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Senate

The Senate met at 9:44 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator and Redeemer, we praise You today for Your goodness and for Your wonderful works to the children of humanity. You satisfy the longing soul and fill hungry spirits with goodness. Thank You for Your many blessings: for life and health, for grace and friendship, for praise and worship.

Equip our Senators for the challenges of this day. Empower them to seize the opportunities to make a difference in our Nation and the life of our world. May their best energies not be squandered in partisan politics. Instead, give each lawmaker the courage to understand what is right and the willingness to do it.

Give us all a faith that will discern the new things You are doing in our world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. MCCONNELL. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are not yet in morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for not to exceed 1 hour, with the first 30 minutes under the control of the minority leader or his designee, and the remaining 30 minutes under the control of the majority leader or his designee.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, seeing no one from the minority here at the moment, I ask unanimous consent I be allowed to proceed for a few moments in majority time in morning business.

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

The Senator from Kentucky is recognized.

TRIBUTE TO ERMA ORA JAMES BYRD

Mr. MCCONNELL. Mr. President, the King James version of the Bible tells us that shortly after the creation of man:

The Lord God said ''It is not good that the man should be alone; I will make a helpmate for him.''

And the Lord God caused a deep sleep to fall upon Adam.

It continues that ''he took one of his ribs . . . and . . . made he a woman.''

And Adam said, This is now bone of my bones, and flesh of my flesh.

The verse concludes:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Mr. President, for almost 69 years, ROBERT BYRD and Erma Ora James Byrd have been one—since their marriage on May 29, 1937. And today I rise to offer my heartfelt condolences to the Senator from West Virginia, ROBERT BYRD, on the passing of his dear wife.

Senator BYRD has served for nearly 50 years in the Senate as our cornerstone—a reminder of this body's mission and duty. Sadly, the cornerstone of the Senate has lost the keystone of his life. Erma Ora James Byrd went home to be with her Creator on this Saturday past, at the age of 88.

Erma Byrd was born in Floyd County, VA, and moved to the coalfields of West Virginia as a child with her family. Her father was a coal miner and came to the State to work.

As a Kentuckian—another State of coal miners—I was always moved to hear Senator BYRD proudly declare that he had, in fact, married a coal miner's daughter.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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On the Byrds' 65th wedding anniversary in 2002, Senator BYRD said:

Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond.

As every schoolchild in West Virginia learns, coal, when placed under great pressure, becomes a diamond. So it is fitting that Senator BYRD has the coalfields to thank for bringing his beloved Erma to him.

The Byrds' marriage was a study of partnership, devotion, and teamwork. It was living proof of the deep bonds that grow between a loving husband and wife. My own parents were married for 50 years, so I have seen firsthand the strength of those bonds and know the heartache when they are broken—until the reunion.

And so we grieve with our friend for his loss. Our prayers are with him. But we also know West Virginia's great Senator will one day be rejoined with his beloved Mrs. Byrd.

May God bless our friend ROBERT BYRD and the Byrd family.

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

I withhold that suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

TRIBUTE TO MAGGIE INOUYE AND ERMA ORA BYRD

Mr. DODD. Mr. President, I join with my colleague from Kentucky in expressing my deep sense of sorrow, as well, over the passing of two members of our family. And I speak of both the wife of our colleague from Hawaii, Senator INOUYE, who lost his beloved Maggie a week or so ago and, of course, the recent news we received over the weekend of the passing of Erma Ora Byrd. These are members of our family, in a sense.

I have known both Mrs. Byrd and Mrs. Inouye since I was a child. My father was a Member of this body and was elected, in fact, to the Senate on the same day ROBERT BYRD was, in 1958. So I have had the privilege of serving with Senator BYRD both indirectly and directly for these now more than 40 years. In fact, I have the unique privilege of being his seatmate in this body, something which I have enjoyed immensely over the past decade and a half that I have sat at this seat in the Senate next to the distinguished senior Senator from West Virginia.

I certainly remember Maggie Inouye. She was wonderful to my parents and was good to me over the years. To watch two of our colleagues about whom we care so deeply go through the tremendous suffering they are going through as a result of the loss of their life mates is something all of us—regardless of where we sit in this Chamber, to what party we belong, in what direction our ideological compass may lead us—we all have a deep sense of loss for these wonderful people.

DAN and Maggie Inouye were very close to my parents, as I mentioned. She was born in 1924 and attended schools in Hawaii and then went on to receive degrees at the University of Hawaii and Columbia University and was highly respected in the area of speech pathology. She was a remarkable woman in her own right who could have had a very distinguished career independently of her husband.

She and DAN met in 1947, and as DAN INOUYE likes to tell the story, on the second date he proposed marriage. Not one to delay at all, he had met the person he clearly decided was going to be his life mate. And for the next 57 years, they were just that.

They celebrated the birth of their son Kenny who was again a wonderful child and has done a remarkable job in his own right.

I will remember Maggie best for her grace and poise and I was saddened to hear of her passing after a long battle with cancer earlier this month.

I went out to Hawaii last week and attended Maggie's funeral along with Senator STEVENS and his wife Catherine. It was a long trip, and I know that DAN did not expect a large number of his colleagues to make that journey. It was not a hard trip to make. It would have been harder not to make it in my case, given the closeness of our families over the years. And for me I knew there was nowhere else I could be than being present with DAN and his family to celebrate the life of Maggie.

During the visitation period prior to the funeral service, I was deeply moved by watching literally a couple thousand people express their condolences to DAN, to his son Kenny, Kenny's wife, Jessica. Each expression was heartfelt. It was personal. These were relationships that were solidified over years of friendship with DAN INOUYE, with his wife Maggie, and the constituents and friends of theirs from Hawaii.

I was also moved by the peacefulness of the funeral service, and most especially by the very touching and eloquent eulogy delivered by Maggie's longtime friend, Sumi McCabe.

I would like to close by offering my thoughts and prayers, once again, to DAN, to his son Kenny, and to his daughter-in-law Jessica.

As we mourn the loss of this wonderful woman, let us remember that her spirit will be with us and that her inspirational legacy will live on in the generations to come of her family.

So again, to our friend DAN, we want to express our deep sense of loss and our sense of solidarity with him.

Mr. President, to lose, just a few days later, of course, the wife of our great friend and leader, Senator BYRD, was a major blow as well. Certainly, the history of Erma Ora Byrd is well known to all of us.

As Senator MCCONNELL just pointed out, she was the daughter of a coal miner. She had been the life mate, for 69 years, of our colleague from West Virginia. It was clear to anyone who had the fortune of knowing them that they loved each other very deeply.

Erma Ora James was born in Floyd County, VA, in 1917. The daughter of a coal miner, as I just mentioned, her family moved to Raleigh County, WV, where she met ROBERT while attending the Mark Twain Grade School.

They were married when they were both 19 years of age in 1937. Shortly thereafter they began a loving family that has grown to two daughters, five grandchildren, and six great-grandchildren.

Even though she was content to remain out of Washington's limelight, Erma became quickly known and loved for her commonsense values and her devotion to her family.

Erma also became well respected for her advocacy on issues affecting children across West Virginia and, of course, our Nation as well. Two academic scholarship programs at Marshall University and West Virginia University, respectively, have been named in her honor as a result of her efforts.

Four years ago, at the couple's 65th wedding anniversary, Senator BYRD said of his wife:

Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. I wish that more people could know the joy I have had in finding one's soul mate early in life and then sharing that deep companionship over many happy years.

Mr. President, my thoughts and prayers, along with those of our colleagues, I know, are with Senator BYRD and his family in these hours. I wish to extend my sympathies to ROBERT; his daughters, Mona and Marjorie; their husbands, Mohammed and Jon; ROBERT and Erma's grandchildren, Erik, Darius, Fredrik, Mona, and Mary; and ROBERT and Erma's great-grandchildren, Caroline, Kathryn, Anna, Emma, Hannah, and Michael.

Knowing of Senator BYRD's love for poetry, I am reminded of a passage in Thomas Gray's ''Elegy in a Country Churchyard,'' which happened to be my father's favorite poem. Gray's ''Elegy'' says in one of its stanzas:

Large was his bounty, and his soul sincere,
Heaven did a recompense as largely send:
He gave to Misery all he had, a tear,
He gained from Heaven ('twas all he wished) a friend.

ROBERT gained a wonderful friend, obviously, and a companion—a life companion—in Erma. It is my hope that her spirit remains with us and will inspire all of us and future generations to come.

Mr. OBAMA. Mr. President, I wish to take a minute to offer my sincerest condolences to Senator BYRD on the passing of his beloved wife Erma. In a love story that is both moving and inspiring to all people, ROBERT BYRD's grade school sweetheart became his lifelong best friend in a marriage that spanned almost seven decades. While this makes the loss that much more profound, I would imagine it makes the

memories that much sweeter and the love all the more enduring.

As somebody who is fortunate enough myself to be married to a wonderful woman for the past 14 years, I can only imagine the difficult transition this causes for our dear colleague from the State of West Virginia, but I pray that the Byrd family will find strength in this difficult time. I pray that Erma may now rest in eternal peace.

Mr. LOTT. Mr. President, I join many of my colleagues who have been speaking today and yesterday extending their heartfelt sympathy to Senator ROBERT BYRD of West Virginia for the loss of the diamond of his life, Erma. She truly was the light of his life. On many occasions, I have eased over into the chair next to Senator BYRD, and we have talked about how blessed we are with our two wives. He knows my wife Tricia and often asks about her, typically the courtesy that Senator BYRD extends to all of us.

I have asked him about Erma and how she was doing. We talked a lot about what a difference they have made in our lives. There is no question that he is going to miss her greatly, as will all of the family, I know. To all of them, we extend our heartfelt sympathies. We know the children and grandchildren are with Senator BYRD now and with Mrs. Byrd.

I remember an occasion on a Friday afternoon standing here when Senator BYRD asked me to yield. You are not always sure what Senator BYRD is asking you to yield for because it could be that you violated some rule of the Senate. But he asked if I would yield so that he could speak on the beauty of the grandson. I had just had my first grandchild, and it happened to be a grandson. He spoke so beautifully, so eloquently, totally from memory, and ended with a beautiful quote of what a grandson means to a grandfather. I was moved by it, literally to tears. And of course, when it came out in the CONGRESSIONAL RECORD, I had it framed. It hangs on the wall of my son's home in Paris, KY. Obviously, he doesn't think much of it right now, doesn't fully appreciate it. But some day, he will read that, and I know he will think of his grandfather and where he has served.

I tell that story to remind my colleagues about the kind of man Senator BYRD is. He can be a tough adversary. He can cause leaders to have a lot of heartburn. I have had it a couple of times when I was standing here in this place. But it is because he reveres the institution, because he does care about us as individual men and women. He knows about every one of us. He knows about our families. And not only does he love the institution, but he loves knowledge and great history and poetry.

Many have quoted from his favorite poem in the last couple of days. I don't have a poem. I don't have some great saying from memory. I only rise to join all the others in saying how much I admire and appreciate this Senator who is an institution in his own right in this body. I know how much he is suffering right now.

Sometimes we get so busy these days in this institution, trying to make it move forward or trying to keep up with the mail and the constituents and the flying back and forth, we really need a few who have very firm rudders and their sails set in the right direction for the best interests of the country. I know that is true of Senator BYRD.

Again, I extend my best wishes to him. When he returns, I will join all my colleagues in paying my respects to him and my appreciation for the example he set for himself and Erma, his wife of 69 years.

Mrs. BOXER. Mr. President, I rise to pay tribute to Erma Ora Byrd, the wife of our esteemed colleague, ROBERT C. BYRD of West Virginia. It has always warmed my heart to watch the Senator from West Virginia speak of his wife in conversation, of which we have had many, or as he has stood on this Senate floor. He has mentioned her name, and whenever he mentioned it, he immediately got this glow on his face in reverence to his friend, his wife, his love of nearly seven decades.

Love of this magnitude should be celebrated. And their marriage of 69 years should be celebrated. As a matter of fact, recently I talked to Senator BYRD about his marriage, and he said: I just hope that we can celebrate 70 years of marriage. Well, they did not get to 70 years. They got to 69, plus. And although her body failed her this past weekend, and their time together on this Earth ended, the love they shared—Senator BYRD and Erma—that love is timeless and that love is forever.

ROBERT BYRD is known throughout the country for his intellect and his patriotism, for his devotion to this country, to the State of West Virginia, his reverence for the Constitution, and his reverence for the Senate. But as famous as he is, and as eloquent as he is, and as far as he has gone in this Senate—he has been the leader here; he has been the chairman of committees here—he never would fail to share the credit for his many accomplishments with his wife, who inspired him and humbled him.

Erma never sought the spotlight, nor, according to ROBERT, would she allow her husband to bask in it for any longer than absolutely necessary. She strived to be a model of duty and service—service to one's family and service to one's country.

Erma Byrd has always been by her husband's side, ever since they were married, both of them at the age of 19. Imagine: the age of 19. Their love never waned. It is as strong now as it was on the very day they said their wedding vows. And I would posit that it has actually grown deeper, far deeper. That love is a bond that will never be broken, and even in her death her spirit will remain by his side to guide him on.

Erma had been struggling with illness for the past several years. God ended her battle, allowing her to be at rest. Although Erma's struggle with illness is over, and the deep pain that ROBERT felt as he watched her struggle with this illness is over, we should all know that he needs us now, his friends and his colleagues. He needs us to be his friend as he grieves for the loss of his soulmate.

Although we mourn her loss, we must not forget to also celebrate the rich, full life she made with her husband, her children, and her grandchildren.

The good Senator from West Virginia has always had a penchant for poetry, especially when it was used to help him describe Erma. So in closing, I will quote a poem by Charles Jeffreys that the Senator himself has used to describe his marriage to Erma:

We have lived and loved together
Through many changing years;
We have shared each other's gladness
And wept each other's tears;
I have known ne'er a sorrow
That was long unsoothed by thee;
For thy smiles can make a summer
Where darkness else would be.

Like the leaves that fall around us
In autumn's fading hours,
Are the traitor's smiles, that darken,
When the cloud of sorrow lowers;
And though many such we've known, love,
Too prone, alas, to range,
We both can speak of one love
Which time can never change.

We have lived and loved together
Through many changing years,
We have shared each other's gladness
And wept each other's tears.
And let us hope the future,
As the past has been will be:
I will share with thee my sorrows,
And thou thy joys with me.

When ROBERT BYRD spoke these words, he meant them deeply in his soul toward his one love. And so my husband joins me, and our family joins me, and I know all of our colleagues feel this way: We offer our thoughts and prayers to our dear friend Senator BYRD, to his family, and to the good people of West Virginia during this difficult time. I know my friend ROBERT will dedicate his future in the Senate not only to the people of West Virginia, whom he serves so proudly, but to his incomparable soulmate who so inspired him.

Thank you very much, Mr. President.

Mr. President, I 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.

Mr. DURBIN. 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.

IMMIGRATION

Mr. DURBIN. Mr. President, yesterday in the Senate Judiciary Committee, there was a historic vote, a

vote that relates to an issue America has grappled with almost from the beginning. That is the issue of immigration. It is interesting as we reflect on our history that we are a nation of immigrants. But for the Native Americans who were here on our shores when the first White men arrived, we have all come to this country either directly or indirectly through our parents, grandparents, or previous generations. It is that immigration which has made America such a unique and diverse place. We take great pride in our roots, where we came from, and even greater pride in where we have planted those roots in American soil. That is a fact of life in America. It brings a special quality to this country.

Think of the people who have decided to come to our shores, men and women who walked away from a comfortable life in a familiar place with a familiar church, with family, a culture, a language, to embark on a journey to a place they had never seen before, to come to a country where they could not speak the language, to live in a place where they were not certain what their future would hold. It takes an extraordinary person to make that leap of faith into the future. It takes an extraordinary family to decide that their future is going to be here in a new place.

The story I have described has been repeated millions of times. The people who had the courage to step forward and come here have brought a special quality to this country, a quality we admire—creativity, a love of freedom, entrepreneurship, things that make America a much different place in the world, an America which we are all proud to call home.

An interesting thing happened in the course of history. Those who came first would look at the ships coming in and say: No, not more of those people. That is part of it, too—an intolerance for immigration even as we know our own birthright included an immigrant experience.

Now we are involved in a national debate about some 11 or 12 million in our midst who are not here with proper documentation, not having followed the proper legal process. We have been asked to reflect on that. Do we need them? Are they an important part of America?

They are a very important part, not just for the spirit they bring but for what they do each day. These are the men and women who probably cooked your breakfast, probably cleared the table after you finished, washed the dishes in the kitchen. These are the people who each day clean your hotel room. They are the ones who are watching your children at daycare. They are taking care of your aging parent at a nursing home at this moment. They make sure that when you go to the golf course the putting green is perfect. They stand in line many times for 8 hours or more in dull, tough jobs, in damp cold, experience watching chicken carcasses and beef carcasses go by so you can enjoy a barbecue over the weekend. They take jobs many people won't take. That is the immigrant story.

They volunteer to serve our country. Some 60,000 of them are now in the U.S. military, not legal citizens—here legally but not citizens—willing to put on that uniform, take an oath of loyalty to the United States, and literally risk their lives for you and for me. Some of them die in the process. We have this kind of cruel wrinkle in the law that if you die in service to America, we will make you a citizen after you die. Their grieving parents receive folded American flags in gratitude from a nation that is so thankful for their heroism.

Now they have come forward out of the shadows, hundreds of thousands of them across America, protesting a bill that passed the House of Representatives which would make a criminal out of every single one of them, not just ordinary criminals but aggravated felons. The House bill, the SENSENBRENNER bill which passed, says that the 11 or 12 million in America who are undocumented would be branded as aggravated felons, the same type of criminal penalty which we save for the worst—armed robbers and rapists. That is what the House bill would do. That is what they would brand these people, the same people who sit next to us in church, whose kids go to school with our kids, the same people we see every day though we may not speak to them. That bill is cruel. That bill is wrong.

Yesterday, the Senate Judiciary Committee and the Senate on a bipartisan basis decided that there was a better way. By a 12-to-6 vote, the Senate Judiciary Committee said the following: First, if we are going to be a secure America, we need to know who lives here. We need to know the names and addresses and workplaces of all the people in America, particularly the 11 or 12 million undocumented. So for security purposes, we moved forward with this bill to identify who these people are, where they live, where they are from, and to make certain that any single one of them who is a threat to America would be removed and has to leave. But we went further. We said: We need to toughen the borders, too. Let's make sure we enforce the laws that are there. America can't absorb every single person who wants to come here. That is physically impossible. So we need better enforcement at the borders, and we need enforcement when it comes to employment. If we say to employers: We need to know who is working for you, we need to know if, in fact, they are American citizens, and we will enforce the law, it is going to tighten the system.

The second thing we did was essential. We said to the people who are here: We are going to give you a chance, a chance to become legal in the eyes of America. But it won't be easy. It will take you a long time. It will take you more than 10 years. During that 10-year period, you will have to demonstrate to us that you were, in fact, a person of good moral standing, that you don't have a criminal record, that you were working, you were paying your taxes, you were learning English, and you will pay a fine for having violated the law in coming to this country. At the end of that period, we will decide if you met these strict qualifications and whether you can get on to a 5- or 6-year path to finally become an American citizen.

It is not an easy road. Some will fall along the wayside. Some will make it. Those who make it will add something to America. They will show that their determination to leave a place and come here has been matched by the determination to stay here and make this a better country.

When I walk through the streets of Chicago—I love that city, the diversity. When you get in a taxicab in Chicago, you will meet the world. Every driver is from country after country, people who come here—doctors, scientists, and others who are driving cabs and praying they might become part of America. It reminds me of my own roots, and my mother, who came from Lithuania. In 1911, when she arrived, could she have ever dreamed that one day her youngest son would be sworn in as the 47th Senator from the State of Illinois? It was a dream she never could have had, but it came true when she saw me sworn in before she passed away. In my office is her naturalization certificate behind my desk—a reminder of who I am and where I am from and, quite honestly, where we are all from.

Yesterday, with the bill passed on a bipartisan vote, which now will come to the floor of the Senate, we have an opportunity to do something that is not only historic and fair but right, to make America a more secure place, make certain there is fairness, and to make certain, as the President said, that we maintain not only the lawful tradition in America but the welcoming tradition in America. We can celebrate our diversity, knowing that it makes us different than so many other countries—countries that are now torn by sectarian strife and ethnic violence. Thank God that in the United States, because there are so many of us from so many different places, we have largely avoided that kind of confrontation.

I hope we will consider this bill on a bipartisan basis. We will need to tighten up some aspects and change a few words here and there. But we can never go how the House of Representatives went, with the Sensenbrenner bill; it is a punitive bill, a mean-spirited bill, not in the best tradition of America. We can do better. It criminalizes 11 million or 12 million Americans. Calling them aggravated felons is no way to embark on this road to a more united America.

