did, the work that comes out of our excellent bill with our funding, we know we always want to do more when our children are stalked in neighborhoods or playgrounds. We know they are being stalked on the Internet. Without going into putting even more vile things out there in conversation, the Senator from Nevada is well aware of some of the most awful things that are going on on the Internet. We want to acknowledge the validity of what he wants to do.

I know the Senator from Alabama wishes to speak on it, but we believe we could take this amendment. I know the Senator will want to speak about it.

Mr. ENSIGN. Will the Senator from Maryland yield briefly?

Ms. MIKULSKI. Absolutely.

Mr. ENSIGN. I appreciate her comments. The only reason I would object to a voice vote is because I have seen too many voice votes in this place and then things get dropped in conference. I would hope we could have a recorded vote. I know they take up a little more time, but I believe it is important to establish on the record that the Senate actually does support the amendment.

Ms. MIKULSKI. Mr. President, our majority staff who helps us organize the traffic of this is now going to be writing this up. Let's see how we can accommodate the Senator from Nevada. We will be able to ask for a UC before we go into the caucus. But the

minority Republican staff is here. Senator SHELBY will certainly protect the interests of the Senator from Nevada.

If I may comment on the State Criminal Alien Assistance Program, we will debate that amendment later when we are heading to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3277

Mr. DURBIN. Mr. President, I rise in opposition to the Vitter amendment No. 3277, which may be considered later this afternoon on this pending Commerce, Justice, and Science appropriations bill.

This amendment would prohibit fiscal year 2008 COPS funds from being used in contravention of a provision in Federal law that relates to information sharing about a person's immigration status.

The Senator from Louisiana has said this amendment is targeted at "sanctuary cities." He is referring to the policies that have been put in place by many cities, counties, and police departments in at least 23 States and the District of Columbia that limit enforcement of immigration laws by State or local authorities.

These cities, counties, and police departments have decided that it is a matter of public health and safety not to inquire about immigration status when people report crimes or have been the victims of domestic abuse or go to a clinic to obtain vaccinations for their children.

These State and local confidentiality policies do not stop the Federal Government from enforcing immigration laws—a traditional function of the Federal Government, not State and local governments. Rather, they reflect a decision made by State and local authorities that they do not want to have their police departments spend their time and resources enforcing a traditionally Federal responsibility relative to immigration law. Those laws are the Federal Government's responsibility to enforce.

In many cities, including several in my home State of Illinois, city and law enforcement officials have decided, reasonably, they want to focus their attention and their police resources on stopping violent crime.

Yesterday, I was in a section of Chicago known as Logan Square. There is a wonderful organization known as Christopher House that was opening a family resource center, a neighborhood center in the tradition of the settlement houses that were started in the Chicago area by Jane Addams almost a century ago. This Logan Square area is an up-and-coming part of the city of Chicago. It is a beautiful neighborhood,

but it is a neighborhood that has been riddled with violence for over a decade. Literally, children are being gunned down in the street. I attended a memorial service a few weeks ago there for a young African-American girl. She was killed on a playground while playing with her friends by a drive-by shooting by gang bangers. The alderman in that 35th ward, Rey Colon, who is quite a leader in the community himself, attended the service with me. As we walked into the church, he pointed to a section on the sidewalk and said: Just a few years ago a member of my family was killed on that spot.

Violence is endemic, unfortunately, in America, and we see it in cities, great cities such as Chicago and others. Mayor Daley is making an extraordinary effort to deal with this. I am joining him in that effort. It is hard for me to imagine the Senator from Louisiana wants to cut off the COPS Program funds for the city of Chicago. That is what he suggested.

What will the COPS Program do for the city of Chicago? It will put more police on the beat. There will be more police officers out there in the neighborhoods to keep them safe. The COPS money can be used to buy bulletproof vests so when a policeman is shot, he might survive. The money is also being used for forensic analysis, DNA testing, trying to find ways that ex-offenders can be brought back in a peaceful way to the cities and towns from where they started. It is used for task forces to go after sexual predators.

The amendment of the Senator from Louisiana would cut off these funds for the city of Chicago. Why? Why in the world would the Senator from Louisiana—a State I have bent over backwards to help since Hurricane Katrina—want to cut off Federal funds to the city of Chicago, funds to make the streets safer? Why would he want to cut off Federal funds to any city in America to make the streets safer?

