

900, pled guilty in the U.S. District Court for the Northern District of Texas to embezzlement of union funds totaling \$164,268.50. That is a lot of money.

We also have election violations. Arising labor unions when problems arise in elections is an OLMS responsibility. One union officer generated over 300 phony ballots using the union's computer. He marked the ballots for himself—who else, I suppose—placed them in false return envelopes and returned them to the union, where they were subsequently counted in the election. Those kinds of things are hard for an average union member to understand, ascertain or prove. An agency such as this, that knows how to investigate and prove these things, can make sure our elections in unions are legitimate.

All of us in this Senate know we have to have good staff, and Liz Stillwell, with me, is very much that. So staff capacity at OLMS is an important reason I have introduced this amendment. In 1992, staffing at OLMS was around 392. During the Clinton administration, it was cut back to 260. Today it is back up to 315, which is a little better. As you can see from this chart, the cuts have hit the Department hard. As a result, they are still unable to audit more than 2 to 4 percent of the total unions each year. Only 12 percent of unions have ever been audited. Of those audited, there have been 796 convictions. It tells us something.

Let me say this. I spent most of my professional career as a Federal prosecutor. I prosecuted labor cases. But let me say, if you don't want to have these convictions, if you don't want to have this kind of theft from union members, let me tell you how to stop it. Have regular audits. Once everybody knows the money is going to be accounted for, that somebody is going to be watching closely, they are not going to steal. It is when there are no controls that people feel they are out on their own in some town or city or wherever, and nobody is looking, there is lots of money coming through the headquarters there and they have an opportunity to get it and they think no one is going to know it—temptation takes over.

It will happen to anybody, not just union members or business people; it could happen to anybody when that kind of money is lying around. It happens in churches. People steal from churches. They have an opportunity and nobody has an ability to watch and account for it. If we want to end this kind of thing and strengthen unions and create a better reputation and environment, we need to step up prosecution and we will begin to see a major reduction in crime, fraud, and abuse. That is the way it is.

Since 1959, when Senators BYRD and KENNEDY and other leaders passed the Labor Management Reporting and Disclosure Act, these priorities that I mentioned have been the guiding

standards of this agency. The standards are to promote union democracy, protect union members' funds, protect American workers and fight labor racketeering.

This \$2 million cut is not aimed at an anti-union agency. It is, I have to say, an act that appears political and it appears it is conceding and giving in to union leaders and forgetting the interests of union members.

I know a lot of the union leadership have complained about this law. They don't want to have to file a reporting document. They don't want to have to put it in—36 percent of them are not getting it in on time or at all. But who are we representing? I say we ought to represent union members and 71 percent of them want this disclosure; over 700,000 last year checked their union leadership reports on the Web site to see how their money was being spent. What is wrong with that?

When it was created by Senators KENNEDY and BYRD and others, it was not to shut down unions, it was to shut down theft, waste, fraud, abuse, criminal activity. Of around 26,000 unions active today, only 2 to 4 percent have been audited each year since 2001; only 12 percent have been audited at all. A quarter of the unions audited, 25 percent, have been found to be in violation of the law; 75 have been correct, were not found in violation. But 25 percent were found in violation. If we did those audits more regularly, we would have fewer problems with compliance, we would have fewer criminal convictions, we would have less restitution to have to be paid as a result of theft and abuse of the money.

This transparency will help us there. When you turn on the lights, you can actually see what is going on and take action to fix the wrongdoing. So I hope somehow we can work through this.

I know the managers of this bill have done a tremendous job. They had thousands and thousands of people making suggestions on thousands and thousands of issues. Then, to have somebody such as me come in and tell them this is what I think you ought to do—one more time, I am sure our colleagues such as Senator HARKIN and SPECTER get tired of everybody's complaining. But I think we ought to work on this. I think this reduction in funding cuts from an agency that is actually doing a good job.

We ought to encourage that agency to do a better job and actually increase their funding more. So I am asking simply that \$5 million be put back in, which would bring it a little bit above last year's appropriations for the agency so they can at least stay on track of inflation and everything to continue at the same level of auditing and investigating they are now doing. I wish we could do more. Frankly, I wish we would. This would be my suggestion.

I continue to look forward to perhaps seeing if we could reach some sort of accord on this. I ask my colleagues to study it carefully. I urge them to vote in support of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. Mr. President, 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. HARKIN. 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. 3339 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I have an amendment I am offering on behalf of Senator SMITH of Oregon. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 3339 to amendment No. 3325.

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

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

The amendment is as follows:

(Purpose: To provide a technical correction to suicide prevention grants authorized under the Garrett Lee Smith Memorial Act)

On page 49, line 19, insert before the period the following: "Provided further, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008".

Mr. HARKIN. Mr. President, this is a 1-year technical fix requested by Senator SMITH. These are the State suicide prevention grants authorized under the Garrett Lee Smith Memorial Act. It is a simple technical correction to enable HHS to issue youth suicide grants to States this year. It has no cost. It has been cleared by the authorizers on both sides of the aisle, and we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3339) was agreed to.

Mr. HARKIN. 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. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARKIN. Mr. President, I thought I might take this bit of lag time on the floor while we are waiting for Senators to offer amendments—which I hope will happen, if there are amendments; I am not trying to encourage any. I am saying if there are