That law, as it passed the House, will never be enforced. We know that. But

it is a shadow over the lives of so many millions—not just those here without documentation, but those who would reach out to help them, such as the priest who counsels the mother to stay with her children, even though she may not have the right legal documents or the person at the domestic violence shelter who tells a mother and her battered children to stay in this place; it is a safe and secure place for you; stay here until that abusive, drunken husband of yours is arrested and the kids are safe again.

Under the bill passed by the House of Representatives, the people I have described would be branded not just as criminals but as felons. That is an unfortunate approach and one that doesn't reflect the values of this country. That is an approach which would drive more people into the shadows.

The Democrats support a comprehensive approach, one that includes security and also includes a path to legalization—a tough, long path, with many requirements that some will not finish. But those who do finish will make a better America. We have to go beyond enforcement. We have a reasonable and realistic approach to address the undocumented who live among us. We would give them an opportunity, and that is the best America can offer to anybody. By giving them this opportunity, we encourage them to come forward and register and to be part of the legal rolls in America. That way, we know who is living here, which enhances our national security. This is also true to American values. It is rewarding immigrants who work hard and play by the rules.

We face extraordinary security challenges in America today. We have a war that now has claimed over 2,300 of our best and bravest—sons and daughters of families across America, from Illinois and every State in the union. Today, 138,000 American troops stand risking their lives for us in Iraq and another 20,000-plus in Afghanistan. We owe them not only our gratitude and our admiration, but we owe them a plan to come home.

When I take a look at the situation in Iraq, it deteriorates each day and moves inexorably toward a civil war, which we pray will never happen, and I wonder how this will end. For some of us who voted against the resolution which brought us into this war, we argued at the time that it is a lot easier to get into a war than to get out of one. We argued that we needed more allies to stand with us so that it would not be just American soldiers. We argued that more nations should be with us in this effort so we would not be subsidizing a war, which now costs us $2 billion a week.

Unfortunately, this administration moved forward, anyway. They went into a war without enough troops, without enough body armor, without enough protection on the humvees, and without the necessary defensive equipment on helicopters. They sent the troops into battle and, sadly, so many have not come home. Many have come home with broken and battered bodies.

We have an obligation now to say to the Iraqis: We have helped you. We have removed your dictator. We have given you a chance to govern yourself, given you a chance for free elections, and we have given you a chance for your future. But now it is your responsibility. Govern your own nation; bring it together and defend your own people.

This administration promised us for years that, given enough time, the Iraqi Army and the police force would replace our troops. How much longer must we wait? How much longer must we wait until these Iraqis will stand and fight for their own future and their own country? I will believe this administration has a plan that works when the first American soldier comes home, replaced by an Iraqi soldier standing guard there in his own country. We are still waiting for that day. I hope it will come soon.

When President Bush said last week that perhaps we will have to wait until we have another President, 2½ years from now, my heart sank. Two and a half more years of this? Two and a half more years of losing American lives and watching these soldiers come back with visible scars?

We have to do better than that. Real security in America means a real plan to bring this Iraqi war to an end. I urge this administration to work toward that day and toward that plan, on a bipartisan basis, and to work toward homeland security that makes certain we are safe.

The General Accounting Office reported yesterday there is the ability to bring across our border enough fissile material to make a dirty bomb, despite our border security. There is a lot more we need to do to make America safe, and a stronger America begins at home.

This administration needs to do more when it comes to port security—not turn it over to some foreign government to manage five major ports.

This administration needs to do more when it comes to security at our chemical plants and nuclear plants.

This administration needs to do more when it comes to protecting us and making sure our first responders have what they need. I was in Marion, IL, at the fire department meeting with Chief Rinella, talking about the cuts in the Bush budget that will reduce the funds available to that department and to police departments, which we will count on if we ever have a major challenge in the United States. Real security begins at home, with an administration committed to security.

I urge my colleagues to join, on a bipartisan basis, to restore the funds that were cut in the Bush budget.

I yield the floor.

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

Mr. OBAMA. Mr. President, I ask unanimous consent to speak after Senator SANTORUM for approximately 10 minutes.

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

The Senator from Pennsylvania is recognized.

IRAQ'S FIGHT FOR ITS FREEDOM

Mr. SANTORUM. Mr. President, I have to respond to my colleague from Illinois, who suggested that somehow the Iraqis are not standing up and fighting for the freedom of their country and the comment, ''How much longer do we have to wait?''

Ask the Iraqi families of the men who were beheaded—30 of them most recently—whether they are waiting for the Iraqis to step forward and sacrifice for their country. Ask the Iraqis who are in the military who are dying today, sacrificing for the freedom of their country, whether they are waiting. The people of Iraq are stepping forward and fighting for their country. We are helping them do that. It is the clear intention of our policy in Iraq to hand over the responsibility, and it is happening.

I find it almost remarkable that here now, 3 years into this conflict, where we are trying to transform an entire society, that the level of patience for this very difficult process, given all the progress made and all the elections that have been held and the Constitution drafted—I think in all but four of the provinces, there is very little terrorist activity, or insurgent activity, or whatever you want to call it. There is a concentration in a few provinces where there are problems.

But I met with people from Mosul yesterday—elected officials—who came here and talked about the dramatic improvements that are going on in that area, and the lack of any kind of al-Qaida operations and terrorist operations in that area, saying that life is dramatically advancing. We don't hear talk about that. We hear talk about the problem spots, and that is legitimate. But the idea that the Iraqis are not fighting for their country, that they are not stepping forward—as we see day in and day out that they are conducting missions and they are eliminating the terrorist threat in Iraq—I think it is almost incredible. I don't know how you can read the news and suggest that the Iraqis are not stepping forward to defend their country and fight for their freedom.

Also, coming back to the issue of patience, I thank God sometimes that some of the elected officials who are here today were not around in 1777, 1778, and 1779. We would still be singing ''God save the queen,'' not ''hail to the chief.'' It took us 11 years to put a democracy together, in circumstances that I suggest were far less difficult, in a neighborhood that was far less problematic than the neighborhood Iraq happens to be situated in. So the idea that we have lost our patience in a

struggle against Islamic fascism, which is a real present danger to the future of the United States of America, to me, is almost unconscionable.

This is a struggle we are engaged in. This is a struggle for our time. It is one that I believe history will look back upon and suggest that we met the threat that would have fundamentally changed the future of the world, and we met it before it did so. We met it with strength, with determination, and we overcame the doubters, overcame those who would have rather cut and run. I am not for cutting and running when it comes to the future security of this country. I have patience because things that are difficult and meaningful take time. We have to give that time.

I suggest there are some things that we are finding out now. Another effort I have been working on in Iraq is the intelligence information we have been able to gather from the former regimes in Iraq and Afghanistan. This has been a project that Congressman PETER HOEKSTRA, chairman of the House Intelligence Committee, has been working on—and I have worked with him—to make sure these 48,000 boxes, containing roughly 2 million documents, are released to the American public and the world to determine what was the intelligence assessment and the activity level and, in particular, in Iraq with Saddam, and with his interaction with elements of al-Qaida or other terrorist organizations.

What we are finding is that some of the statements that have been made on the floor and statements that were made just as recently as March 19, 2006 by my colleague from Pennsylvania, Congressman JACK MURTHA, who said:

> There was no terrorism in Iraq before we went there. None. There was no connection with al-Qaida. There was no connection with terrorism in Iraq itself.

Yet if we look at some of the documents that are being released by Director of National Intelligence John Negroponte—and, again, only a few hundred of the millions of documents have been released. As a caveat, while Congressman HOEKSTRA and I are excited about the fact that DNI decided to release these documents, the pace of the release is, let us say, unsatisfactory to this point.

We have, with the blogosphere, the Internet, the opportunity to put these documents out there and have almost instantaneously translated postings about what these documents contain.

During the time the Director of National Intelligence Negroponte has had these documents—this is 3 years ago—less than 2 percent of the documents have been translated. At this pace, my grandchildren may know what is in these documents.

We need to get these documents out. Mr. President, 600 over a little over a 2-week period is almost the same pace as translating with the people they had over in DNI Negroponte's shop. We need to get these documents out quicker. Why? Because if we look at what is in these documents, there is important information in understanding the connection between Iraq and terrorist organizations and the threat we were facing, the potential threat we had talked about, which is the coordination between a country that had used chemical and biological weapons, was thought universally to have chemical and biological weapons, and terrorists who have expressed a direct desire to use those weapons and get access to them.

If we look at a report that was issued by the Pentagon Joint Forces Command translating and analyzing some of these documents, called the ''Iraqi Perspectives,'' on page 54, they write: Beginning in 1994, the Fedayeen Saddam opened its own paramilitary training camps for volunteers—this is 9 years, by the way, before the Iraq war—graduating more than 7,200 ''good men racing full with courage and enthusiasm'' in the first year.

Mr. President, 7,200 in the first year, 1994.

Beginning in 1998, these camps began hosting ''Arab volunteers from Egypt, Palestine, Jordan, 'the Gulf,' and Syria.'' Volunteers. I wonder why they would be volunteering to help Saddam. It is not clear, it says, from the available evidence where are all these non-Iraqi volunteers who were ''sacrificing for the cause'' went to ply their newfound skills. Before the summer of 2002, most volunteers went home upon the completion of training. They didn't stay in Iraq. They came for training from countries in the gulf regions, and they went home. Odd that they would be fighting for the cause which would, in that case, be Saddam, if they went home.

Before the summer of 2002, as I said, most volunteers went home upon completion of the training, but these camps were humming with frenzied activity in the months immediately prior to the war.

As late as January 2003, the volunteers participated in a special training event called the Heroes Attack.

Stephen Hayes, who deserves a tremendous amount of credit for his reporting on these documents in the Weekly Standard, has brought this issue to the forefront and has awakened Members of Congress, myself included, to the importance of discovering the content of these documents as well as some of the information contained in these documents.

He reminds us of the special significance of that training in 1998:

> That is the same year that the U.N. weapons inspectors left Iraq for good; the same year a known al Qaeda operative visited Baghdad for 16 days in March; the same year the U.S. embassies were bombed in East Africa; the same year the U.S. bombed Baghdad in Operation Desert Fox; and, the same year Saddam wired $150,000 to Jabir Salim, the former Iraqi Ambassador to the Czech Republic, and ordered him to recruit Islamic radicals to blow up the headquarters of Radio Free Europe.

What we have here is, again, information that I believe is vitally important for the American public to see. I encourage Director of National Intelligence John Negroponte to step up the pace. Congressman HOEKSTRA and I have introduced legislation which would require just that: it would require the release of these documents and provides a way to do so.

We introduced this legislation prior to the decision to release these documents, but, again, I just make the point that the pace with which these documents are being released is inadequate. We need to continue to step that up, allow this information to get out for people to see, pro and con—all the information that is available to us. These are old documents. They are at least 3 years old; in some cases much more than that. The classified nature is specious, at best. We want to protect names, obviously, if there are reasons to protect certain names because of potential fallout from having their names released. If there are recipes for chemical weapons, fine. But the bottom line is most of this information should be released, can be released, and is not being released.

I assure my colleagues—and I think I can speak for Congressman HOEKSTRA in this regard—we will stay on this issue, and we will make sure all of this information is made available to the American public so we have a better understanding of what the situation was in Iraq prior to the war.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

IMMIGRATION REFORM

Mr. OBAMA. Mr. President, let me begin by congratulating members on both sides of the aisle on the Judiciary Committee for the fine work they did yesterday on the immigration bill. My expectation is that it will be coming to the floor soon.

I wish to echo some of the remarks that were made by my senior colleague from Illinois, Senator DICK DURBIN. I think everybody in this Chamber should be interested in a comprehensive immigration reform bill, one that takes seriously the security of our borders, one that takes seriously enforcing the hiring practices of employers, but also one that makes sure we are providing a pathway to citizenship for the 11 million to 12 million undocumented workers who are making enormous contributions to this country.

The bill that came out of the Judiciary Committee last night strikes the right balance. I believe it is a bill that is worthy of support on both sides of the aisle, and I am looking forward to participating in the debate on what I think will be one of the most important issues we face in the Senate.

LOBBYING REFORM

Mr. OBAMA. Mr. President, I come to the Chamber today to address the ethics bill that has been pending before

the Senate for the past three weeks. It has now been exactly four months since Duke Cunningham resigned from the House after pleading guilty to bribery, tax evasion, and mail fraud charges. It has now been almost three months since Jack Abramoff pled guilty to defrauding Indian tribes.

In the aftermath of both guilty pleas, Members on both sides of the aisles in both Houses of Congress brought forward good proposals to change the culture that led to these scandals, and yet here we are on March 28th with a half-finished ethics bill in the Senate and even less in the House.

I know there are many important issues facing our country—health care, education, the war in Iraq, and, as I just mentioned, immigration—but it is equally important that we as Members of Congress consider how we are going to deal with the cloud of corruption that hangs over the Capitol and how that affects the issues which are important to the American people. For that reason, I sincerely hope the leadership of both parties will be able to reach an agreement to bring this bill back to the floor before our next recess.

The American people are tired of a Washington that is only open to those with the most cash and the right connections. They are tired of a political process where the vote you cast isn't as important as the favors you do. And they are tired of trusting us with their tax dollars when they see them spent on frivolous pet projects and corporate giveaways.

It is not a game that is new in this town. It is not particularly surprising to the public. People are not naive about the existence of corruption. They know it has worn the face of both Republicans and Democrats over the years. So the hope is that we could find a bipartisan solution to the problem.

Before the recess, we made some progress on the ethics bill. I was pleased to join with Senator DODD on an amendment to ban Members and staff from accepting meals from lobbyists. And when we get back to the bill, I will be joining Senators SANTORUM, MCCAIN, LIEBERMAN, and FEINGOLD in offering an amendment to define the way we reimburse corporate jet travel. I would like to spend a few minutes talking about this amendment.

During the past 5 years, Members of Congress, Presidential candidates, and political parties have used the corporate jets of 286 companies a total of more than 2,100 times. Despite the fact that a single flight of these jets can cost tens of thousands of dollars, the average reimbursement rate has only been about $1,700 per trip. So far, politicians have gotten away with this because current law only requires us to reimburse the cost of a first-class ticket on these charter flights, not the actual cost of operating the plane. But since we are usually the only passengers on the plane who don't work for the company, this rule is effectively giving us thousands of dollars in unwarranted discounts. This has to change.

Let me say this to my colleagues: Although I discontinued the practice earlier this year, I have used corporate jets in the past. I know some of the other proponents of this amendment have done the same. I know how convenient these charters can be. I know that a lot of my colleagues, particularly those from large States, will oppose this rule change because it makes it significantly more difficult and costly to interact with their constituents who live in less populated parts of their States. So I am not unsympathetic to these concerns. There are many parts of Illinois in which there is no commercial air service.

But this isn't about our convenience. It is about our reputation as public servants who are here to work for the common voter, not the highest bidder. We all know that corporations are not allowing us to use their jets out of the kindness of their hearts. It is yet another way that lobbyists try to curry influence with lawmakers.

One lobbyist told USA Today about the advantages of allowing Members of Congress to use his jet. He said:

> You can sit down and have a cocktail and talk casually about a matter, rather than rushing in between meetings on Capitol Hill.

A lobbyist for a telecommunications company is quoted as saying that providing a jet to a lawmaker ''gives us an opportunity to form relationships, to have a long stretch of time to explain issues that are technical and complicated. If it wasn't useful, we wouldn't do it.'' The vast majority of the people we represent don't have the money to buy that access and form those relationships. They don't have the ability to fly us around on their private planes. In fact, they are having enough trouble paying the mortgage and their medical bills and their kids' college tuition. And they expect us to listen to their issues with the same concern we would any lobbyist or corporation with a jet.

I know that some say that legislation isn't really being discussed on these flights. But appearances matter. If we want to be serious about showing our constituents that we are fighting for them—and not just for the wealthy and powerful—we can't allow a small number of special interests to be subsidizing our travel.

If there isn't enough commercial air service in a state and there is a need to take a charter flight, then we should pay the full cost of the charter. If there is not enough money in our Senate travel accounts to cover these costs, then we should increase our travel budgets. What we shouldn't do is allow lobbyists to pick up the tab.

I know this may not be a popular amendment. I know many of my colleagues will be inconvenienced if it is adopted; I will be as well. But if we are serious about cleaning up the way we do business in Washington, it is an important step for us to take. I hope my colleagues will do the right thing and support this amendment.

In closing, let me say it is obvious we are not going to be able to finish ethics reform today. I know Senator LOTT and Senator DODD are working diligently to try to get this bill back on the floor. I also am aware of the importance of the immigration bill that we are going to be considering for the next two weeks. But I have to insist that we bring this ethics and lobbying bill back to the floor as soon as practicable and that we get to work on getting a bill passed and sent over to the House. The American people expect us to take strong action to clean up the way we do business in this city. They have been waiting for a long time. It is time we got to work.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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.

LOBBYING AND RULES REFORM

Mr. LOTT. Mr. President, for the information of all of our colleagues, we should be getting some indication from our leadership soon as to when and how we will proceed on the lobbying and rules reform legislation. Of course, a major part of our time this week will necessarily be involved in considering the immigration reform legislation that was reported out of the Judiciary Committee on a bipartisan vote on Monday night. But I do think that we should go back to this very important issue also, which has been pending now for 3 weeks.

This is a bipartisan piece of legislation from two different committees. It is one of those rare but blessed occasions when Republican and Democrat, chairman and ranking members, can work together. Senator DODD and I worked together on this legislation, along with Senator FEINSTEIN and other Democrats, to shape the package that came out of the Rules Committee. Senator COLLINS, the chairman of the very important Homeland Security and Governmental Affairs Committee, was able to get legislation out of her committee working with Senator LIEBERMAN of Connecticut. Good work is being done. We were making progress and were about to get into a position where we could have wrapped the legislation up in a couple of days.

However, Senator SCHUMER proposed an amendment involving the Dubai World ports issue, and that caused the legislation to be stopped. That issue now is being dealt with by transferring the responsibility for the operations of those terminals to domestic companies. So that issue is being addressed, for now. I believe Senator SCHUMER has

indicated that he is willing to withdraw his amendment, and we can go forward.

The pending business then would be the Wyden amendment on the issue of holds and how secret holds could be dealt with in this body. Some Senators have some concerns about the amendment. I would like for us to step up and address that issue and work with our leaders. That is a Rules Committee issue and I have held a hearing on the issue of holds. I support the Wyden-Grassley approach, but I think that when it involves rules that directly impact how the Senate operates day-today, the leaders of our two parties in the Senate have to have major input in how we deal with the issue in the future.

There are other issues that are pending that have interest and support. Obviously, one of those is the amendment by Senator COLLINS and Senator LIEBERMAN dealing with establishing a new Office of Public Integrity. That issue was considered in their committee, and they would like for it to be considered on the floor. I certainly understand that and would be supportive of that because it is supported by these two leaders of that committee. But we have 77 amendments filed as first-degree amendments, most of which are not germane to the bill. So I have to ask my colleagues: Are we serious about lobbying reform and rules reform?

There are some good things in here. I don't support all of them, and on a bill of this magnitude nobody is going to support all of it. But I think we need to step up and resolve these issues. We do need reform in the lobbying area and some changes in the rules especially in the area of disclosure. We also need a mechanism to deal with earmarks that have not been considered by either the House or the Senate, and then are inserted in conference reports.

We are going to have to deal with all these issues sooner or later. We can do it now or we can do it later. Some people I suspect hope this entire package of reforms will slide off the face of the Earth and disappear. It is not going to. It is here, and it is going to come back. We can do it today if the leaders give us that charge or we can come back to it later as filler or we can be the legislative yo-yo. But this issue is going to be dealt with. I hope we can come up with a way to get it done even today, if possible.

We have actually lost a full day. We could have been working on this yesterday afternoon. We could have been working on it this morning. There are other issues that are of interest and concern to the Members and to the leaders, so I understand how that goes. But if every Senator presumes to offer his or her amendment and demand a recorded vote, we will not ever finish it. Maybe the American people are not that focused. Obviously, when I was home I got a lot of questions about immigration, about taxes, but I got one call, just one, about this bill. It was from somebody who was concerned about something they hoped we would not put in the bill. Actually, it was a lobbyist, and I didn't even agree with what he was saying.

I think we should reconsider the cloture vote as soon as possible. I will support it no matter at what point it occurs. We can consider two or three of these amendments or several of them or not. But we need to step up to the issue, vote cloture, and complete this legislation as soon as possible.

I ask my colleagues: Who wants to take the blame for not getting this done? I was very disturbed about the way this was brought to a halt because I had yielded for what I was clearly told were going to be comments and all of a sudden, we were hit with a second-degree amendment that had no applicability to this at all.