He wants to argue about immigration laws. Well, that is a valid debate. We had it for 3 weeks here in the Senate, and we will have to return to it because we ended up doing nothing. But in his effort today to bring this immigration issue out to the floor of the Senate, the Senator from Louisiana is threatening the Federal funds that many cities in my home State of Illinois are using to fight violent crime. Why? That makes no sense at all. Will he feel better if there are more killings on the street? Of course not. None of us would. I think he would feel better if there were more cops on the street.

But his amendment seeks to cut off COPS funding for the city of Chicago and other towns in Illinois, and that is not right. I urge my colleagues, when they consider the Vitter amendment, to consider how you would respond to the mayors of these towns when they ask you: How in the world did you disqualify my city from receiving money for bulletproof vests for my policemen? How can you, Senator or Congressman,

explain to their families why that fallen policeman's life was taken because no bulletproof vest could be provided from Federal funds?

I do not understand the logic behind this. I would say that many of these cities are working hard to fight crime. They are working with many people. The former president of the International Association of Chiefs of Police, Joseph Estey, said in relation to a proposal similar to the one offered by Senator VITTER:

Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve.

It is particularly troubling that the Vitter amendment seeks to link COPS funding to the overturning of city confidentiality policies. This bill, the one Senator MIKULSKI and Senator SHELBY have brought before us, currently provides for \$660 million in COPS funding. That is a dramatic increase over the administration's request. The money, of course, is for new police officers, bulletproof vests, combating methamphetamine, law enforcement technology enhancements, arresting and prosecuting child predators—the Vitter amendment would cut off Federal funds for efforts to arrest and prosecute child predators—and a lot of other important programs.

This COPS money is focused on helping State and local law enforcement stop violent crime, stop crimes against children, stop sexual predators. Similarly, cities and police departments have put policies in place regarding the confidentiality of immigration status so they can focus on stopping violent crime, and so law enforcement officials can obtain information about crimes from victims and witnesses in communities where they might not otherwise be able to obtain it.

The goal of reducing violent crime is not served by telling police departments they can either have one crime reduction tool—the COPS money—or another—these confidentiality policies.

Do we want to deprive police forces in 23 States additional manpower, men and women on the beat, keeping schools and neighborhoods safe, and deny these same police men and women bulletproof vests through the COPS Program, because local officials have determined when it comes to the enforcement of Federal immigration laws, the Federal Government should assume that enforcement? That is what it comes down to.

We do have a serious immigration problem in this country. I voted—most Members, maybe all Members have voted—for some \$7 billion more in enforcement at the border between the United States and Mexico. We have to stop the illegal flow into this country. I think we have put our money where our intentions are. That is a fact.

Earlier this year, we considered comprehensive immigration reform that would also have greatly improved the enforcement of our immigration laws. I supported this effort. It was controversial. We did not have enough votes. The Senator who has brought this amendment to the floor, which would cut off COPS funding, opposed any effort for a comprehensive immigration reform. Instead, he wants to force on State and local governments a responsibility we have not met at the Federal level, and he wants to threaten them with cutting off COPS funds that are critically important for them. I do not think that works.

Violent crime is a serious problem in my State and across the Nation. Violent crime rates have gone up the last 2 years. We need to give our communities the tools to address this problem.

I hope the Vitter amendment will be defeated. Let's make sure we do not make the safety of people living in 23 States a political pawn in this debate over immigration. I urge my colleagues to oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3289

Mr. SHELBY. Mr. President, we are nearing the hour of 12 o'clock, when we have agreed there will be a rollcall vote on the DeMint amendment.

I rise today in support of the amendment offered by Senator DEMINT from South Carolina and ask unanimous consent that I be added as a cosponsor.

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

Mr. SHELBY. The GAO, the General Accounting Office, found that over 120 million in tax dollars were wasted by Federal agencies dealing with travel—first-class travel—when economy travel or something less than first class could do. That is unacceptable to all of us here.

I commend my colleague from South Carolina, Senator DEMINT, for bringing this to the Senate's attention, and I encourage all of my colleagues to vote "aye" on this amendment in a few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

All time has expired. The question is on agreeing to the DeMint amendment No. 3289.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut

(Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—90

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|-----------|------------|-------------|
| Akaka | Dorgan | McCaskill |
| Alexander | Durbin | McConnell |
| Allard | Ensign | Menendez |
| Barrasso | Enzi | Mikulski |
| Baucus | Feingold | Murray |
| Bennett | Feinstein | Nelson (FL) |
| Bingaman | Graham | Nelson (NE) |
| Bond | Grassley | Pryor |
| Boxer | Gregg | Reed |
| Brown | Hagel | Reid |
| Brownback | Harkin | Roberts |
| Bunning | Hatch | Rockefeller |
| Burr | Hutchison | Salazar |
| Byrd | Inhofe | Sanders |
| Cantwell | Isakson | Schumer |
| Cardin | Johnson | Sessions |
| Carper | Kerry | Shelby |
| Casey | Klobuchar | Smith |
| Chambliss | Kohl | Snowe |
| Coburn | Kyl | Specter |
| Cochran | Landrieu | Stabenow |
| Coleman | Lautenberg | Stevens |
| Collins | Leahy | Sununu |
| Conrad | Levin | Tester |
| Corker | Lieberman | Thune |
| Cornyn | Lincoln | Vitter |
| Craig | Lott | Voivovich |
| Crapo | Lugar | Webb |
| DeMint | Martinez | Whitehouse |
| Domenici | McCain | Wyden |

NOT VOTING—10

| | | |
|---------|-----------|--------|
| Bayh | Dole | Obama |
| Biden | Inouye | Warner |
| Clinton | Kennedy | |
| Dodd | Murkowski | |

The amendment (No. 3289) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3:15 p.m. today, there be 2 minutes of debate prior to a vote in relation to the Ensign amendment No. 3294, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that upon disposition of that amendment, the Senate resume amendment No. 3295, another Ensign amendment, with 2 minutes of debate prior to a vote in relation to that amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that no amendments be in order to ei-

ther amendment in this agreement prior to the vote; and that the debate time be equally divided and controlled between Senator MIKULSKI and Senator SHELBY or their designees.

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

Ms. MIKULSKI. Mr. President, we also believe we will be having a vote at more or less the same time on the Thune amendment, as it relates to the Legal Services Corporation. We are waiting for final word from Senator HARKIN on that. But when we return from the respective caucus lunches, we expect there to be a debate on the Thune amendment, the Senator from Iowa, Mr. HARKIN, will be speaking, and about that time we expect to have another UC.

There will be votes throughout the afternoon. We urge our colleagues at our respective party lunches to speak to both Senator SHELBY and myself as a way of disposing of those amendments that have been filed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 5 minutes to pay tribute to a Louisianian who passed away this past week.

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

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for her poignant comments.

Mr. President, we have another UC that has not quite ripened as yet, so I will suggest we recess for the party luncheons.

RECESS

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

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that now, at 2:15, Senator MURRAY of Washington State be recognized for up to 7 minutes; that following those remarks there be 30 minutes of debate with respect to the Thune amendment, No. 3317, with the time equally divided and controlled between Senators THUNE and HARKIN or their designees, that no amendment be in order to the amendment prior to the

vote, and that the vote in relation to this amendment occur upon the disposition of the Ensign amendment No. 3295, with 2 minutes of debate prior to the vote; and that after the first vote in the sequence the vote time be limited to 10 minutes each.

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

AMENDMENT NO. 3214 WITHDRAWN

Ms. MIKULSKI. Mr. President, I further ask unanimous consent that amendment No. 3214 be withdrawn.

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

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, there are few bills that we deal with in Washington, DC, that are more critical to the safety and well-being of our communities than the bill we are considering on the floor today. This legislation is going to help fund Federal law enforcement and justice programs that are absolutely essential if we are going to keep our neighborhoods safe, keep our justice system strong, and make sure our communities are healthy. At a time when our budgets are very tight and our needs are very great, I believe this bill invests in the right priorities. I thank Senator MIKULSKI and Senator SHELBY for their leadership and their very hard work to put this bill together.

But as all of us in this Chamber know, despite their hard work and leadership at their subcommittee to make a sound investment in the health of our communities, the President has said he will veto this bill. According to the administration, the additional funding in this bill is "irresponsible and excessive."

That is very hard to fathom when this administration is asking for over \$190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan for 1 year. While this President easily is spending our money overseas, local communities in my home State and around the country are going without the money they need for very critical programs.

The increases this legislation calls for are a fraction of what this President spends on the wars in a year. The money in this bill will go to revitalize programs that have been overlooked by this administration. My home State, for example, is experiencing a dangerous shortage of FBI agents who do essential work to ensure that we prevent another terrorist attack at home and who perform critical law enforcement duties. That shortage is one example of how this President mixed up the Nation's priorities. But this bill does make a small step toward fixing some of those years of problems.

In my home State, the lack of FBI agents for critical law enforcement needs has been a serious concern for some time, but the urgency of this situation was driven home recently in a series of articles by the Seattle Post-