We need to get together in a bipartisan way to address this issue, and we need to do it now. If we do not, somebody is going to have to explain it. The way I will explain it is not going to be positive because we have a commitment and we need to go forward with it.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent to proceed as in morning business for a period of time not to exceed 15 minutes.

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

LOBBYING AND RULES REFORM

Ms. COLLINS. Mr. President, let me begin my comments by commending the Senator from Mississippi for his excellent statement. The Senator from Mississippi deserves great credit for working with his ranking member, Senator DODD, to craft a lobbying reform and disclosure bill on the provisions that were under the Rules Committee jurisdiction. Similarly, I worked very closely with the ranking Democrat on the homeland security committee to come up with a bipartisan bill that reflects issues that are under the jurisdiction of the Homeland Security and Governmental Affairs Committee.

The result is a strong bill. We have married the bills reported by the two committees on the Senate floor. We have produced legislation that I think would help to restore the public's confidence in the integrity of the decisions that we make in Washington. Some may ask: Why does this matter? Why should we enact lobbying disclosure and reform legislation? The reason is, if the public does not trust us to make decisions that are not tainted by undue influence from special interests, then we will not, as a Congress, be able to tackle the major issues facing our country. If the bonds of trust between those we represent and public officials are so frayed, then we are not going to be able to make the tough decisions, the hard choices that are necessary when tackling the big issues and challenges that confront our country.

The issues before the Senate in this bill are pressing and serious. Recent scandals involving Jack Abramoff and former Representative Duke Cunningham have brought to light the need for Congress to reevaluate practices that, although legal, raise questions about the integrity of decisions that are made or at least create the appearance of conflicts of interest and undue influence. We need to ban practices that erode the public's confidence in the integrity of Government's decisions. We need to have greater disclosure of the amount of money spent on lobbying and how it is spent. I think sunlight is the best disinfectant in many cases, and providing and requiring greater disclosure will make a real difference.

All of us here today recognize that lobbying, whether done on behalf of a business organization, an environmental cause, a children's advocacy group, an educational institution or any other cause can provide us with very useful information that does not dictate but does aid our decision-making process. We should remember that lobbying actually has a noble history. The word comes to us from Great Britain when individuals would gather in the lobby of Parliament in order to talk to members, and the medium of exchange was ideas and not favors.

Today, unfortunately, the word ''lobbying'' too often conjures up images of all-expense-paid vacations masquerading as factfinding trips, special access that the average citizen can never have, and undue influence that leads to decisions not being made in the public interest. The corrosive effect of that image on the public's confidence in the decisions that we make cannot be underestimated.

We in Congress have an obligation to strengthen that crucial bond of trust between those in Government and those whom Government serves. This legislation is a significant step in that direction, and we need to pass it promptly, without delay.

As my colleague, the Senator from Mississippi, has mentioned, there are some 77 amendments that have been filed to this bill. Many of them have nothing to do with lobbying or ethics reform. Others only have a very tangential connection. If we are serious about delivering lobbying reform legislation, if we believe that we need to clean up questionable practices, if we want to restore that bond of trust between the public and its elected officials, then we should move forward with this legislation without delay,

without extraneous amendments that have nothing to do with the issue before us. We can do this bill with a good day of hard work.

I thank the majority leader for bringing up the bill again, for recognizing its importance, and for working with the four managers of the bill to try to find a path forward. But we need cooperation from our colleagues and from the leaders on the other side of the aisle if we are going to be successful in doing so. I am convinced, as is the distinguished chairman of the Rules Committee, that in a day's time we can complete action on this bill and be on our way to conference with the House if we have a little cooperation from our colleagues.

Let's not fail this test. Let's not fail to get this job done. This matters. It matters because if we do not have the support of the American people, the trust and confidence of the American people, then we cannot tackle the major issues facing this country.

This bill would be a significant step forward in repairing the frayed bonds between the American people and their Government at a time when surveys indicate that trust in Congress is perilously low.

I hope we can come together. This is a bipartisan effort. Senator SANTORUM convened a bipartisan task force that has worked very hard and gave rise to many of the bipartisan principles upon which this bill is based. Let us work together on both sides of the aisle. We have bipartisan support. With the ranking Democrats, Senator LIEBERMAN and Senator DODD, with the two chairmen, Senator LOTT and myself, we can get this job done.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

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

ANDREW H. CARD, JR.

Mr. GREGG. Mr. President, I rise to praise and thank Secretary Card who, for the last 5½ years, served as Chief of Staff for the President of the United States. Those of us from New Hampshire, such as the Senator in the Chair, know Andy Card well. Long before he became Chief of Staff, before he became Secretary of Transportation, before he even went into the White House with the first President Bush, he was an individual who had a fair amount of presence in New Hampshire. He started out in Massachusetts in the State legislature. There, with a small band of Republican members of that body in the 1970s, those of us who were in government in New Hampshire had a chance to meet him on occasion as a neighbor and fellow legislator and member of the government.

Then, in 1987, I believe it was, he came to New Hampshire and basically took up residence on a cot in a rundown building that we used as the headquarters for the George H. Bush campaign for President. He was the field director, the campaign manager under Governor Sununu and under my father, Governor Gregg. He, at that time, created a tremendous amount of goodwill amongst those who had a chance to work with him. He was an extraordinarily highly capable individual who got his job done, did it without ego but did it very effectively.

That approach, which grew with experience both as a Deputy Chief of Staff with the first President Bush and then as Transportation Secretary, and now as Chief of Staff since the beginning of this administration—that approach of a quiet, confident, unassuming but extraordinarily effective individual has been really his modus operandi. He has really set a standard, I believe, to which Chiefs of Staff will be held as we go forward from administration to administration.

The job of Chief of Staff is one of the most difficult jobs there is in Washington, obviously. It is a high-intensity position requiring workdays that often run into 20 hours. It requires that you know all the issues, that you know who the players are, that you put out the fires, that you communicate effectively, that you be courteous to people who may not be so courteous to you, and that you deal effectively with getting the President of the United States the information he needs in order to do his job. Andy Card, as I said, set a standard which will be one which I think Chiefs of Staff to come will try to equal.

He is always fair. He is always open. He is low key, unassuming, extraordinarily effective but firm when he had to be on issues and with people relative to carrying out the policy of the President. As he said today at the ceremony at the White House, he always recognized the fact that he was a staffer. He was not an elected official as a Chief of Staff, but he was a staffer who worked for the President of the United States and that his job was to carry forward the policies of the President. He did that extraordinarily well.

His wife, of course, has been with him all these years and put up with the thousands of hours he has not been at home since he has done this job—his wife Kathleene. As she has ministered to people who attend their church and others, she has certainly been a soulmate and person of strength for Andy Card.

We bid him a sort of a bittersweet farewell in that I know he will be missed in that position, but he has certainly earned the right to move on to take some time for himself and his family, to be able to get up in the morning and be able to enjoy the day without having to know that he will be rushing off for a 20-hour day at the White House.

I suspect he will be returning to New England. We look forward to having him back. I know he will spend a fair amount of time in Massachusetts and a fair amount of time in Maine, and I am sure he is going to stop on his way between Massachusetts and Maine to take advantage of New Hampshire's ''no sales tax'' climate. He is a special person, and the country has been well served by having him.

His successor, Josh Bolten, I have had the good fortune of dealing with also for a number of years but especially in the last few years as Director of OMB. In my role as chairman of the Budget Committee, he is obviously the person I have had the most contact with in the administration. Interestingly enough, he brings a lot of the same characteristics to the job Andy Card does. He is low key, he is bright, has a great sense of humor, and he understands that his job is to carry forward the mission of and purposes of the President.

He is a person you can talk to, who enjoys listening, will reach out, and does reach out for and has reached out as Director of OMB to Members of the Senate to hear their thoughts and ideas as to how we should proceed.

He has tremendous respect, I believe, on both sides of the aisle in the way he has led the OMB, and he will create a seamless transition in the White House as he moves over to the chief of staff job.

We are fortunate to have people such as this—people such as Andy Card and Josh Bolten who are willing to take on the obligation of public service and serve in positions such as Chief of Staff for the President, jobs which are extraordinarily intense and involve tremendous sacrifice relative to family. But without good people such as this willing to do them, the Nation would be much less.

We thank Andy Card for his service. We wish him and Kathleene good luck and good fortune as they move forward, and we welcome Josh Bolten to the job.

I yield the floor. 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. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended and that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

OFFICE OF PUBLIC INTEGRITY

Ms. COLLINS. Mr. President, I do not anticipate taking the full 15 minutes,

but I did want to alert my colleagues to an amendment that I believe will be coming up this afternoon, or perhaps even later this morning. In any event, later today Senators MCCAIN, LIEBERMAN, and I will be offering an amendment to the ethics bill before us to create an Office of Public Integrity.

The American people view the way that we enforce ethics requirements on each other and on our staff as an inherently conflicted process. We set our own rules, we are our own advisers, we are our own investigators, we are our own prosecutors, we are our own judges, and we are our own juries. Even though we have some of our finest Members serving on the Ethics Committee, they cannot escape the perception that the process is plagued by conflict of interest. We do have extraordinary capable, ethical individuals serving on the Ethics Committee in the Senate. We are very fortunate to have a committee that works in harmony and that takes its job very seriously.

I believe we can preserve the important role of the Ethics Committee—and it is a vital role because the Constitution requires each House of Congress to discipline its own Members, if necessary, and we are going to preserve that absolutely critical role—but that we can make an improvement in the process by creating a congressional office, the Office of Public Integrity.

I emphasize this is part of the legislative branch. We are not talking, as some have, about creating an outside commission of judges and former Members of Congress and ethics experts. We are talking about recognizing that the Constitution clearly places responsibility within the legislative branch for taking actions, if necessary, against its own Members who violate the House or Senate rules. But we believe that process would be enhanced if we create an office of public integrity. It would be headed by a director who would be appointed by the majority and minority leaders of the Senate. That office would conduct investigations of possible ethics violations independent of any direct supervision by the Senate. So we would be assured that the public would perceive the process—the investigation—as more credible than now occurs when the Ethics Committee is investigating allegations against their colleagues.

I wish to point out, however, this is not the Shays-Meehan bill in the House, whatever the merits of that approach. This is a different approach from that taken by the Senator from Illinois, Senator OBAMA, and it is even different from the proposal Senator LIEBERMAN and I advanced in the Homeland Security markup. We have refined it still further. We narrowed the authority of the Office of Public Integrity, and I think we struck exactly the right balance between the duties of this office and the duties of the Ethics Committee. This office would conduct impartial, independent, thorough investigations and report its findings to the Ethics Committee which then would retain authority to rule on the cases and allegations and decide what action, if any, is taken. This would enhance the public confidence that this investigation would be an independent one.

It is very difficult for us to investigate ourselves. There are friendships, there are inherent conflicts of interest. The Ethics Committee does a terrific job in the Senate. It has wonderful members serving on it, individuals of the highest integrity. But the public perception is always going to be that this is an inherently conflicted process because we are investigating ourselves. We are playing every role in the process. What we are trying to do is create an office that would conduct the investigation.

I know many of our colleagues are not comfortable with this concept. Some of them have compared it to the old special prosecutor laws. But that is not what we are doing. We are very carefully setting up a system of checks and balances with the Ethics Committee retaining all of the final authority to decide how to proceed, to decide whether subpoenas should be employed, to decide whether an investigation should go forward in the first place, and to decide the ultimate disposition of the case. The investigation would be done by this independent office.

I point out to my colleagues one of the advantages of having an independent Office of Public Integrity conduct the investigation. The public now is often skeptical of the findings and actions taken by the Ethics Committee. If the Office of Public Integrity comes to the Ethics Committee and says these allegations have been thoroughly investigated, we, an independent entity, have investigated these allegations and we find there is no truth to them, that finding is much more likely to be accepted by the public if the investigation is done by this independent office. It would have complete credibility. That would be a great advantage. It would remove the cloud of doubt and suspicion that often hangs over Members of Congress unfairly when allegations are made against them.

The reason the public often has those doubts is they know we are investigating ourselves. They know our colleagues are investigating allegations against their colleagues.

If we insert this Office of Public Integrity into the process, public confidence in the thoroughness, independence, and credibility of the investigations would be enhanced. It would in no way diminish the authority of the Ethics Committee to take the action, make the final judgments, and indeed judgments all along the way, on this case.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

ELIMINATING SECRET HOLDS

Mr. WYDEN. Mr. President, I am hopeful that shortly the Senate will be voting on a measure that will take a very significant step forward by bringing sunshine and public accountability to the Senate.

If you walk the streets of this country and ask someone what a hold is in the Senate, I don't think you will get 1 out of 100 people who will have any idea what you are talking about. But the fact of the matter is, a hold in the Senate is the ability to block a piece of legislation, block a nomination from being even discussed in the Senate. As a result of a hold, the Senate will not even get a peek at a topic that may involve millions of our citizens, billions of dollars, and affect the quality of life of citizens in every corner of the land.

It would be one thing if the Senator who exercises this extraordinary tool—this tool that carries so much power with it—if that Senator would exercise the tool in public and could be held accountable. Unfortunately, holds are now placed in secret. They are done behind closed doors. The sponsor of a piece of legislation will not even know about it. It seems to me a Senate that is serious about lobbying reform absolutely must stop doing so much of its important business in secret, behind closed doors.

I will offer later in the day, I hope, with Senator GRASSLEY, Senator INHOFE, and Senator SALAZAR, an amendment to bring a bit of sunshine to the Senate. It is an amendment that would not abolish the hold. Senators' rights would be fully protected. Senator COLLINS is in the Senate, and as a result of the colloquy we had several weeks ago, this legislation also protects the Senator's right to be consulted on a piece of legislation. Certainly, that is something all Members feel is important. If there are bills that affect a Senator's State or that they have a great interest in, that Senator would have an opportunity to study the legislation and to reflect on what it means.

What we say in this bipartisan amendment is when a Senator digs in, when a Senator plans to exercise this extraordinary power, the power to block a bill or a nomination from ever being heard, we are saying that Senator has got to be held publicly accountable. What we require is that a Senator who exercises a hold would have to so state in the CONGRESSIONAL RECORD. They could still use their procedural rights to make sure they have a chance to oppose the legislation and to oppose it strongly, but they would be identified as the person who was so objecting.

The intelligence reauthorization bill is now being prevented from coming to this Senate as a result of a secret hold.

A lot of Senators give lengthy and eloquent speeches about fighting terrorism, but now a bill that is vital to national security is being held up in secret. It has been held up for months and months as a result of this secret hold. That ought to change.

Certainly, it ought to change if Senators are serious about lobbying reforms because one of the best ways for lobbyists to work their will is to have procedures that help them behind closed doors. That is what the secret hold is all about. It is written nowhere in the Senate rules, but it has become one of the most significant and powerful tools a Senator can exercise. It is done without any public accountability at all.

There has been a bit of irony in the last couple of days about this legislation. I thought it was going to come up already, given the fact that we had come back from the recess. I was under the impression that would be the first order of business. But we could not get to the bipartisan measure to abolish secret holds because, lo and behold, there was a secret hold on an amendment to try to get the Senate to do its business in public. That pretty much says it all. Not only do we have secret holds on national security legislation, legislation that would make a real difference in terms of striking a balance between fighting terrorism ferociously and protecting civil liberties, not only do we have national security legislation being held up, but even efforts to bring about basic reforms such as openness and sunshine for the Senate are being held up as a result of this secret procedure.

I emphasize what the change will mean for the Senate. No longer if this change is put in place will staff be able to keep secret from Members an objection; no longer will leadership be the only one to know about an objection; no longer will it be possible for a Senator to be kept in the dark about something they have worked on for years and years. The fact is, Senator GRASSLEY and I have worked on this legislation for a full decade.

Senator LOTT, the chairman of the Rules Committee, has been particularly helpful in terms of working with us on this measure. There have been hearings. Senator BYRD, who, of course, knows more about the Senate rules than anyone in the history of this Senate, has been very helpful in terms of giving us background about what we ought to do. This amendment puts the burden on the person who ought to be held publicly accountable: squarely on the shoulders of an objector. The person who exercises a hold will be identified and colleagues can discuss with that person how to move forward in a bipartisan way.

No Senator is going to be stripped of their rights. No Senator is going to be kept from protecting constituents that have serious concerns about legislation. But with the right to stand up for your view and to object to a piece of legislation, there ought to be some responsibility. There ought to be some accountability.

I find it stunning the Senate would even consider lobbying reform without an effort to do its business in public. We have already spent several days on this legislation. Hopefully, it will be completed shortly. It seems to me one of the most obvious reforms that Senators ought to be in favor of, if this Senate is serious about reform, is doing its business in public.

Nowhere in the Senate rules does it say anything about secret holds. Nowhere is it written down that a Senator can exercise this enormous power and do it without any accountability at all.

Senator GRASSLEY and I believe it is time to bring some sunshine for the Senate and for Senators to do the people's business in public. Secret holds have been the bane of the Senate for decades. Back in the 101st Congress, then-majority Bob Dole said:

> I have never understood why Republicans put a hold on Republican nominees. Maybe I will figure it out some day. I have been working on it. I have not quite understood it.

In that same Congress, former Senator John Glenn observed:

> . . . as one hold would come off, there was agreement another one would be put on, so that no one really had to identify themselves. The objecting Senator would remain anonymous. So much for sunshine in the United States Senate.

Those are the words of one of our most respected colleagues, John Glenn, words that I hope Senators will remember later in the day when we will have a chance to vote on a bipartisan amendment to bring some sunlight to the Senate and some openness in the way the Senate conducts the public's business.

When we have important national security legislation held hostage today by a secret hold, that alone says that this Senate needs to change the way it does business. It ought to do its business in the open. It ought to do its business in a way that will hold Senators accountable.

After 10 years, Senator GRASSLEY and I have watched these secret holds block legislation, block nominations in a way that does a disservice to all the people we represent.

We are going to have a chance to end this. We are going to have a chance to ensure that while Senators can exercise their rights and debate topics that they feel strongly about, they can also be held publicly accountable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, we are beyond 12:30 p.m. Thus, I ask unanimous consent to delay the recess until we complete, in a few minutes, two items of business we will be addressing.

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

Mr. FRIST. Mr. President, we are going to address two issues, and those are the issue surrounding the lobbying bill, which is on the floor now, and we will march through that issue—the Democratic leader and I will explain to our colleagues what has just been done—and then also we expect to address the issue surrounding immigration and the cloture vote that is scheduled this afternoon.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (S. 2349) to provide greater transparency in the legislative process.

Pending:

> Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.
>
> Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996–2001, may own, lease, operate, or manage real property or facility at a United States port.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2959 WITHDRAWN

Mr. SCHUMER. Mr. President, since I offered the amendment on the Dubai Ports World, a lot has happened. In fact, Dubai Ports World has agreed to sell its U.S. operations, and so it will have no control over them. That will happen over the next several months. The administration has agreed that should be what happens.

Obviously, we are going to keep a watchful eye on the deal, and should for some reason—and I have no expectation this will occur—the deal not be allowed, we would want to bring the amendment back to the floor. The majority leader has graciously agreed that we would be allowed to do so, although I have no expectation that will happen.

So I ask unanimous consent to withdraw the pending amendment.

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

The majority leader.

Mr. FRIST. Mr. President, let me add to what the distinguished Senator from New York just said. First of all, I thank him, through the Chair, for his cooperation on an issue which is constantly evolving, but it looks as if it is well underway to satisfy everybody's

concerns. But the understanding is we will come back and address the issues in his amendment at some point in some way on the floor if that glidepath to satisfactory conclusion is not reached.

AMENDMENT NO. 3176 TO AMENDMENT NO. 2944

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, on behalf of myself, Senator MCCAIN, and Senator LIEBERMAN, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. MCCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 3176 to amendment No. 2944.

Ms. COLLINS. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. FRIST. Mr. President, I ask unanimous consent that there now be 2 hours equally divided between Senator COLLINS and Senator VOINOVICH or his designee. I further ask unanimous consent that there be 20 minutes equally for debate between Senator WYDEN and Senator SESSIONS or his designee. I further ask unanimous consent that following the use or yielding back of time the Senate proceed to a vote on the Collins amendment, to be followed immediately by a vote on the Wyden amendment, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Mr. President, what we have done is cleared a way, with one amendment and calling up other amendments, with the glidepath that we will address two amendments shortly after our break for our policy lunches today. We, I think, can be on a glidepath thus of completing the lobbying reform bill before addressing the border security and immigration bills. Again, we have a lot of work to do, but that would be the intent.

There is one remaining piece of business we need to address, in terms of the cloture vote that is scheduled for this afternoon, and I will, before lunch, have a further unanimous consent about that as well.

At this juncture, 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. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that the cloture vote with respect to S. 2454 be vitiated. I further ask unanimous consent that at a time to be determined after further concurrence by the Democratic leader, the Senate proceed to S. 2454 and, further, that the bill be open for debate only during the first day of consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, very briefly to review, after our break today for lunch, our policy lunches, we will be on lobbying reform. We have two amendments which will be debated. We set up to 2 hours. I would think that time could be condensed. Further discussions will take place over our lunches on lobbying reform. At a point in time, we would expect after we finish with lobbying reform, we will go to the border security bill, and we will have more to say about how that will all be handled at a later date.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess—

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be willing to respond to a—

Mr. DURBIN. Mr. President, I ask unanimous consent that when we return at 2:15 I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object to the unanimous consent request, I believe that Senator COLLINS had offered an amendment and that she would be scheduled to be recognized first.

Mr. DURBIN. Mr. President, if I might respond to my colleague, I am asking that I be recognized in morning business for 10 minutes.

Mr. REID. Mr. President, what is the status of the proceedings? What is happening here?

The PRESIDING OFFICER. There has been a unanimous consent request by the Senator from Illinois to speak at 2:15.

Mr. REID. Who has the floor now?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. REID. Mr. President, will the Senator yield to me?

Mr. LOTT. Mr. President, further reserving the right to object, the legislative business that is pending, what is the status of that, before the unanimous consent was made?

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to have 2 hours equally divided between the Senator from Maine, Senator COLLINS, and——

Mr. LOTT. So Senator COLLINS would be recognized upon the return from the luncheon period to begin debate on the pending amendment?

The PRESIDING OFFICER. Or Senator VOINOVICH or his designee.

Mr. LOTT. Mr. President, we have had so much difficulty in getting an agreement to move forward on this legislation; we were not able to do it yesterday or this morning. I really hope that when we return from lunch, we go straight to the pending business and amendment. I would like to accommodate all of our colleagues, but we have struggled so hard to get to this point, I would have to object.

Mr. DURBIN. 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. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized at 2:15, when we return, for 10 minutes.

Mr. LOTT. Mr. President, reserving the right to object, but I will not object, I was not aware of the purpose of the request, and I understand the sensitivity and the timing of this. We will be prepared to proceed with Senator COLLINS at 2:25.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

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

Thereupon, the Senate, at 12:50 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized for 10 minutes in morning business. At this point, I yield 5 minutes to my colleague, Senator BARACK OBAMA, from Illinois.

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

The Senator from Illinois.

RETIREMENT OF LANE EVANS

Mr. OBAMA. Mr. President, I rise today, along with my colleague from Illinois, in a bittersweet moment. One of our dearest friends from Illinois, Congressman LANE EVANS, announced today that he will not be seeking reelection next term.

Since the day he arrived in Congress more than two decades ago, LANE EVANS has been a tireless advocate for the heroes with whom he served and the countless other veterans who bravely defended this country. When Vietnam vets were falling ill from Agent Orange exposure, he led the effort to pass Agent Orange compensation. Just recently, he led the fight to make sure the children of veterans exposed to Agent Orange who were born with spina bifida would be taken care of as well.

He was one of the first in Congress to speak out about some of the health problems facing Persian Gulf war veterans and has fought for benefits for them ever since.

He fought to expand benefits to women veterans. He worked to help those veterans suffering from post-traumatic stress syndrome, and also worked to make sure there is a roof over the heads of the thousands of homeless veterans in our country today.

LANE EVANS has fought these battles for more than 20 years, and even in the face of his own debilitating disease, Parkinson's, he has had the courage to keep fighting. Today, veterans across America have this man to thank for reminding America of its duty to take care of those who have risked their lives to defend ours. Today, we all thank LANE EVANS for his courage in reminding us of this. His voice is going to be missed in this town, but I am sure it will continue to be heard wherever there are veterans who need help or vulnerable people across America who are looking for a hand up, not a handout.

Just a personal note: I don't know many people who are more courageous than LANE EVANS, who has worked tirelessly, despite extraordinarily challenging physical ailments. He is one of the most gracious, best humored, and hardest working people that I have ever seen.

I remember when I first started my own campaign for the Senate, he took me around on a tour of his district. By the end of the day I was worn out because he was indefatigable in terms of his efforts. I consider him not only a dear friend, but I think it is fair to say that had he not supported me early in my election campaign I would not be here today. So I think this is an enormous loss for the Congress, but I know all of us will continue to draw inspiration from LANE EVANS, and I am glad that he will continue to be my friend for many years to come.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, only a little over an hour ago, LANE EVANS announced he would not seek reelection in November to the U.S. House of Representatives. I understand his decision. It is a loss for his district, for our State, and for America. From the Quad Cities to Quincy, Springfield, Decatur, Carlinville, and towns in between, LANE EVANS is deeply respected and his service will be deeply missed.

For over 20 years, LANE EVANS has stood as a beacon of hope and has been a strong voice in his Illinois congressional district.

There are two kinds of courage in this world. There is physical courage, which is rare. Then there is even a rarer commodity, moral courage. Once in a great while you find someone who has both. LANE EVANS is that person.

He grew up in Rock Island, IL, the son of a union firefighter. He joined the Marine Corps right out of high school, served during the Vietnam era from 1969 to 1971. After the Marines, LANE went to college, then to Georgetown Law School. He was elected to Congress in a famous upset election in 1982.

For nearly a quarter of a century, the U.S. House of Representatives had LANE EVANS, former marine, as a Member of its body. He closed his announcement today the way he closed many letters, with the vow: Semper Fi. Semper Fi, those Latin words that mean ''always faithful.'' LANE EVANS was always faithful—first to his fellow veterans. I can't think of another colleague in the House or Senate who worked harder for veterans, whether it was the Vietnam era Veterans Congressional Caucus which he chaired, his work with Senator Tom Daschle on Agent Orange, his dogged efforts to find out what was behind Gulf War Syndrome, helping homeless veterans, helping veterans find jobs, expanding VA home loans, trying to find health benefits for veterans with post-traumatic stress disorder, and, of course, working with the vets at the Rock Island Arsenal.

Like others who served his country in uniform, LANE EVANS was a man of peace. He worked to ban landmines which maim and kill thousands. He hung a portrait of John Lennon in his office, he said, because he thought John Lennon was often a better reminder than many people he met in Congress of the hopes of working-class young people for peace and freedom.

What a champion for America's workers. After the Berlin Wall fell and the Cold War ended, LANE EVANS said we could not abandon workers at places such as the Rock Island Arsenal, men and women who helped to win the Cold War. He fought for fair trade. He saw what happened in Galesburg when Maytag closed, costing 1,600 jobs. He fought to make sure America's workers were never left behind. And what a fighter for family farmers and for the environment, for the Arctic National Wildlife Refuge. He was cochairman of the Alcohol Fuels Caucus. He has been a leader in proethanol battles.

But, you know, he was a battler starting early in his career. As a lawyer he didn't take the easy way out to make a lot of money. He was a legal aid lawyer. He fought for people who had no voice in the courtroom, and he came to Congress to make sure everyone had a voice in his congressional district. I have no doubt Lane would have been reelected again if he had chosen to run in November. Now he is fighting a different kind of battle.

Nearly 8 years ago, LANE came out publicly and announced that he had Parkinson's disease. It was a cruel blow. It turns out that I was with him when he discovered it. We were in a Labor Day parade in Galesburg. He was waving and he said he couldn't feel some of the fingers in his hand. He sensed something was wrong. It took a while for the diagnosis to come out. For a man that young to be diagnosed with Parkinson's is unusual. Publicly he announced his disease and started fighting—for stem cell research and for medical help for those who suffer from diseases just like his.

During his last race, in 2004, he told audiences: I may be slow, but I still know which way to go. Living with Parkinson's made him a better Congressman because, ''I can understand what families are going through.'' Time and again, LANE EVANS showed extraordinary courage, not just as a politician but as a human being.

His determination to serve his district pushed him to work harder, even as the burden of Parkinson's became heavier. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to every one of us who counts LANE EVANS as a friend. In his statement today, LANE EVANS said:

> I appreciate the support of people I never met before who would ask how I was doing and tell me to keep up the good fight.

The truth is, LANE EVANS, his whole adult life, has been involved in a series of good fights. Politicians come and go in the Halls of Congress, but this soft-spoken son of Illinois will leave his mark as a man truly committed to securing the American dream for everyone in our Nation.

Thank heavens for LANE EVANS.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Maine.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

AMENDMENT NO. 3176

Ms. COLLINS. Mr. President, would the Presiding Officer review the time agreement that we are about to embark on for consideration of the Collins-Lieberman-McCain amendment?

The PRESIDING OFFICER. There is 2 hours evenly divided between the Senator from Maine and the Presiding Officer.

Ms. COLLINS. Thank you, Mr. President. I was aware that was the case, but I thought it would be helpful to our colleagues to better understand the state of play.

Mr. President, I made some preliminary comments this morning. I do want to explain further the concept of the Office of Public Integrity, but I know the Senator from Illinois had asked that I yield to him some time. In the interests of accommodating his schedule, I yield 10 minutes to the Senator from Illinois to speak in support of the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I thank Senator COLLINS, not only for her accommodation but also for her leadership on this issue. I also thank Senator LIEBERMAN for his outstanding work on this issue.

I rise today to speak about the importance of improving the ethics enforcement process that we currently

have. Last month I introduced legislation to create an outside congressional ethics enforcement commission that would be staffed by former judges and former Members of Congress from both parties. Under my proposal, any citizen could report a possible ethics violation by lawmakers, staff, or lobbyists. My commission would have had the authority to conduct investigations, issue subpoenas, gather records, call witnesses, and provide its full public report to the Department of Justice or the House-Senate ethics committees.

I knew this proposal would not be the most popular one that I introduced in Congress, but I didn't anticipate the deafening silence that greeted it. Change is difficult and Members of Congress are understandably concerned about delegating investigations of their own conduct to an outside body, but I hope, when my colleagues learn a little more about the amendment I am offering with Senators COLLINS, LIEBERMAN, and MCCAIN, that they will understand an independent ethics fact-finding body is not only a good idea but a necessary idea.

Earlier this year, I was asked by the Minority Leader to take a lead role in crafting ethics legislation. I was glad to assume that role because I believe that the foundation of our democracy is the credibility that the American people have in the legitimacy of their Government. Unfortunately, over the past few years, that legitimacy has been questioned because of the scandals we have here in Washington.

But one of the greatest travesties of these scandals is not what Congress did, but what it didn't do.

Because for all the noise we have heard from the media about the bribes accepted by Congressman Duke Cunningham, the thousands of dollars in free meals accepted by other Congressmen, and the ''K Street Project'' that filled lobbying firms with former staffers, we have heard only silence from the very place that should have caught these ethics violations in the first place, the House Ethics Committee.

For years now, it's been common knowledge that this committee has largely failed in its responsibility to investigate and bring to light the kind of wrongdoing between Members of Congress and lobbyists that we are now seeing splashed across the front pages. And the sad truth is that the House ethics process does not inspire public confidence that Congress can serve as an effective watchdog over its own Members.

Time and time again over the past few years, the House Ethics Committee has looked the other way in the face of seemingly obvious wrongdoing, which has the effect of encouraging more wrongdoing. In those few instances when the committee has taken action, its leadership was punished, and it ceased to become an effective body. Coupled with a Federal Election Commission that was deliberately structured to produce deadlock, this has produced a dangerous outcome

In the words of one outside observer:

> When everyone in Washington knows the agency that is supposed to enforce campaign finance laws is not going to do it and the ethics committees are moribund, you create a situation where there is no sheriff. You end up in the Wild West, and that's the context we've been operating under in recent years.

Without question, the Senate ethics process is far superior, and I commend my colleagues who have served—and continue to serve—selflessly and tirelessly on the Senate Ethics Committee. Indeed, I have the greatest respect for Senator VOINOVICH and Senator JOHNSON. They have done an outstanding job in a difficult task. They are two of the finest people I have had the pleasure to serve with since I arrived in the Senate.

But here's the sad reality. No matter how well our process works here in the Senate, it doesn't really matter since the American people perceive the entire ethics system—House and Senate—to be broken. Our constituents, unfortunately, do not distinguish between the bodies in their opinion of Congress. And as long as our credibility is stained by the actions—and inactions—of the other body, then the legitimacy of what we do is also called into question.

With all due respect to my colleagues on the Senate Ethics Committee, there's some good reason for the American people to be skeptical of our enforcement system. After all, we in the Senate are our own judge, jury, and prosecutor. Under the current system, Members investigating their colleagues are caught in a bind. Either they investigate and become vulnerable to the allegation that they are prosecuting a Member for political reasons or they do not investigate and it looks like they are just covering up for a colleague. That investigation trigger has to be depoliticized for the good of Members and the integrity of the process.

And so, we can pass all the ethics reforms we want—gift bans, travel bans, lobbying restrictions—but none of them will make a difference if there isn't a nonpartisan, independent body that will help us enforce those laws.

That's why I come to the floor today to support this amendment for an Office of Public Integrity. The office is the next critical step in the evolution of ethics enforcement in the Senate and vital to restoring the American people's faith in Congress.

This amendment doesn't have quite the same level of independence as the outside commission that I proposed setting up. But it does have much more independence than the current system, and for that reason I wholeheartedly endorse it and am proud to be a cosponsor.

The Office of Public Integrity established in this amendment would provide a voice that cannot be silenced by political pressures. It would have the power to initiate independent investigations and bring its findings to the Ethics Committees in a transparent manner. Final authority to act on these findings would remain with the members of the Ethics Committees, which would satisfy constitutional concerns.

Currently, in both the House and the Senate, the initial determination of whether to open an investigation has often resulted in a game of mutually assured destruction—you don't investigate Members of my party, and I won't investigate Members of your party.

But what's interesting is that while there is often great disagreement and sometimes even deadlock in the decision to open an investigation, there's usually general agreement on what the final judgment and punishment should be. That's because the development of a full factual record can convince even the most ardent partisan that a Member of his own party should be disciplined.

In this sense, the OPI proposal is an admirable attempt to reform the most troublesome aspect of the current ethics process while still retaining what works about it. Under this proposal, Ethics Committee members would be relieved of the most difficult part of their duties, which will make it easier for members to serve on the Ethics Committees and easier for them to carry out their responsibilities.

Most importantly, it would add much-needed credibility to the outcome of the process itself. By having the courage to delegate the investigative function to an Office of Public Integrity, the U.S. Senate would be sending the message that we have confidence in ourselves and our ability to abide by the rules. That would be an important signal to send to the American people.

To put this in some historical context, a similar approach was endorsed by a Joint Committee on the Organization of Congress that was cochaired by Congressmen Lee Hamilton, a Democrat, and DAVID DREIER, a Repulblican, in 1997. Representatives Hamilton and DREIER recommended the establishment of an independent body to supplement ethics investigations through fact finding. Had that recommendation been embraced by the House then, it is possible that the recent House scandals could have been averted.

In the Senate, similar proposals have been suggested over the years by Senators BOND, GRASSLEY, and LOTT, as well as former Senator Helms. And state legislatures in Kentucky, Tennessee, and Florida, among others, have established mechanisms to allow for independent input into ethics enforcement.

Today, it's time for the Senate to take the lead, the same way it took the lead in creating the first congressional Ethics Committee in the 1960s.

In the end, the true test of ethics reform is not whether we pass a set of laws that appeal to a lowest common

denominator that we can all agree on, it's whether we pass the strongest bill with the strongest reforms possible that can truly change the way we do business in Washington. That's what the American people will be watching for, and that's what we owe them.

Enforcing the laws we pass is a crucial step toward reaching this goal and restoring the public's faith in a government that stands up for their interests and respects their values.

I commend, once again, Senators COLLINS and LIEBERMAN for their outstanding work in the committee. I strongly urge my colleagues to support their amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Illinois for his support. He has worked very hard on these issues. I appreciate his comments.

Mr. President, I yield to my partner and colleague from Connecticut, the ranking member of the Committee on Homeland Security, Senator LIEBERMAN, for 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chairman of the committee, the Senator from Maine, for her leadership generally on this bill and to say and it may be repetitious, what a pleasure it is to work with her and how proud I am of what our committee has accomplished in a thoroughly nonpartisan way under her leadership.

In that spirit, I am proud to join with Senator COLLINS as a cosponsor of this amendment and also pleased that Senators MCCAIN and OBAMA have joined us as cosponsors of this amendment. Senator MCCAIN deserves credit for having led, along with Senator DORGAN, the tough, independent investigation of the Abramoff scandal that led to the action that I hope Congress will now take to reform our lobbying laws. Senator MCCAIN introduced a very strong lobbying reform bill of which I am pleased to be the cosponsor.

Senator OBAMA has played a very important role in this debate on ethics reform, introduced a very strong enforcement proposal of his own, and his support of this amendment is very important to Senator COLLINS and me.

The bottom line is the proposals that are in the Senate now that came out of the Committee on Homeland Security and Governmental Affairs and the Rules Committee do represent significant reform of our existing lobbying regulations and laws.

But there is a missing piece. The missing piece is enforcement, taking steps to make sure that strong rules will be accompanied by strong enforcement. That is exactly what this amendment does.

When our committee considered this subject; that is, the Committee on Homeland Security, Senator COLLINS and I put down a bipartisan mark that would have created an Office of Public Integrity, a bipartisan, bicameral Office of Public Integrity, empowered to receive and oversee reports filed under the ethics rules in the Lobbyist Disclosure Act.

The Office of Public Integrity also would have had the authority to give advice on compliance with ethics rules, the Lobby Disclosure Act, and the investigative violations of the ethics rules.

We were very anxious to respond to concerns that somehow this independent Office of Public Integrity would become, as someone said, a rogue entity or violate the Constitution's mandate that each House of Congress determine its own rules and sanction its own Members when the facts justify that, so we included a number of protections to ensure that the office would be under the control of the Ethics Committee and that the Ethics Committee would have final say on interpretation of the rules and on the question of whether the rules had been violated.

Some felt our proposal was meant to imply dissatisfaction with the Senate Ethics Committee and the job it has done. That was decidedly not the case. The opposite is true. Rather, it reflected our decision that if we are aspiring to genuinely elevate, improve, and strengthen not just our lobbying regulations but the credibility and legitimacy they have with the American people, whose faith has been undercut by so many recent events in the processes here in Washington, including the Abramoff scandal and the conviction of a Member of the other body, rather, it reflects that belief that we have to act in a way to restore that confidence.

One way to do that is to say not only are we adopting tough new lobbying laws, but we are prepared to create an independent office to enforce them.

That provision that was in the mark Senator COLLINS and I put before our committee was, in fact, removed by a majority vote of the committee. We have taken to heart the comments offered by our colleagues. Today we offer this amendment in a form that we think addresses the most serious and frankly realistic and accurate concerns of our colleagues—not the speculative fears or truly rank misunderstandings of what our intentions of the provision's unfortunate amendment were, and it still provides the element of independence that we need for ethics enforcement.

First, here are some of the questions. A number of people raised questions about whether a bicameral Office of Public Integrity would be constitutional. I believe strongly that our original proposal was consistent with the Constitution's mandate that each House set and enforce its own rules. Nevertheless, in the spirit of accommodation, we have changed our original amendment to make the Office of Public Integrity a Senate-only office. That is what this amendment before the Senate today provides.

Second, we have responded to concerns expressed about the authority of the Office of Public Integrity as Senator COLLINS and I initially proposed it, to give advice and opinions on the ethics rules. Some of our colleagues in committee worried that the Office of Public Integrity and the Ethics Committee might give conflicting advice. Although we always intended the Ethics Committee to retain ultimate interpretive authority, the amendment we offer today eliminates the advice-giving function of the Office of Public Integrity, leaving it with the Senate Ethics Committee.

Third, our original committee proposal assigned to the Office of Public Integrity the responsibility for receiving, monitoring, and auditing filings under the Lobbying Disclosure Act. Improved compliance with that act should be one of the goals of the reform package that is before the Senate. However, I know there has been objection to that, and at some point we may offer that as an independent amendment—in fact, one I think for which there will be less objection.

Fourth, we have left the responsibility of receiving and reviewing Member and staff financial disclosure statements with the Ethics Committee. Under the proposal we offer today, the duties of the Office of Public Integrity will center on the initial review of ethics complaints.

These are good changes that respond to concerns expressed and still preserve the integrity and strength and independence of the Office of Public Integrity. It would remain a nonpartisan, independent, and professional office headed by a full-time executive Director who would serve for a 5-year term. The Director would be appointed by the President pro tempore of the Senate, upon the joint recommendation of the majority and minority leaders of the Senate.

The selection and appointment of the Director would be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

I have every confidence that, as called for by our proposal—this amendment—the Director will be a person of integrity, independence, and public credibility who will have experience in law enforcement, the judiciary, civil or criminal litigation, or has served as a member of a Federal, State, or local ethics enforcement agency.

Our proposal will provide an important element of independence to the initial stages of an ethics complaint, while still retaining the full authority of the Ethics Committee. Let me walk through the process that we propose.

Under our proposal, an ethics complaint may be filed with the office by a Member or an outside complainant, or may be initiated by the office on its own initiative. Within 30 days of the filing of the complaint, the Director of the Office will make an initial determination as to whether the complaint should be dismissed or whether there

are sufficient grounds to conduct an investigation. The subject of the complaint is provided the opportunity during that period to respond to the complaint.

The Director may dismiss a complaint if he or she determines that the complaint fails to state a violation, lacks credible evidence of a violation, or is inadvertent, technical, or otherwise de minimis in nature. In any case where the Director decides to dismiss the complaint, the Director may refer the case to the Senate Ethics Committee so that the Ethics Committee may decide if the complaint is frivolous.

On the subject of frivolous complaints, let me assure my colleagues that we have provided strong safeguards. If the Ethics Committee determines that a complaint is frivolous, it may notify the Director of the Office of Public Integrity not to accept any future complaint filed by that same person, and the person who filed the frivolous complaint may be required to pay the costs of processing the complaint. Also, the Director will not be allowed to accept any complaint concerning a Member within 60 days of an election. This so-called cooling-off period before an election will ensure that we do not attract politically motivated complaints in the midst of competitive campaigns. Also, let me note that any member of the public can already file an ethics complaint with the Senate Ethics Committee, so in that respect our proposal continues current practice.

If during the 30 days the Director determines that there are sufficient grounds to conduct an investigation, the Director must notify the Ethics Committee. The Ethics Committee may then overrule the decision by a two-thirds, public rollcall vote of the committee, and the committee must issue a public report. Thus, we preserve the ultimate authority of the Ethics Committee even at this early stage while providing a greater measure of both independence and transparency.

If the Ethics Committee does not overrule the decision of the Director, the Director then conducts an investigation to determine if probable cause exists that a violation occurred. If the Director determines that probable cause exists that an ethics violation has occurred, the Director must then inform the Ethics Committee, and, again, the Ethics Committee may overrule the decision with a two-thirds, public rollcall vote of the committee which must be accompanied by a public report.

If the committee does not overturn the Director's decision, the Director then presents the case to the Ethics Committee, and the Ethics Committee makes the final decision as to whether a violation has occurred by a rollcall vote and a report that includes the vote of each member.

If the Ethics Committee decides that a violation has occurred, the Director will recommend appropriate sanctions to the committee. The Ethics Committee, though, retains the final decision on whether sanctions will be imposed, what those sanctions will be, and whether to take action itself or recommend sanctions to the full Senate for consideration.

Our proposal does preserve the ultimate authority of the Ethics Committee at every stage of the process while providing a much greater measure of both independence and transparency along the way. This is a way to give the American people confidence that we will have an independent entity, watchdog, assisting Senators preparing the case before the Ethics Committee.

Finally, I note that, at the suggestion of Senator MCCAIN, we are assigning to the Office of Public Integrity the role of recommending approval or disapproval of privately funded travel by Members and staff. The reform legislation that is before the Senate, reported out of the Rules Committee, contains a new preapproval process for privately funded travel. Giving this responsibility to the Office of Public Integrity will, here again, assure the American public that travel requests by Members of the Senate will be scrutinized by an independent office. This proposal, in sum, will add staff and support to the Ethics Committee process and will add greater independence and greater transparency. It is a sensible, sound, strong effort to assure the American people we are not only adopting reforms in our lobbying regulations and laws, we are taking action to make sure those reforms are enforced.

I urge my colleagues to support our amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the side of the proponents?

The PRESIDING OFFICER. There is 38 minutes.

Ms. COLLINS. Mr. President, I expect Senator MCCAIN will be on the floor very shortly to speak in favor of the amendment. While we are waiting for his arrival, let me make a few more comments on the purpose of this amendment.

Even though we are so fortunate to have the Presiding Officer as the chairman of the Ethics Committee and some of our finest Members serving on the Ethics Committee, the fact is, that does not change the public's frustration or doubt about the process. The public views the process as inherently conflicted. The public believes that investigations of our colleagues by our colleagues raise obvious conflicts of interests.

No matter the incredible integrity of the Members who serve on the Ethics Committee, they simply cannot escape that problem of public perception. That is why Senator LIEBERMAN, Senator MCCAIN, and I have attempted to come up with a new approach in our amendment that is designed to restore the public's confidence in the ethics system. We do so by creating the new Senate Office of Public Integrity. This office would be headed by a Director, appointed by the President pro tempore of the Senate upon the joint recommendation of the majority and minority leaders of the Senate. This individual would have a 5-year term and could be reappointed. This is not a lifetime appointment of someone who could somehow get out of control. This person would have to have a background suitable for the position, and it would take a joint agreement of the majority and minority leaders to appoint the person to the 5-year term.

I pointed out in my comments this morning that our proposal is not the same as the proposal advanced in the House by Congressmen SHAYS and MEEHAN, regardless of the merits of that proposal. It is not the version created or proposed by Senators OBAMA and REID earlier. In fact, we have refined it from the proposal offered during the Homeland Security Committee's markup to try to accommodate some concerns that were raised by the Presiding Officer. But what this proposal does is recognize that the public does not have confidence in the current system.

We do not undermine the authority of the Ethics Committee. We recognize and appreciate the hard work of the Ethics Committee, and we realize the Ethics Committee alone should retain the ability to decide what sanctions may be appropriate for a Member who has been shown to have committed some misconduct. The Ethics Committee is involved every step of the way, as a safeguard, as a check or balance.

But I would ask my colleagues to consider allegations that may be raised against a Member and that are investigated by an independent Office of Public Integrity. Now, that office comes back and says: There is no merit to these allegations. That judgment is going to be readily accepted by the public because it has been rendered not by a group of us sitting in judgment of our colleague but, rather, by an independent Office of Public Integrity.

Again, if the Office of Public Integrity found grounds to continue the investigation, found probable cause, conducted an investigation and came to the Ethics Committee with its findings, it is the Ethics Committee and not the Office of Public Integrity that has the decision to make on what sanctions, if any, are appropriate.

I think we have struck the right balance. I think we have sustained the authority of the Ethics Committee, but we have also ensured that the investigations will be carried out by an independent Office of Public Integrity that would have the credibility to carry out this kind of sensitive investigation. After all, it is very difficult to investigate one of our colleagues.

We are fortunate because we know each other in this body. We have a

great deal of regard for one another. We are friends with the people with whom we serve. All of that helps make the Senate a more collegial body, helps us to get our work done. But it also raises questions in the mind of the public about whether serious allegations are independently and thoroughly investigated. I believe that is the advantage of the approach we put forward.

This is a modest proposal. We are not suggesting the Office of Public Integrity should provide rulings on ethics matters, providing advice. We are not suggesting the Office of Public Integrity would decide sanctions to be imposed on Members. We build in that that is the job of the Ethics Committee. We do not change that. But we do try to deal with the perception that the current process is inherently conflicted.

Let me run through how the process would work. Essentially, the office would do much of the investigative work that is now conducted by the staff of the Ethics Committee, with the notable exception, which Senator LIEBERMAN mentioned, of ruling on requests for privately funded travel. The office would not provide advice or counsel. It would not issue advisory opinions. It would not have the power to enforce subpoenas. It could not make public the product of its investigations. And it could not directly refer matters to Federal or State authorities, such as the Department of Justice. All of those authorities would remain with the Ethics Committee.

I make that point because, perhaps due to the many different versions of this concept, as advanced in the House or by outside groups or by other Members, there is a lot of confusion over the duties and responsibilities of the Office of Public Integrity. So I want to make clear what the powers of this office would be.

What the office would do is accept complaints, and within 30 days of receiving a complaint would make an initial determination as to whether the complaint should be dismissed or whether an investigation is warranted. If the office dismisses a complaint, it may refer the case to the Ethics Committee to determine if the complaint is frivolous and whether sanctions should be imposed on the individual or the outside group filing the complaint. I think that is a big improvement on the current system.

If, after the initial inquiry, the office finds sufficient grounds to open an investigation, it would provide notice to the Ethics Committee. The Ethics Committee would then have 10 days to overrule that determination.

I want to make that point very clear, that the Ethics Committee can decide to overrule the decision of the Office of Public Integrity to pursue the investigation further or the Ethics Committee could decide to take no action at all, in which case the Office of Public Integrity, having found sufficient grounds to open an investigation, would proceed. If the office finds probable cause that a violation has occurred, the Ethics Committee would then have up to 30 days in which to overrule that determination or let it stand. If not overruled, the office then presents the case and the evidence to the Ethics Committee to vote on whether any rules or any other standards of conduct have been violated.

Again, you see that the Ethics Committee is involved at every single stage. There is a report from the Office of Public Integrity and an opportunity for the committee to overrule the Office of Public Integrity. That opportunity is always available.

Mr. President, I do expect Senator MCCAIN will be joining us shortly. In the meantime, I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I rise to, first, commend Senators LOTT and COLLINS for bringing the underlying bill to the floor of the Senate. I know both worked extremely hard to pass their respective pieces from the Rules Committee and the Homeland Security and Governmental Affairs Committee.

Second, I want to make one thing clear: I strongly support lobbying reforms that protect the integrity of our legislative process, close loopholes, promote moral/ethical behavior, and enforce our Senate rules. Any reforms that make sense that are not cosmetic should be given the strongest consideration by this body. I am particularly pleased that this bill requires the completion of an ethics training program conducted by the Ethics Committee within 120 days of enactment for current Members of the Senate and staff as well as requiring training for incoming Members and staff. It is not mandatory today. It is voluntary. This makes it mandatory, which is an improvement.

The Senate Ethics Committee professional nonpartisan staff already conduct numerous ethics lectures and seminars for the Senate community. The Ethics Committee staff also regularly conducts training for individual Member's offices upon request. In addition, the Ethics Committee staff receives and responds to over 200 calls per week asking specific questions about rules compliance. While I applaud the many positive aspects of the proposed lobbying reform bill, this amendment to create an Office of Public Integrity is off target and unnecessary. As a member of the Ethics Committee for 8 years and chairman for the past 3, I oppose the proposed OPI because it will harm the Senate ethics process rather than improve it.

If adopted, the OPI will introduce partisan politics into a process that has been bipartisan. It is interesting to note that none of the sponsors of this OPI has served on the Ethics Committee, and all Members of the Ethics Committee currently, and others, are opposed to it. By its very design, the OPI will simply replicate the tasks the Ethics Committee does every day, including receiving complaints against Members and staff and investigating allegations of misconduct. Given all the other duties of the Ethics Committee staff and the need for the Ethics Committee to have its own counsel when reviewing the Director's recommendation, there would not be any reduction in the staff of the Ethics Committee. More importantly, the OPI would add a duplicate investigative stage because the Ethics Committee will need to conduct its own investigation to verify the merits of any complaint it receives from the Director of the OPI; otherwise, the Ethics Committee would be acting irresponsibly.

Some proponents of the OPI have argued that the Ethics Committee cannot or does not get the job done. They believe that a third party must be appointed to ensure that nefarious acts are not committed within these walls. The fact that the Ethics Committee has an excellent track record of enforcement seems to have been forgotten by those who have taken this position, although I must say that the Senator from Maine has been very complimentary to the chairman of the Ethics Committee and the work we are doing. I am appreciative of that.

Other OPI proponents argue that despite the great work of the Ethics Committee, the appearance of Senators enforcing our rules on other Senators is a problem that OPI will fix. Some of this criticism appears to be based on the fact that Members of the Ethics Committee and its staff are obligated to keep matters confidential. We can't talk to people about things. It is easy for critics to point and sneer when the committee and its members are obliged to confidentiality and are prohibited from responding to questions and criticism. Frankly, I believe it is the Ethics Committee's commitment to keep matters confidential that causes some to question the effectiveness and values of the Ethics Committee. However, it is this confidentiality that provides due process protection for Members and staff and keeps partisan politics out of the ethics process. These confidentiality provisions provide due process protection for Members while keeping partisan politics out of the ethics process.

Nevertheless, if a colleague acts in a way that is contrary to the rules of conduct of the Senate, the Ethics Committee has the ability and the duty to investigate the allegation, and it does

so. Right now we have a right to initiate investigations without a complaint. In terms of reading something in the newspaper, something brought to our attention and it seems like it casts a bad reflection upon the Members of the Senate, we have often sent letters off to Senators saying: We have seen this. We want you to respond to it.

Frankly, that is why the proposed OPI is somewhat offensive. It suggests that Members lack the moral conviction to make difficult decisions when a fellow Member has acted in violation of the Senate rules.

While sitting in judgment of one's peers is never easy, the Ethics Committee conducts itself with a sense that the reputation of the Senate is above any individual Member. In my opinion—I hope my colleagues will agree with me after considering this amendment—the OPI and its independent counsel is more cosmetic and, frankly, problematic. It seems as if proponents of the measure understand that as well. In fact, proponents of the OPI offered a much more robust proposal during the markup of the lobbying reform bill in the Homeland Security and Governmental Affairs Committee. The proposal was soundly defeated in a bipartisan manner. Recognizing all of the other flaws in the earlier proposal, this amendment strips away all of the other elements of the earlier proposal to offer nothing more than the creation of an independent counsel within the Senate.

Frankly, I am confused. On the one hand, one would believe that in offering this amendment, faith in the Senate Ethics Committee would be low. However, the scaled-back version of the OPI suggests that the proponents recognize the Senate Ethics Committee is doing its job but still want to force this independent counsel on the Senate for no reason than to appease the media, frankly, and some of the watchdog groups. I keep hearing the public doesn't have any confidence in the process. There have been complaints about what has happened over in the other House. But the fact is, to my knowledge, we have not had complaints about the work of the Senate Ethics Committee. Certainly, I haven't heard any complaints from any of my constituents about this work, and I am chairman of the committee.

Despite the misunderstandings and commentary by various groups, the Ethics Committee is already a vigorous enforcer of Senate rules. The Ethics Committee and its 11 professional, nonpartisan staff, including 5 nonpartisan attorneys with many years of prosecutorial and investigative experience, are there to initiate investigations based on complaints from Members and staff, outside individuals and groups, as well as on its own initiative. What I am saying is, if this stuff comes to the attention of the staff, they go out and do the investigation. They look into the matter. They bring it to us and ask us: Do you think we should go forward. It is not as though we are controlling what they can do. That is one of the things the proposal for the independent counsel doesn't recognize. They are already in a position to do that. We are proposing to do what we are already doing.

With the assistance of this professional nonpartisan staff, the Senate Ethics Committee is doing exactly what our colleagues and the American people should expect of us—protecting the integrity of the Senate and vigorously pursuing and sanctioning Senators and staff who violate the rules of the Senate. I have not heard any evidence to the contrary.

The tradition of the Ethics Committee doing its job is a long one. For over 40 years, the Ethics Committee has operated in a way to meet the constitutional mandate that each body establish rules, investigate its Members for disorderly behavior, and hand out appropriate punishment. The Ethics Committee continues to meet this mandate today, and it does so in a bipartisan manner. In fact, published accounts reveal that the Ethics Committee has considered allegations involving some 35 Senators, all but 3 of which occurred after 1977.

While these Members include only public allegations, frankly, this reveals that the Senate Ethics Committee has not had the problem of partisan gridlock that has affected the House ethics process. If we create a Senate OPI, however, I can almost guarantee the Ethics Committee will become partisan and gridlocked, especially in the present political environment.

This is also why all six members of the Ethics Committee, three Republicans and three Democrats, oppose creation of the OPI. Over the years, the Ethics Committee has benefited from a bipartisan working relationship. This positive working relationship could be quickly lost under this new independent counsel. Moreover, the OPI appears designed to result in conflict and disagreement between the Ethics Committee and the Director of the OPI.

First, Members should understand the three-stage process that has been proposed under the OPI and understand why this proposal would ruin the bipartisan nature of the system as well as creating an adversarial relationship between the Ethics Committee and the Director.

At each stage of the OPI process, if the Director, prosecutor, independent counsel, or whatever you want to call him or her, determines that he or she believes there are sufficient grounds to conduct or proceed with an investigation, then the Director would notify the Ethics Committee. The Ethics Committee then has the opportunity to overrule the determination by a two-thirds vote. But if the Ethics Committee disagrees with the Director and votes to overrule, the Ethics Committee is required to issue a public report which would include a record of how each Member voted. While this OPI amendment does not specify what should be included in these public reports, as a practical matter, these public reports will include the Member's name, facts about the alleged misconduct, and the rationale for rejecting the Director's recommendations. By requiring the public report, a Member's name will be disclosed even if the Ethics Committee determines there is no violation of the rules.

I think this new public reporting process will turn the existing Senate ethics process into a political public relations battle rather than a determination on the merits of each matter. What's more, the Director is not likely to be happy that the Ethics Committee disagreed with his or her conclusions.

If you bring it in, talk about it, and then if you disagree with independent counsel and you have a vote, this will go back and forth. Then Members will start worrying about how they are voting in terms of the fact that they disagreed with the independent counsel's decision. Then we get into the issue of your votes in terms of various Members who are before the committee and having Members in your own caucus coming up to you and saying: Why did you vote that way or why didn't you vote this way? These considerations are not part of our decisionmaking today. This is a nuance that I think many people don't understand. That is how we keep this.

People ask me about cases, and I say ''no comment.'' The media asks, and I say ''no comment.'' Once the name is out there, Katey, bar the door—especially today, unfortunately, in this partisan, political environment.

I want to take a second to point out something that is obvious but may be overlooked in this debate. Issuing a subpoena to a Member of the Senate is a very serious matter, and Members know it. The heart of the subpoena power is a big stick that the Ethics Committee must occasionally use to enforce information requests during an investigation. The subpoena power is used judiciously. This power should not be delegated lightly as the OPI proposes to do.

Proponents of the OPI also suggest that the Director of the OPI will be responsible and answerable to the Ethics Committee throughout the process. In fact, this Director would not be answerable and responsible throughout the process. After the Ethics Committee approves the Director's initial decision to begin an investigation, the Director would have the unchecked power to investigate. These investigations may go on as long as the Director, in his or her sole discretion, sees fit.

We all know that independent of any power to sanction, the power to investigate is itself an awesome power and may itself impose on the subject of the investigation a heavy burden to his or her resources, to his or her reputation, to his or her ability to represent and serve constituents fully and effectively. The OPI amendment would resurrect the independent counsel in the

institution of the Senate. This would serve neither the interests of this institution nor the public.

Finally, inherent conflict between the Ethics Committee and the Director, as I mentioned, is built into the way this determination is made.

Advocates of the OPI state that the process would remove politics from the ethics process. I can guarantee you that by creating this independent counsel, politics would not only play a part in the ethics process but would be a decisive factor to every inquiry. Members of the Ethics Committee would have to explain why they voted the way they did to the media, their colleagues, and party members. Partisan considerations will transform a now bipartisan decisionmaking process into another partisan battle. The Senate has had enough of some of these partisan problems.

I also find it troubling that Members believe it is better policy to turn over the investigative process to an unelected and unaccountable individual rather than leaving such an important responsibility with Members who respect the Senate as an institution and are accountable to the voters every 6 years.

I also want to take a step back and discuss another reason proponents of the OPI claim it is necessary. Throughout the entirety of the recent scandals, reports appear that cast doubts upon the integrity of everybody on Capitol Hill. There is a belief that the Senate Ethics Committee was asleep at the wheel—or even worse, indifferent to the allegations in the Abramoff-related matter. As detailed in the committee response to Democracy 21, which is posted on the Ethics Committee Web site, the committee voted to follow its general practice of not initiating an investigation that might interfere with an ongoing Department of Justice criminal investigation. We keep hearing complaints from Democracy 21 and others that ''you guys should be involved in the Abramoff case.'' We discussed it and decided to follow the procedure we followed in the past. The Justice Department said: Keep your nose out of this. Let us do our work. When we are done, we will come to you.

We had the same case in terms of Senator Torricelli. He was under investigation—this is public knowledge—by the Justice Department and, for some reason, they decided not to prosecute him. They sent the stuff to us after they did their investigation. By the way, it was helpful to us because we had the Justice Department investigation before us. As a result of that, we censured as a public admonition of Senator Torricelli. He decided not to seek reelection to the Senate. So I just want you to know that the opposition to this is a bipartisan opposition. People who have been around here and have been through the process understand that we are getting the job done.

One other thing that I think will help is annual reports. As you know, right now we don't have to report what we do. People at home come up to me and say: What are you doing?

I say: I am chairman of the Senate Ethics Committee.

They say: What about it?

I cannot talk about it.

What do you do?

I cannot talk about it. There is no record on this, and I put out an annual report every year and cannot talk about what we have accomplished.

We have an amendment that we got in the committee, when it was marked up, that says we will report each year everything that we do. Members' names will not be mentioned, but at least the public will know that we are doing our work and we are not just sitting there letting everything pass us by. I am not sure that is going to satisfy some of the public interest groups, or that it will satisfy some of the media who have taken shots at me editorially because they think we are trying to hide something.

But the fact is, we are trying to get the job done. We must preserve the reputation of this Senate. So I want to say that I think the creation of the OPI is not a positive step forward and, in fact, it would diminish the job that is being done in the Senate to enforce our ethics laws and rules.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I yield up to 10 minutes to the Senator from Arizona, who is a key supporter of the amendment.

Mr. MCCAIN. I thank the Senator from Maine. I will not take all of the 10 minutes. I would like to begin by thanking her and Senator LIEBERMAN for their very hard work and their dedication to trying to fix a problem that perhaps some of my colleagues may not be aware of, and that is our reputation as a body is suffering rather significantly in the view of the American people.

I view this amendment by the Senator from Maine as a way to help the Ethics Committee do its job because the questioning has been: Why haven't people been investigated? If you had a body that would help them determine whether a case is worthy of further investigation and pursuit or not, it seems to me it would relieve the Ethics Committee of some of the onus of making tough decisions when we are talking about our colleagues.

I was interested in the comment by the Senator from Ohio that he won't investigate until after the Abramoff thing is done by the Justice Department. The Abramoff thing would not have been investigated by the Justice Department if it had not been for the Indian Affairs investigation; and while the Justice Department began and continued the investigations, we continued our hearings on the Abramoff case. If I may say, with a bit of ego, the Indian Affairs Committee contributed quite a bit to the information they needed in order to pursue this not unprecedented but egregious case of corruption of the system, staff, and Members. Really remarkable things happened under Mr. Abramoff. So somehow we on the Indian Affairs Committee were able to have an investigation—the little, obscure Indian Affairs Committee.

But the fundamental point is that we need to restore the confidence of the American people in the way we do business. Hardly a day goes by, or at least a week, that there is not a major story about influence of special interests, wrongdoing, or certainly ethical questions that are raised. That is the kindest way that I can describe it. We need to fix the problem. So why not give this to the body of the Senate that is charged with these onerous obligations.

I sympathize with anybody who is a member of the Ethics Committee because tough decisions have to be made and most of us are friends here. That is very tough.

So why would it be harmful? And why would it not be helpful to have an Office of Public Integrity with a mission that would be carefully circumscribed, which, if they made a decision, could be overruled by a vote of the Senate, and would be helpful in clearing up sometimes a cloud of investigations such as those that characterized the 1980s and 1990s, particularly in the other body where there were charges launched and there were partisan vendettas which many people called ''the criminalization of partisan differences.''

Mr. President, I hope my colleagues recognize that when our approval ratings are down around 25, 26 percent, and there are people who continue to be deeply disturbed about the way we do business—whether or not it is legitimate, the perception is out there; you can look at any public opinion poll—should we not do what we can to help fix either a real or imagined problem that we have with the people we serve?

It seems to me that an Office of Public Integrity that would recommend appropriate action taken by the Ethics Committee, not by the Office of Public Integrity such as has been recommended by this amendment, would be helpful to the Ethics Committee process, helpful in carrying out and determining whether these are partisan, unwarranted charges, or whether those are legitimate.

I want to point out again that this is a legitimate difference of opinion. The Senator from Maine and I, and others, including Senator LIEBERMAN, have a view that this is necessary. Others think it is not. Can we calm down a little bit? This is a legitimate subject of debate on whether we need it. I hope we can discuss this, but I also believe that if you don't do this, what are we going to do? What are we going to do to try to restore some of the confidence that the American people have clearly lost in us?

Obviously, a functioning Ethics Committee, with a level of credibility with

the American people, is something I think would contribute to healing this breach that has developed between us and the people we represent.

I thank the Senator from Maine and Senator LIEBERMAN and others for this bipartisan effort. I would like to say a word about the so-called watchdog groups. I think they do a lot of good. They have done a lot of good for this body and for this Nation. There are people who are concerned about public integrity. There are people who bring issues before us and the American people. They are legitimate. I may not agree with them all the time, but I think to view them as adversaries, frankly, in my dealings with them they have been helpful. They certainly were in various investigations in which I and my committee have been involved, and also with reform efforts in which I have been involved. I, for one, appreciate their work and the dedication they have to giving a better Government to the American people.

Again, I thank Senator COLLINS for her hard work, and I appreciate her efforts. I appreciate her and Senator LIEBERMAN's bipartisan stewardship of one of the most important committees in the Senate.

I yield the floor.

Mr. VOINOVICH. Mr. President, I yield 10 minutes to the Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to discuss the pending McCain-Collins-Lieberman amendment to create an Office of Public Integrity. I thank my colleague from Ohio, Senator VOINOVICH, who serves as chairman of the Senate Ethics Committee. I serve as vice chair. This is a committee that has three Republicans and three Democrats, and it has a history of close bipartisan cooperation.

I applaud Senator VOINOVICH's observations about the Abramoff scandal and the fact that the Department of Justice has an investigation that is ongoing. The Department of Justice actually has requested the Ethics Committee not to begin its own investigation for fear of jeopardizing criminal charges that may or may not be brought by DOJ, and we also recognize a much greater investigative capability and the importance of not duplicating efforts. So I appreciate Chairman VOINOVICH's observations in that regard.

I thank Senators COLLINS, LIEBERMAN, LOTT, and DODD for their efforts to bring to the floor this bipartisan lobbying reform legislation and their ongoing work to complete this important bill. I support the bill, and I believe many of the reforms we are debating are long overdue.

As vice chairman of the Senate Ethics Committee, I am hopeful we can continue to work in a bipartisan manner to pass this legislation, conference the bill with the House, and enact these much needed reforms.

I must say as an aside, while these reforms are much needed, the underlying truth is, I believe the greatest share of problems this body faces is due to a separate issue, that of campaign finance, but that will have to be taken up in a different context and different legislation.

Unfortunately, I rise today to oppose the pending amendment. I know my colleagues have offered this amendment in an attempt to improve the ethics process and because they believe in good faith that the creation of a new Office of Public Integrity, or OPI, will address perceived shortcomings in the operations of the Ethics Committee. However, I am concerned this amendment attempts to fix something that, frankly, is not broken and will, in fact, have a detrimental impact on the Senate.

As a relatively new member of the Ethics Committee, I do not have an entrenched loyalty to that committee. If I believed the committee was not taking its duties seriously or was acting in an irresponsible manner, I would be the first to call for a new approach. The truth is, I believe the Senate Ethics Committee operates effectively and in a bipartisan fashion. However, the members of the committee and its staff are obligated to operate under strict confidentiality, which I believe some of our colleagues and certain outside groups equate with inaction. This simply is not the case. To the contrary, the committee serves Senate offices in an advisory role, investigates matters of concern, and enforces the rules of the Senate on a daily basis. But to provide due process protections and to ensure professionalism, most of the committee's actions are confidential.

I believe the Members who have had interactions with the Ethics Committee appreciate this professional approach which further encourages Members and their staff to seek the prior advice of the committee and avoids many potential problems.

I recognize this perception of inaction must be addressed in order to restore public confidence in the ethics process. I thank the chairman of the Ethics Committee, Senator VOINOVICH, for offering an amendment during the markup of this bill that will allow the Ethics Committee to publish annually on a no-name basis a report detailing the activities of the committee. I believe this is an important step and will give our colleagues and the public a better idea of the committee's operations.

I wish to spend a few minutes discussing my concerns about the amendment itself.

First, I believe there are significant constitutional issues surrounding the creation of an independent Office of Public Integrity. The Constitution gives the Senate the authority to establish its own rules and to punish its own Members. An Office of Public Integrity that is outside the Senate would violate this section of the Constitution, as well as the speech and debate clause. As a consequence, such an office would never be able to acquire the information or compel the necessary testimony to investigate rules violations, keeping in mind that each Member of the Senate is subject to the same criminal laws as every other citizen of America but beyond those laws also must comply with the ethics rules we have internally in the U.S. Senate.

An Office of Public Integrity that is set up within the Senate to avoid these constitutional issues, as I understand the current amendment as drafted, would merely duplicate the Senate Ethics Committee, would be a waste of resources, and would not solve the problems the sponsors perceive to exist. The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues.

I am also concerned about the practical operations of an Office of Public Integrity. As I understand the amendment under consideration, the Office of Public Integrity would take over most of the investigatory functions of the Senate Ethics Committee. When an ethics complaint is received, the Office of Public Integrity would preliminarily investigate the matter, and if grounds for further investigation are found, the matter would then be sent to the Senate Ethics Committee for approval. The decision to continue the investigation could be overridden by a public two-thirds vote of the Ethics Committee with a required public report on the matter. If approved, the matter would be referred back to the Office of Public Integrity for further investigation.

At the conclusion of the investigation, if the Director of the Office of Public Integrity determines that there is probable cause that an ethics violation has occurred, the Director would, once again, send the matter to the Ethics Committee and, once again, this determination could be overridden by a public two-thirds vote of the Ethics Committee with a mandatory public report. Assuming the Ethics Committee did not override the Director's determination, the Office of Public Integrity would then present the case to the committee for a final ruling and implement any sanctions. Regardless of the committee's decision on the case, the amendment would require the committee to issue a public report at this stage of the process.

I fail to see how this process of ethics cases bouncing back and forth between the Office of Public Integrity and the Ethics Committee will improve in any way the way ethics complaints are handled. Instead, the amendment would create more bureaucracy and a more belabored process.

In addition, it is not clear if the underlying ethics complaint would remain confidential during this process. The amendment contains a provision prohibiting the Director or the staff of

the Office of Public Integrity from disclosing any information about a case unless authorized by the Senate Ethics Committee. However, I do not know how information will remain confidential when cases are being referred back and forth between the Office of Public Integrity and the Ethics Committee, especially when the amendment specifically requires the committee to issue public reports. This leaves open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics process and create a blunt tool for extreme partisan groups to make politically based attacks.

I have no doubt that my colleagues have offered this amendment with the best of intentions and based on their belief that this Office of Public Integrity would improve how we do our business in the Senate. Once again, if I believed the Ethics Committee process was broken or that the proposed Office of Public Integrity would, in fact, improve the mechanism for considering ethics complaints in the Senate, I would support that amendment. However, I know the ethics process is working in the Senate.

To address the perception of inactivity which is the result of the Senate's confidentiality rules, the bill does contain important language to mandate that the committee report in broad terms its activities, which will provide greater transparency to the committee's action.

It is my hope that my colleagues will listen to the concerns about this amendment expressed by the current and past members of the Ethics Committee who best understand the committee operations and will join us in a bipartisan fashion opposing the McCain-Collins-Lieberman amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. I yield up to 5 minutes to Senator STEVENS.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. VOINOVICH. How much time does the Senator need?

Mr. STEVENS. How much time is left?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. STEVENS. Ten minutes.

Mr. VOINOVICH. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to express my concerns regarding the creation of the Office of Public Integrity. We discussed this proposal in committee, and I joined a bipartisan group of Senators in defeating it, and rightly so.

The proposed Office of Public Integrity would duplicate the efforts of the Senate Ethics Committee. Our Ethics Committee was established pursuant to the Constitution, which states each body of Congress must make its own rules. This office would, in effect, replace—or duplicate—the current rule of the Senate.

The implication the sponsors here make is that in order to restore public confidence, we have to create something new. I do not think we should replace the Senate Ethics Committee, nor do I think we should imply that our current system is not working.

I happen to have been the target of complaints to the Ethics Committee, and I can tell you it has a qualified staff headed by a very capable chairman and ranking member who have the public's trust.

As a matter of fact, I once chaired this committee, and believe me, it is a difficult and thankless job, but one Chairman VOINOVICH is doing very well. If the Ethics Committee process is broken, we should fix, it. We should not create another layer of bureaucratic red tape and ask American taxpayers to pay $2 million a year to fund it.

What's more, I am concerned that the Office of Public Integrity could be used as a partisan, political tool. The climate in Washington today is the most partisan I have experienced in my 37 years in the Senate, and we should think carefully about offering up another tool for partisan critics of either party to abuse. Under this proposal, accusations don't have to be verified, those making accusations are not under oath. This proposal will add another layer to what is already a very expensive process. Who will pay those costs? A Senator could face multiple accusations presented to this OPI—and the Senate Ethics Committee. The costs of legal assistance in such instances will be doubled.

In my judgment, this proposal points us in the wrong direction, and it's a slap in the face to Chairman VOINOVICH and Senator JOHNSON, and all past chairmen for that matter.

I have some concern about this amendment. I can state, as President pro tempore of the Senate, I would have a series of duties under this amendment subject to being told exactly what to do by the two leaders of the Senate. However, as I view this amendment, it does not create an entity that makes any decisions.

I think the Senator from South Dakota is absolutely correct. The impact of this amendment would be that the Director of this office would become the investigatory arm of the Senate Ethics Committee. As a matter of fact, once the Director gets a complaint, he then has to make recommendations to the Senate Ethics Committee. The Senate Ethics Committee either approves or denies the recommendation. In terms of the investigation concept, the complaint with the Office of Public Integrity is not made under oath, it is not made under normal procedures.

I agree with the Senator from South Dakota, I don't know how the Senate has the authority to create an independent body that is spending taxpayers' money that has the job of duplicating the investigatory arm in the Senate Ethics Committee. We have a Senate Ethics Committee investigating group, and it does a very good job.

I happen to have been chairman of the Ethics Committee in the past, and I have also have been the subject of investigation by the Ethics Committee. I can assure my colleagues they do a good job. I can also assure my colleagues that it costs a considerable amount of money to comply with the inquiries of an ethics complaint. All this does is set up another entity that also will cause more attorney's fees and more time of the Senator to deal with the problem of someone having presented a complaint against him.

If the Director decides to dismiss a complaint, it goes back to the Senate Ethics Committee. They decide whether it is frivolous. The Director doesn't make that decision. Again, it is back to the committee.

I don't understand the Senator from Arizona saying this is supposed to take the workload off the Senate Ethics Committee. To the contrary. I agree with the assertion that has been made that I don't know of any Senator who would serve the Ethics Committee under this rule. I certainly would not. Whenever the Director determines there are sufficient grounds to conduct an investigation, he notifies the Senate Committee on Ethics, and the committee may overrule that. In other words, there is nothing this Director does without going back to the Ethics Committee and burdening the Ethics Committee. Under current Senate rules, the Ethics Committee can continue to investigate complaints presented to it. They have the procedures and they have the rules. They would have to follow them if the complaint was directed to that committee. There is nothing in here saying you can only present a complaint to the Director of this Office of Public Integrity.

If the Director determines there is cause to proceed further, what does he do? He goes back to the Senate Ethics Committee and says that is his determination. The Ethics Committee then has the right to vote on that. I don't know how we are restoring public confidence in the system if we create an investigatory arm that comes back to the Senate Ethics Committee every time it wants to do something. They are the people who make the decisions now, and the process is working.

I don't understand because of some complaints from public interest groups that the process is not working, mainly because—I applaud the initiative of Senator VOINOVICH and Senator JOHNSON and the decision by the committee to publish a report. I think that is a good one. That is a complaint that was heard back in the days when I was chairman of the committee. We, by nature, kept those decisions within the

Senate, except when there was a final decision made. I was here when one Senator was censored and one other expelled from the Senate because of a Senate Ethics Committee investigation.

Whatever decision is made, whether the office is going to refer something to the Department of Justice, what do they do? The Director comes back to the committee and tells them the Director thinks it should be referred to the Department of Justice, and then the Senate committee votes on whether it should go to the Department of Justice.

I tell the Senate, from my point of view, the Constitution gave us not only the right but the duty to create our own rules, and the rules we have—and they are very important—are the rules concerning our ethics. They are enforced internally by the Senate itself.

The decisions made under this amendment would be no different than right now. The final decision will be made by the Senate Ethics Committee. All this really does is find a way to further publicize that complaints have been made.

I know it says if there is a frivolous complaint made, then this Director can say you cannot present the complaint any longer to the Office of Public Integrity. There is nothing barring them from complaining to the Senate Ethics Committee again. The Senate rules are there. Anybody can file a complaint with the Senate Ethics Committee, and they are reviewed by very fine staff.

I have to tell my colleagues, if we take the action to create something in the public—call it Office of Public Integrity—and it has no teeth, how have we restored confidence in the system? This is not a way to restore confidence in the system. The way to restore confidence in the system is for Senators to stop repeating rumors about the Senate, to stand up and say: The Senate has integrity and the Senate is doing its job.

The Senators who serve on this Ethics Committee—and believe me, I remember trying to get someone to take my place. It took a long time to find someone to take my place because we had just gone through a long investigation of a Senator, and it was really a bitter period of time for the Senate Ethics Committee. No one wanted to serve on it anymore.

This is going to present a situation where no one will serve on this committee. Why would they do it? They have someone, a director, who comes to them and tells them the director thinks some Senator has done something wrong. The Senate votes. Then what do they do? If he disagrees, then they publish it. What good does that do? The problem is the integrity of the rules. And I think, serving on both this committee—and I have been the chairman of this committee also, and the Homeland Security and Governmental Affairs Committee—these are heavy burdens, to carry out these responsibilities.

The Senate Ethics Committee is a heavy burden. It takes more time than any Senator who hasn't served on the committee can possibly determine. Talk about reading. You have to read depositions, go through files; enormous time is put into this. What are we going to do now if we create this Office of Public Integrity? Someone else is going to do the investigations and bring it to the committee and say: What do you think about this? Guess what. In the final analysis, there is one section that says, in any event, the committee will comply with the Senate rules. So the whole body of Senate rules and the precedent behind Senate rules are still in place, but we create a new Office of Public Integrity on top of it to start the investigations. The investigatory process of the Senate Ethics Committee is a very unique one, and I urge the Senators to at some time read that rule and read the precedents under that rule which are set forth in the publication the Senate Ethics Committee has made.

I agree we have to restore public confidence, but this is one aspect that destroys public confidence because it says you cannot have confidence in the investigatory side of the ethics process. There is nothing that says you can't have confidence in the committee itself because every final decision in this process is still made by the Senate Ethics Committee. That, to me, is not an improvement at all of the process.

Furthermore, we ought to take into account the situation that exists right here in Washington, DC, now. In the 37 years I have been in the Senate, I have never seen such partisan people outside of the Senate on both sides accusing Members of the Senate. It is part of the political process now, it is not part of the ethics process. We have people accusing us almost daily of having done something wrong and publishing it through blogs and all that. I think we should be very careful in setting up another tool for these bloggers and these people to use to create more news, to create more charges against the Senate. So I urge the Senate to vote against this amendment and keep confidence in our own rules and our own procedure.

It is my hope the Senate will follow the example of the Majority of the Rules Committee and the Governmental Affairs Committee. We will closely scrutinize this and other amendments before us.

I cannot support an amendment that either replaces the Senate Ethics Committee or adds another layer to our already expensive and time-consuming process. I urge the Senate to defeat this provision.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Mr. President, I yield time to the Senator from Utah. How much time do I have remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. VOINOVICH. I yield 7 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have heard the arguments, and I agree with most of them. I simply want to put it all in perspective.

Let us remember that the Senate Ethics Committee, under the man who is currently the assistant majority leader, the majority whip, Senator MCCONNELL, censured the chairman of the Senate Finance Committee, a member of Senator MCCONNELL's own party. The Senate Ethics Committee is not a namby-pamby, rollover, protect-the-party kind of institution. Let us remember that the current Democratic leader, the Senator from Nevada, was on the Ethics Committee when it censured a member of his own party with sufficient strength to cause that Member to recognize that he could not possibly seek reelection.

There would be those who would say: Oh, Senator REID will protect the Democrat. Senator REID will see to it that the decision of the Justice Department, which said he had not violated a law, would be sufficient and would give him appropriate political cover. Senator REID did not do that. Instead, the Ethics Committee came out with a statement so strong that the Senator in question withdrew himself from the election.

Again, the Senator from Kentucky, when he was chairman of the Ethics Committee, came out with statements so strong that the chairman of the Senate Finance Committee—in some people's view, the most significant committee assignment anyone could have in this body—was forced to resign.

Let us not listen to those who say the Senate Ethics Committee does not do its job and needs some kind of a watchdog—some kind of a gatekeeper, if you will—that will go out and gather those accusations which the Ethics Committee has not properly examined. Let's create the Senate version of the independent counsel.

The Independent Counsel Act came after Watergate, as people reacted to the Watergate scandal and said: We need a counsel who is independent of all politics. They don't recognize that the people who ended up with the prosecutions and the convictions that sent members of the Nixon administration to prison were not people connected with an independent counsel; they were people out of the Justice Department. Let us remember that when the President tried to do things with the Justice Department that were viewed as being protective of him, there were individuals who refused to accept appointment, who resigned from the Justice Department rather than carry out a partisan agenda. We are getting the independent counsel mentality here of the same kind. There has been a scandal. Jack Abramoff has broken the law.

I agree with the comment made by the Senator from Nebraska, Mr. NELSON, who said: Washington is the only place I know where, when people break

the law, our reaction is, change the law, make the law tougher.

Jack Abramoff is going to go to prison, and he is going to go to prison under the old rules. He is going to go to prison under the existing laws. That doesn't say to me that the existing rules and the existing laws somehow failed. What failed is that Jack Abramoff failed his moral and integrity responsibility to abide by the law, not that there was something wrong with the law.

So we had the Independent Counsel Act after Watergate, and we saw what happened. When the impeachment trial here in this Chamber was over, Senator MCCONNELL and Senator DODD, the chairman and ranking member respectively of the Senate Rules Committee, both went upstairs to the press gallery and both said: It is time to kill the independent counsel statute. The independent counsel statute has gone too far, it has created too much partisanship, it has created too much difficulty. A bipartisan call, and this body agreed, and the independent counsel statute lapsed, with no tears being shed for it in this body.

Now there is a sense that somehow, in response to the Abramoff scandal, we must do the same thing that was done in response to the Watergate scandal. If we do this, at some future point, the future counterparts of Senator MCCONNELL and Senator DODD will go to the gallery and say it is time to kill the Office of Public Integrity.

Let's go back to the way things make sense. We have heard all of the examples from all of the Senators as to the way this would work and the way it would make sense. I oppose this amendment, and I hope all of the Members of the Senate will do so as well.

Mr. VOINOVICH. Again, the time remaining, Mr. President?

The PRESIDING OFFICER. Fifteen minutes.

Mr. VOINOVICH. I yield the Senator from Arkansas up to 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I commend Senators COLLINS and LIEBERMAN on their great work on this underlying bill. I am on the Homeland Security Committee with them, and it is always great to work with them. They work in a very nonpartisan and bipartisan fashion.

Also, I wish to thank Senator VOINOVICH and Senator JOHNSON for their leadership on the Ethics Committee on which I also serve. They have demonstrated what being real Senators is all about because they take their responsibility on ethics very seriously, and I am here today to support their position on this amendment and to oppose this amendment.

The Ethics Committee works with diligence and without politics. I have only been on this committee for a little more than a year, and I will be the first to tell you that there is a problem with the House Ethics Committee. I think everybody agrees on that. But also, I am adamant to say that there is really not a problem at all on the Senate Ethics Committee because we take our responsibilities very seriously. We are there to protect the Senate, the integrity of this institution, and, just as the Constitution says, we are there to oversee the behavior of our colleagues. We do that in a very confidential manner.

I must say that it is sometimes frustrating to outside forces who look and see us, and they may file something and they may not get an immediate response.

I remember when I was starting out practicing law in Arkansas, a lawyer told me: Never try your case in the newspaper. I think that is very true when it comes to the world of ethics inside the Senate. If we allow the confidentiality to go away, then, in my view, we would be opening a Pandora's box. I can just imagine—again, in today's realistic political world—I can just imagine what it would be like if someone were to file a complaint and the next thing you know, there would be radio ads, television ads, Internet ads, blogs, et cetera, out there saying that so-and-so has ethics charges pending against him.

The Senate Ethics Committee, although not perfect, is a much better option than the Office of Public Integrity. Again, I believe that is one of the reasons this amendment or something very similar to this was defeated in the committee on a bipartisan basis.

I also notice that there are groups around Washington, DC, who are very supportive of the Office of Public Integrity. Basically, one of their complaints is that when they file a complaint with the Senate Ethics Committee, the complaint seems to go in a black hole. In fact, I have an e-mail that says we—the Ethics Committee—ignore outside complaints. Nothing could be further from the truth. I am here to tell you, nothing could be further from the truth. We consider all the complaints, wherever they come from, very seriously. We look at them, and we act on outside complaints, complaints that come from outside this body. We have spent a lot of time—hours and hours, in fact—on complaints that originated outside this body.

Also, I think some of these groups say they acknowledge that the House has a problem with their Ethics Committee, but they say that both committees are in need of repair. Really, they can't point to anything in the Senate Ethics Committee that has gone wrong or any way that we failed on the Senate Ethics Committee. There is a reason for that. You can look back over the last 20 years, and you will see a number of high profile, very difficult, very tough, and oftentimes very complicated investigations the Senate Ethics Committee has undertaken which have led to some sort of admonishment of their own Members in the Senate.

The last thing I wanted to say, is this: Being on the Ethics Committee, every day when I walk in that room, I ask myself, what did I do to make HARRY REID mad? Why did he put me on this committee? Because I will tell you, as the chairman will or as the cochairman will tell you, it is not an easy assignment. In fact, it is grueling.

One thing we need to understand is that oftentimes, to get down to the facts and to get down to the truth, it takes time. It takes a lot of time. Sometimes you have witnesses who are no longer here. Some of these witnesses live in other parts of the country and even, in some cases, other parts of the world.

There are meetings and meetings and meetings on these allegations. One thing I love about the Senate Ethics Committee is the high level of trust among the members in that committee. There is a culture of integrity in that committee. As I said, even though it is no fun to sit in judgment of our colleagues, it has worked very well.

Because of the committee's policy of keeping its meetings closed and confidential, it allows a freedom within the Ethics Committee to really drill down and get into details and ask hard questions, questions that you might be afraid to ask in a public forum because you may not know the answer, and that answer may be very embarrassing and just by asking the question, it could turn into an allegation.

The process we have right now—although it is closed, although it is confidential—works very well. In a lot of ways it is similar to turning the case over to the jury, where you allow the jury to go back into deliberations and hash it out however they want to do it. In the end, they come back and they do justice. I think our Founding Fathers got it right in article I, section 5, paragraph 2 when they said that:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two-thirds, expel a Member.

I think our Founding Fathers expected us to do this and not set up a third party office to do this.

Again, I rise to join my two chairmen, the chairman and cochairman on the Ethics Committee, in opposing this amendment, and I encourage all my colleagues to do the same.

Mr. SPECTER. Mr. President, I am voting against the Collins amendment because it is unconstitutional. Article I, section 5, provides:

> Each House may determine the Rules of its' Proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two-thirds, expel a Member.

The Senate has determined the rules for punishing its Members which carries out the constitutional mandate. That constitutional procedure does not permit delegation of that responsibility.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I found this debate to be both interesting and ironic. We have heard the proposed Office of Public Integrity described on the one hand as being a potentially out-of-control, independent counsel/special prosecutor. Then we have heard it described as a toothless entity that simply duplicates the work of the Ethics Committee and would have to check with the Ethics Committee at its every stage of the investigation.

In fact, neither characterization is an accurate one. Perhaps the best way to think of the proposed Office of Public Integrity is that it would be the investigative arm of the Ethics Committee. It would be an entity that would conduct a thorough, impartial, credible investigation of allegations and then report back to the Ethics Committee. It is essentially controlled by the Ethics Committee but has the ability to do independent investigations.

It is neither an out-of-control special prosecutor nor is it a powerless office that simply duplicates the work being done and that would be done by the Ethics Committee anyway. In fact, one of the opponents of this amendment said that they would create a duplicate investigation. I don't understand how that conclusion can be reached. There is nothing in this amendment that would require the Ethics Committee to conduct a parallel investigation, and why would they? We have already heard the Chairman of the Ethics Committee say that they do not do an investigation when there is a parallel Justice Department investigation going on. Why would the Ethics Committee choose to duplicate the work of the Office of Public Integrity? This bill does not mandate that the Ethics Committee throw all common sense overboard. So that argument simply does not hold water.

We have also heard it alleged that the Office of Public Integrity would make public information that is now confidential. But look at the plain language of the amendment. I am going to read it into the RECORD because this information to the contrary has been advanced on the Senate floor. Here is what it says: ''Disclosure.'' It is on page 11 of the amendment.

Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or the staff of the Office only—

I am going to underscore that, Mr. President.

—only if authorized by the Select Committee on Ethics of the Senate.

I don't know how it could be more clear, that the decision on disclosing information on the investigation cannot be made unilaterally by the Office of Public Integrity. Under our amendment, the Ethics Committee, not the Office of Public Integrity, has the sole authority to determine what parts of an investigation, if any, become a matter of public record. The OPI has no such authority. The language could not be more clear on that point.

Second, although a vote of the Ethics Committee to overrule the Office of Public Integrity would be made public, that is because such a vote would end the case. In other words, the Ethics Committee would not be voting publicly multiple times on a particular investigation at every stage—contrary to the information, or the argument that was advanced earlier by the distinguished chairman of the Ethics Committee. This is how it would work. The Ethics Committee would vote only once, either to overrule the Office of Public Integrity, which it can do at any stage of the investigation, or at the end of the investigation the committee would vote on a final determination of whether a violation has occurred.

I realize that Members have very strong views on this issue. I realize there are legitimate differences of opinion. I recognize that this is a difficult issue. But I hope that Members will look at the actual language of the amendment that Senator LIEBERMAN, Senator MCCAIN, and I have advanced. I recognize that there is a reason there is considerable confusion. There are all different versions of entities similar to the Office of Public Integrity that we are proposing. But we have drafted our proposal very carefully not to undermine the good work of the Ethics Committee, not to take away the final decisionmaking from the Ethics Committee but to promote public confidence in the integrity and the credibility of investigations by having this office, the Office of Public Integrity, conduct the investigation.

Will the Presiding Officer inform me how much time is remaining on the proponents' side.

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Ms. COLLINS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. VOINOVICH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Ohio. I congratulate the Senator from Maine for her extraordinary work on the underlying lobby reform bill but respectfully disagree as to the appropriateness of adopting the Lieberman-Collins amendment.

This amendment creates a new Senate Office of Public Integrity with a Director, appointed for a 5-year term, by the President Pro Tempore upon the joint recommendation of the majority leader and minority leader. He or she would literally be ''an investigation czar.'' Let me just highlight a few of the most problematic aspects of this proposal.

No. 1 on the list of the ''Duties'' of the Director is, and I quote from page 3, ''(1) to investigate . . .''. At its core the OPI is really the ''SBI''—''Senate Bureau of Integrity''—not even of intelligence.

To get the ball rolling, investigations by the Director are initiated by a complaint filed by anyone—a complaint without any requirements. In comparison, FEC complaints must be in ''in writing, signed and sworn to by the person filing such complaint, shall be notarized and shall be made under penalty of perjury and subject to the provisions of the criminal code.'' The complaint this integrity czar investigates doesn't have to meet any of those requirements—it could be filed via anonymous voicemail or on a beverage coaster—the name and address of the complainant isn't even required.

The only restriction on the complaint is that a complaint against a Member can't be ''accepted'' within 60 days of an election involving such Member. Thus, complaints can be filed against a Member's staff, and on the flip side, complaints made, maybe not accepted, but made during that 60-day period against a Member gives that Member no way to clear their name until after that election.

Making matters even more grim, these complaints are only against incumbents or their staff—so challengers can go hog wild in filing complaints and keeping their opponents under a cloud of suspicion—no matter how baseless. The only penalty for a frivolous complaint is they might not accept another one from that person, to the extent their identity is even known, and may incur costs resulting from the complaint. A very small price to pay for what would smear the good name of Members.

The Director is required to go to the Ethics Committee before getting his full blown power to ''administer oaths, issue subpoenas, compel attendance and production of documents and take depositions.'' However, it takes a roll call vote of ⅔ of the full committee to stop the Director's full blown investigation and the vesting of his full prosecutorial powers.

This amendment strips the bipartisan 6-member Ethics Committee of one of its core functions—enforcement—arguably its most important—and vests it all in one unelected individual. I urge my colleagues to oppose this amendment.

Let me say I know there are many watchers of the Senate, as an institution, who may well believe that the Ethics Committee is a body constituted to go easy on Senators. I must respectfully suggest to the public and to our colleagues that the facts are otherwise.

I was vice chairman of the Senate Ethics Committee and then subsequently chairman of the Senate Ethics Committee during a time when my

party was in the majority in the Senate and had to, based on the facts in a particular case, offer a resolution to expel the chairman of the Finance Committee of the Senate from the Senate. That Member of the Senate subsequently resigned. But the vote in the Senate Ethics Committee was 6 to 0, on a bipartisan basis, to expel the chairman of the Finance Committee from the Senate. Surely, no one would consider that a slap on the wrist.

I cite another example. When the current Senate Democratic leader was chairman of the Ethics Committee, it issued such a scathing report on a bipartisan basis that a Member of his party chose to discontinue his effort to be reelected in the fall of 2002. The Senate Ethics Committee respects, first and foremost, this institution and its reputation. I think it has undertaken extraordinary efforts over the years in protecting Members from spurious complaints and being able to sort out a genuine wrongdoing and, when genuine wrongdoing appears, go after it and not tolerate it.

I particularly compliment the current chairman of the Ethics Committee, the Senator from Ohio, Mr. VOINOVICH, who has done an extraordinary job in this regard as well.

So I hope our colleagues, on a bipartisan basis, will not support the Collins-Lieberman amendment. I think the Senate Ethics Committee can handle this job quite well in the future, as it has in the past.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, we are faced with a choice. We have the opportunity to pass significant legislation to strengthen our lobbying disclosure laws to ban practices that raise questions about undue influence of special interests and to strengthen the enforcement of those laws. Even without the Office of Public Integrity, I believe we have produced a good bill. But I believe that our legislation will be incomplete if we do not act to strengthen the enforcement process. I believe, after much study, that the best way to do this is to create an Office of Public Integrity.

That is not in any way to indicate a lack of appreciation for the hard work of the fine members of our Senate Ethics Committee under the leadership of two individuals with great integrity. I understand that it is a thankless job to serve on the Ethics Committee, and contrary to the comment that was made earlier in the debate, I believe that this office, by conducting the investigative portion, by assisting the Ethics Committee in investigating allegations, would actually be of great assistance to the Ethics Committee.

The chairman of the Ethics Committee has expressed, time and again, his frustration that the public does not know of the work the Ethics Committee does. It doesn't realize how seriously the investigations and allegations are treated; that it doesn't appreciate how difficult it is to pursue allegations against Members with whom one serves. I suggest that this amendment offers great assistance to the Ethics Committee. If there is an Office of Public Integrity which is conducting independent investigations and reporting its findings to the Ethics Committee, I think that enhances the public's understanding of the process, the public's acceptance of the process, and the credibility of the investigations.

We are dealing with a reality that public confidence in Congress is very low. It is perilously low. It makes it difficult for us to pass legislation because the public believes that oftentimes our decisions are not in the public interest but, rather, beholden to some private interest. That saddens me because I know the people I serve with are individuals of great integrity, and the vast majority of elected officials in Washington and elsewhere are in public service for all the right reasons. But that perception is a reality we need to deal with. The best way to deal with it, in my judgment, is to pass strong, comprehensive legislation which will help repair the frayed bonds between the public and those who serve the public.

The Office of Public Integrity is an integral part of achieving that goal. There is a lot of opposition to this amendment. I don't delude myself to the contrary. I have learned organizational change in Washington is the hardest kind of change to accomplish. I learned that when Senator LIEBERMAN and I led the legislation restructuring and reforming our intelligence community, the most sweeping reforms in 50 years. I have learned trying to change the organization of Congress or the way Congress works makes that reorganization of our intelligence community look easy.

I recognize this is an uphill fight, but I believe it is the right thing to do. I hope our colleagues, before casting their vote today, will take the time to read the actual language of the amendment and to think about what we need to do to repair the breach between those who are elected and the people we serve, to promote and strengthen public confidence in the political process. I believe if our colleagues do that and if they care about restoring public confidence in Congress, they will support the amendment we have offered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first, I again compliment the chairman of the Homeland Security and Governmental Affairs Committee for the good job she and the committee have done in proposing legislation that will make a difference in the Senate and in the Congress. I respect everything the Senator has done. Some of the amendments making mandatory some of the things we are doing voluntarily I welcome. I thank the Senator.

One thing I have tried to do is to inform Members about what the rules are so they do not get in trouble. I point out that even though the amendment is well motivated and meant to help the Ethics Committee, all six members of the Ethics Committee on a bipartisan basis oppose it. The Ethics Committee is the investigative arm of the Senate. It is a nonpartisan investigator of all matters brought before the Ethics Committee and, something some Members are not happy about, matters that are not brought before us, on the complaint of some, that we recognize, through the media, there is a problem with one of the Members, and we get involved in it. We do not have to wait for someone to file a complaint. We are the watchdog of the Senate. We want to protect the Senate's reputation. We admonish, we censor and, in some cases, eject Members of this Senate for not upholding the high standards all Members are expected to uphold after being elected to this Senate.

I do not believe this is going to mend the problem in terms of public confidence. As I have mentioned, except for recently some criticisms, we did not get involved in the Abramoff investigation. Overall, in terms of the public, the Senate Ethics Committee has been doing the job they are supposed to do under the Constitution. Again, I underscore in terms of Abramoff, we did not get involved because of the fact that the Justice Department asked us not to get involved. They thought it would interfere with their investigation. I assure Members of the Senate and I assure the public and other groups that are looking in on us, once that investigation is finished and the information is sent here, if one of our Members or several Members are involved, we will fully investigate that. If those individuals have violated the rules of the Senate, they will be properly dealt with by the Ethics Committee.

In terms of the specific parts of this legislation, I bring up something that has a problem, and that is that every time the Ethics Committee disagrees with the Office of Public Integrity, we have to have a published vote of the committee. As a result of that, what will happen, in my opinion, is that after a while, where the Ethics Committee does not agree with the Office of Public Integrity, you will build up an adversarial type of relationship. Members, in terms of how they vote, will start taking into consideration, gee, it is going to be public that we disagreed with this guy and people will ask, why did you disagree with that, and we get into that whole area of questioning people's motivation.

It also gets us involved in partisanship, Members asking, why did you vote that particular way? You had a chance maybe to harm some other Member because of political reasons. Or why did you pick on one of our Members?

This job is a very tough job. It is not a job that makes one popular with his

colleagues in this Senate. I believe rather than helping the situation, in spite of the fine motivation of the people sponsoring this amendment, rather than helping, it is going to hurt the situation and also make it very difficult in the future to have Members being willing to serve as a member of the Senate Ethics Committee.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been allocated 10 minutes to speak on the Wyden amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. I seek to use that time.

Mr. INHOFE. Will the Senator yield for an inquiry?

Is there a unanimous consent in terms of Members speaking?

The PRESIDING OFFICER. Yes, the time is controlled by the Senator from Alabama and the Senator from Maine.

Ms. COLLINS. Mr. President, to clarify our situation, if I may, if the Presiding Officer would tell me if I am correct that there is still an amount of time remaining to the proponents of the Collins-Lieberman-McCain amendment.

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. And I believe the time of the opponents has expired, the time that was controlled by Senator VOINOVICH; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. And I believe there is a parallel time agreement for further debate on the Wyden amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. My request would be that I be acknowledged to speak on the Wyden-Grassley-Inhofe amendment in whatever order you are prepared to give me.

Ms. COLLINS. Mr. President, I am going to reserve my 6 minutes for right before the vote for some concluding comments. I probably will not use all 6 minutes. I have no objection to turning now to the debate on the Wyden amendment.

AMENDMENT NO. 2944

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I assume Senator INHOFE will have time after I conclude my 10 minutes and I ask unanimous consent to that effect. He is on the other side of this issue.

The Wyden amendment provides a new advantage for those who want bigger and more expensive Government. Senators who want time to study a bill before granting consent would have to put their names in the RECORD as objecting to it even though they may quickly decide they do not have an objection to the bill.

First, the Senator from Oregon stated that this amendment—and this is a good example of what happens in the Senate—that this amendment was being blocked by a secret hold. But there was no secret hold. The leadership of the Senate knew that I had an interest in participating in the debate, but I had a meeting at the White House this morning and so I asked if they could accommodate that and set the debate at a time I could participate. That apparently was worked out.

Under the Senator from Oregon's amendment, I would have had to submit a written request to the majority leader in order to participate in the debate, but I was at the White House and that was not very practical. Is telling my leader I would like an opportunity to be in the Senate to debate this issue now an unreasonable request? The Senator from Oregon has also stated that the intelligence authorization bill is being held up based on a secret hold. In truth, it is not a secret. I will tell the Senator who is holding that important intelligence bill: It is the two Senators from Massachusetts. Senators KENNEDY and KERRY have objected to considering the bill because they want to offer amendments. Some say they are poison-pill amendments, but they are amendments they want to offer. So if the Senator has a problem about that, he should talk to his colleagues. The Senators may say this only applies to proceeding to a bill. This is an important thing, because in 99 percent of the cases, proceedings of the bill and passage of the bill happen at the same time. The bill is called up and asked to be passed by unanimous consent. It is all the same request. Frankly, the problem with this bill goes further than the mechanical application. It makes a statement. It basically says that passing bills is inherently a good thing, and we should assume any Senator who has never heard of a bill should consent to it. Anyone who dares not to grant promptly and immediately any such consent is some scoundrel who needs to be exposed to misdeeds.

Senator COBURN has offered an amendment that says if we are going to have this hold amendment, he would offer one that says if you want to pass a bill and there is no quorum present, and you want to ram it through with no quorum present, you need to have a petition signed by 100 Senators saying they are prepared to let the bill go through.

Why not? It is not practical, perhaps, but the system is not designed to be practical. Frankly, it is too easy to pass bills. Bills flow through this body like water.

I want the American people to know how bills are passed in this Senate. We were talking about some sunshine here. Let's talk about it. There is a system we have called a hotline. What is a hotline? In each Senate office there are three telephones with hotline buttons on them. Most evenings, sometimes after business hours, these phones begin to ring. The calls are from the Republican and the Democratic leaders to each of their Members, asking consent to pass this or that bill—not consider the bill or have debate on the bill but to pass it. Those calls will normally give a deadline. If the staff do not call back in 30 minutes, the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information.

So that is the real issue here. The issue is not about holds. The rules say nothing about holds. Holds do not exist. The issue is consent. Nobody has a right to have an individual Senator's consent to pass a bill. They act as though you have a right to get it. You would expect if you are going to say you have unanimous consent, you have consent. But that is not always the case.

If staff do not have time to read the bill—some of these bills are hundreds of pages long—they frequently assume someone else has read it. Staff in the Senate offices do not read all these bills, and they go back to whatever they were doing before the hotline phone rang. Presumably, some committee staffer has read the bill at some point along the way, but in almost no case have actual Members of the Senate granted their intentional consent to the bills that pass during the day's wrapup that we often see late into the night on C–SPAN.

In many cases, even Senators sponsoring the bill have never read it, unfortunately. Committee reports are filed on bills. Very few staff have read the committee reports. How do I know about this? I have the thankless task of chairing the Senate Steering Committee. One of our commitments is to review every bill that is hotlined in the Senate. My staff actually reads them. It is a service to my colleagues, I suggest. They read the CBO scores which tell how much the bill costs the taxpayers. A lot of times they do not want you to know that. Some committee, group, or someone has moved a bill on the floor—they move it along—and nobody has read the score. Many contain massive, new spending programs. Some bust the budget. We think Senators who are looking out for the taxpayers and taking the time to study bills should have the same rights as Senators who are willing to let big spending bills pass without reading them. This amendment is not good government. It will make it more likely that bills will pass in the middle of the night filled with pork and who knows what else.

The current process established by the two leaders provides for 72 hours for Senators to withhold consent and to read a bill. Beyond that, the objections become public. Under this amendment, if a Senator in an offhand conversation with the leader says, ''I

think we ought to take a hard look at this bill,'' does that mean his name should be printed in the RECORD? That is not workable. If I am on the floor, and the leader asks me if we ought to go to such and such a bill, and I say, ''No, don't do that, I think something else should go first,'' do I then immediately have to go to the floor and publish that in the RECORD?

According to this resolution, any communication with the leader suggesting we not proceed to a bill would need to be printed in the RECORD and submitted to the leader in writing. However, if I communicate to the leader that we should proceed to some big spending bill, I can do that in secret. This gives a new advantage to those who want to pass legislation without review.

Now, I take very seriously holding up a bill. We stay on our team, and we look at the matter promptly and try to give an honest response. And if we have a problem with a clause or two in a piece of legislation, we share that with the Senators who are promoting the legislation. Usually an agreement can be reached, and usually the legislation is cleared, anyway, without any significant delay.

Line 4 of the Wyden amendment says:

The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1) submits for inclusion in the CONGRESSIONAL RECORD and in the applicable calendar section described in subsection (b) the following notice:

''I, Senator [blank], intend to object to proceeding to [blank], dated [blank].''

If a Senator tells their leader on the phone they have concern with a bill that was offered that night, must they quickly run down to his office and hand the leader a piece of paper? This says it must be submitted in writing; otherwise, the leader cannot recognize it.

If the leader decides against proceeding to the bill, does that mean he has violated the rule?

How can we prove that the leader did not simply change his mind, but rather that he illegally recognized an oral hold, which was not submitted in writing?

Who is to make such a determination?

Is the Parliamentarian going to be put in the uncomfortable position of trying to divine the motivations of a party leader?

I am not sure what the purpose of the 3 days is, but here is what its effect is:

If a bill is hotlined at 7:30 at night, and the leaders say it will be passed at 7:45 unless there is an objection, and my staff calls them to say please do not proceed, we would like to review the bill, rather than reading the bill, they would have to run to the leader's office with a piece of paper saying we object to the bill.

Then, let's say they run back to the office, start reading, and after review, the bill looks fine. Let's say they even call back within the 15-minute window that was given. The bill passes that night. The next day it passes the House, and is signed by the President. It is now law.

On the third day, I would still need to insert a statement in the CONGRESSIONAL RECORD saying ''I, Senator JEFF SESSIONS, intend to object to proceeding [blank], dated [blank].''

I intend to object to a bill that has already been signed into law?

The amendment has been so poorly drafted that it is not even clear what it does. This is what we are dealing with.

This poorly drafted amendment is intended to stack the deck, in favor of other poorly drafted legislation passing in the middle of the night with little or no review.

Let's look at section (c) line 18:

A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the CONGRESSIONAL RECORD the following notice:

I, Senator [blank], do not object to proceeding to [blank], dated [blank].

This is the flip side: Maybe you looked at the bill and do not like it, but are willing to let it pass by a voice vote.

Now, to get the ''scarlet letter'' I removed, you need to put a statement into the RECORD saying you do not object to the bill, which may not be altogether true.

Further, what if you simply want to offer an amendment, or debate, but the leadership wants to pass the bill clean. How does this bill apply?

I suppose one interpretation is it would not apply at all, because it only purports to apply to ''proceeding to a bill.''

What if you want to offer a thousand amendments? What then? What if you prefer to proceed to a different version of the bill?

What if you would simply like a roll-call vote on the motion to proceed, or would like time to debate, but the leadership does not want to grant you that. Technically, you are objecting to proceeding under those circumstances.

I could stand here for hours discussing all the many ways this amendment is going to damage the Senate, and the many ways this amendment is absolutely worthless as a tool to prevent blocking of legislation in secret.

But what I object to most is that this amendment says passing legislation is always preferable to slowing it down, that letting a bill pass is good no matter how poorly drafted, how costly, how late in the evening, or how few Senators have studied or even heard of the bill.

How much pork is there? Passing bills is good: In many cases, that is not correct.

There is a widely quoted story about the ''coolness'' of the Senate involving George Washington and Thomas Jefferson. Jefferson was in France during the Constitutional Convention.

Upon his return, Jefferson visited Washington and asked why the Convention delegates had created a Senate. ''Why did you pour that coffee into your saucer?'' asked Washington. ''To cool it, '' said Jefferson. ''Even so,'' responded Washington, ''we pour legislation into the senatorial saucer to cool it.''

The Framers intended the Senate to deliberate, to thoughtfully review legislation, not be a rubber stamp.

This amendment says those Senators who are willing to grant consent to legislation they have never read or have perhaps never even heard of—those are the good Senators.

But those Senators who dare to say: I would like time to read this legislation, to see how much it costs, to see whether it is within the national interests—they are the troublemakers. These scoundrels need to be exposed to the public.

So, in summary, here is where we are.

Passing midnight spending boondoggles with two Senators in the Chamber: Good. Reviewing legislation: Bad. Objecting to big spending legislation: Really bad.

Lobbyists must be thrilled with this. Lobbyists who are pushing special-interest legislation will now have a ready-made target list.

All they need to do is get the leadership to hotline the legislation, and within 3 days they will know who they need to talk to or jump on or ''sick the dogs on.''

I believe we need to return to the ''cooling'' Senate, not a ''freezing'' Senate, where obstruction is the rule, nominees are blocked endlessly; not a ''greased'' Senate, where bad legislation passes at lightning speed late at night with no time for review, but a Senate where Senators are encouraged to take the time to pick up a bill and read it, to weigh the consequences for the American taxpayers.

This amendment runs directly contrary to the spirit of reform this bill purports to address.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I see several of the sponsors of the amendment here. Probably they disagree with some of my views, but I think they are worthy of their consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time is available on my side? My understanding is we have 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon controls 10 minutes.

Mr. WYDEN. Mr. President, it is my desire to yield the first 3 minutes to Senator INHOFE, the next 3 minutes to Senator GRASSLEY, and then I will

speak. I thank my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say to my friend from Alabama, I do not think we have ever been in disagreement on anything. I have a little different take on this issue than he does and a little different background because of an experience I had when I served in the other body.

First, I think realistically, looking at this, you may say ''in writing,'' but if you call your leader and tell him, ''I plan to go ahead and object to this,'' and he knows it is going to come in writing, unless you don't get along with the leader very well, I don't think that would be a real serious problem. But I do agree with the Senator from Alabama that passing laws is not necessarily a good thing. My feeling is we have too many laws, not too few laws. I have said that many times.

But let me share with you an experience I had in the other body. When I was first elected in 1986 to the House of Representatives, I found there was a process used to keep the signatures of a discharge petition from being open to the public. So there could be something very popular. For example, a gun control bill might not be popular in West Texas, but there might be a West Texas Democrat whose party tells him for the national scene, ''We want lots of gun controls, and I know it is not popular in the State, but there is a way you can go home and say you opposed gun controls and at the same time you can get by with appeasing the leadership.''

That is what they did. They would put the discharge petition in the drawer of the Speaker's desk, and you could not get it out unless a majority of people signed the discharge petition. Consequently, they would go ahead and tell people they had signed it when, in fact, they had not.

I had a one-sentence bill that totally reformed that. It stated that all signatures on a discharge petition shall become public record. We actually had seven editorials by the Wall Street Journal. We had all these things saying: Finally, there is light.

All I want—all I want—is to be able to have everyone being accountable for what they are saying. I have two holds right now, and I have said publicly that I am the one who has the holds. I have never, in the 12 years I have been here in this body, not specifically stated that I had holds when I did. So I think that is the main thing. There are similarities between the situation that occurred in the House, and I agree with Reader's Digest, the Wall Street Journal. They said that was the greatest single reform in the last 60 years.

So when I first came to this body, I made this statement: that it appeared to me that being able to put on holds without being accountable is a very similar practice to the inability of knowing what the signatures were on discharge petitions. Consequently, I started back 12 years ago working on this issue. I am very happy to join Senator WYDEN and Senator GRASSLEY in what I consider to be a reform that is badly needed in the Senate.

Mr. President, I ask unanimous consent that a November 1994 article in Reader's Digest by Daniel Levine be printed in the RECORD.

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

[From the Reader's Digest, November 1994]

HOW THE TRIAL LAWYERS FINALLY MET DEFEAT

A STORY OF DEMOCRACY AND CAPITOL HILL

(By Daniel R. Levine)

When a twin-engine Cessna airplane crashed near Fallon, Nev., four years ago, the National Transportation Safety Board (NTSB) ruled pilot error was the cause. But that didn't stop lawyers for two of the injured passengers from suing Cessna on the grounds that the seats on the 25-year-old plane did not provide adequate support. The seats had been ripped out without Cessna's knowledge and rearranged to face each other. But the lawyers claimed that Cessna should have warned against removing the seats. A jury awarded the two plaintiffs more than $2 million.

In Compton, Calf., a single-engine airplane nearly stalled on the runway and sputtered loudly during take-off. Less than a minute into the air it crashed, killing two of the three people on board. On July 18, 1989, two days before the one-year statute of limitations would expire, the survivor and relatives of the deceased passengers filed a $2.5 million lawsuit naming the plane's manufacturer, Piper Aircraft Corp., as a defendant. Not mentioned in the suit was the fact that the plane, built in 1956, had been sitting at the airport unused and uninspected for 2½ years. The case, awaiting trial, has already cost Piper $50,000.

The NTSB found that 203 crashes of Beech aircraft between 1989 and 1992 were caused by weather, faulty maintenance, pilot error or air control mishaps. But trial lawyers blamed the manufacturer and sued each time. Beech was forced to spend an average of $530,000 defending itself in each case and up to $200,000 simply preparing for those that were dismissed.

Such product-liability lawsuits have forced small-plane makers such as Cessna to carry $25 million a year in liability insurance. In fact, Cessna stopped producing piston-powered planes primarily because of high cost of defending liability lawsuits. Thus, an American industry that 15 years ago ruled the world's skies has lost more than 100,000 jobs and has seen the number of small planes it manufactured plummet from over 17,000 in 1978 to under 600 last year.

That may all change. Bucking years of intense lobbying by trial lawyers, Congress voted last summer to bar lawsuits against small-plane manufacturers after a plane and its parts have been in service 18 years. The legislation will create an estimated 25,000 aviation jobs within five years as manufacturers retool and increase production.

This was the first time that Congress has reformed a product liability law against the wishes of the lawyers who make millions from these cases. And the dramatic victory was made possible because of the efforts of a little-known Congressman from Oklahoma who challenged Capitol Hill's establishment.

On his first day in 1987 as a member of the U.S. House of Representatives, Jim Inhofe (R., Okla.) asked colleague Mike Synar (D., Okla.) how he had compiled such a liberal voting record while winning reelection in a conservative district. Overhearing the question, another longtime Democratic Congressman interjected: ''It's easy. Vote liberal, press-release conservative.''

This was a revealing lesson in Congressional ethics, the first of many that would open Inhofe's eyes to the way Congress really ran. He soon realized that an archaic set of rules enabled members to deceive constituents and avoid accountability.

When a Congressman introduced a bill, the Speaker of the House refers it to the appropriate committee. Once there, however, the bill is at the mercy of the committee chairman, who represents the views of the Congressional leadership. If he supports the legislation, he can speed it through hearings to the House floor for a vote. Or he can simply ''bury'' it beneath another committee business.

This arrangement is tailor-made for special-interest lobbies like the Association of Trial Lawyers of America (ATLA). For eight years, bills to limit the legal liability of small-aircraft manufacturers had been referred to the House Judiciary Committee, only to be buried. Little wonder. One of the ATLA's most reliable supporters on Capital Hill has been Rep. Jack Brooks (D., Texas), powerful chairman of that committee and recipient of regular campaign contributions from ATLA.

The only way for Congressmen to free bills that chairmen such as Brooks wanted to kill was a procedure called the discharge petition. Under it, a Congressman could dislodge a buried bill if a House majority, 218 members, signed a petition bringing it directly to the floor for a vote. But discharge petitions virtually never succeeded because, since 1931, signatures were kept secret from public. This allowed Congressmen to posture publicly in favor of an issue, then thwart passage of the bill by refusing to sign the discharge petition. At the same time, House leaders could view the petitions, enabling them to pressure signers to remove their names. Of 493 discharge petitions ever filed, only 45 got the numbers of signatures required for a House vote. And only two of those bills became law.

Inhofe saw the proposals overwhelmingly favored by the American People—the 1990 balanced-budget amendment, school prayer, Congressional term limits, the line-item veto—were bottled up in committee by the House leadership. When discharge petitions to free some of the bills were initiated, they were locked in a drawer in the Clerk's desk on the House floor. The official rules warned that disclosing names ''is strictly prohibited under the precedents of the House.''

In March 1993, Inhofe filed a one-sentence bill on the House floor challenging the secrecy: ''Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record.''

The bill was assigned to the Rules Committee, where it was buried. Three months later, on May 27, Inhofe started a discharge petition to bring the bill to a floor vote. Among those signing was Tim Penny (D., Minn.), a lawmaker who after ten years in the House had grown so disgusted that he had decided not to run for re-election. ''Discharge petitions procedures are symbolic of the manipulative and secretive way decisions are made here,'' said Penny. ''It's just one more example of how House leaders rig the rules to make sure they aren't challenged on the floor.''

Inhofe, though, was badly outnumbered. The Democrats 82–seat majority controlled the flow of legislation. But he was not cowed. From his first years in politics Inhofe had shown an independent streak—and it had paid off. After initially losing elections for governor and Congress. He was elected to three consecutive terms as mayor of Tulsa,

beginning in 1977. In 1986, he ran again for the Congress and won. Four years later, he bucked his own President, George Bush, by voting against a 1991 budget ''compromise'' that included a $156–billion tax hike.

By August 4, two months after filing his discharge petition, Inhofe had 200 signatures, just 18 shy of the 218 needed to force his bill to the floor. But the House leadership was using all its muscle to thwart him. On the House floor, Inhofe announced: ''I am disclosing to The Wall Street Journal the names of all members who have not signed the discharge petition. People deserve to know what is going on in this place.''

It was a risk. House leaders could make him pay for this deed. But by making public the names of non-signers, he would avoid a direct violation of House rules. Inhofe collected the names by asking every member who signed the petition to memorize as many other signatures as possible.

The next day, The Wall Street Journal ran the first of six editorials on the subject. Titled ''Congress's Secret Drawer,'' it accused Congressional leaders of using discharge-petition secrecy to ''protect each other and keep constituents in the dark.''

On the morning of August 6, Inhofe was within a handful of the 218 signatures. As the day wore on, more members came forward to sign. With two hours to go before the August recess, the magic number of 218 was within his grasp.

What happened next stunned Inhofe. Two of the most powerful members of Congress—Energy and Commerce Committee Chairman John Dingell (D., Mich.) and Rules Committee Chairman Joseph Moakley (D., Mass.)—moved next to him at the discharge petition desk. In a display one witness described as political ''trench warfare,'' the two began ''convincing'' members to remove their names from the petition.

Standing near the desk was Rep. James Moran (D., Va.). Moakley warned him that if Inhofe succeeded, members would be forced to vote on controversial bills. ''Jim,'' he said sternly, ''I don't have to tell you how dangerous that would be.'' When the dust settled, Moran and five colleagues—Robert Borski (D., Pa.), Bill Brewster (D., Okla.), Bob Clement (D., Tenn.), Glenn English (D., Okla.) and Tony Hall (D., Ohio)—had erased their names.

Still refusing to quit, Inhofe faxed the first Wall Street Journal editorial to hundreds of radio stations. Before long, he found himself on call-in programs virtually every day of the week.

When The Wall Street Journal printed the names of the nonsigners on August 17, House members home for the summer recess could not avoid the public outcry Inhofe had generated. With scandals in the House bank, post office and restaurant still fresh in their minds, voters were demanding openness.

Feeling outgunned, Moakley allowed his Democratic colleagues to sign the discharge petition. When Rep. Marjorie Margolies-Mezvinsky (D., Pa.) affixed her name to the petition on September 8, she became the 218th Signatory.

Inhofe's bill won overwhelming approval on the final vote, 384–40. Even though most Democrats had not supported him, 209 now voted with Inhofe. Groused Dingell: ''I think the whole thing stinks.''

The first real test of Inhofe's change came last May when Representatives Dan Glickman (D., Kan.) and James Hansen (R., Utah) filed a discharge petition to free their bill limiting small-plane manufacturer liability. Even though it was co-sponsored by 305 members, the bill had been bottled up in the Judiciary Committee for nine months. But because members' signatures would now be public, voters would finally know who truly stood for product-liability reform and who did not.

Meanwhile, the Association of Trial Lawyers of America was pulling out all the stops to kill the bill. Members personally lobbied Congressmen and orchestrated a ''grassroots'' letter-writing campaign in which prominent trial attorneys urged their Representatives not to support the bill. ATLA even fired off a maximum-allowable contribution of $5,000 to Representative Hansen's opponent in the November election.

The pressure didn't work. Within two weeks 185 members had signed, and House leaders realized it would be impossible to stop the petition. Their only way was to offer a compromise version. In mid-June, Brooks reported out of committee a bill that differed only slightly from the original. On August 2, the Senate approved similar legislation. The next day the bill cleared the House without dissent. On August 17, President Clinton signed it into law.

Glickman, whose Wichita district is home to Cessna and Beech aircraft companies, said the procedural change spearheaded by Inhofe was crucial to victory. ''A lot of forces did not want this bill to go forward,'' he continued, ''and it would not have succeeded without the discharge petition.''

The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win. The high cost of product-liability lawsuits, to manufacturers as well as consumers, will require far more sweeping reform of the tort system. But the passage of this one bill is an important first step in the right direction. And it took a little-known Representative from Oklahoma to point the way.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you. And I thank Senator WYDEN for his leadership and the time.

Everything this body has heard the Senator from Alabama say about what is wrong with this piece of legislation is entirely inaccurate. Everything he said we need to do to study bills—to hold them up until we get a feel about everything in a bill before enactment by this body—this amendment, which brings transparency to holds, does not in any way prevent any of that from happening. All it simply says is, if you are going to put a hold on legislation, you ought to have guts enough, not be a sissy that the public might find out who you are, why you are holding something up. State for the entire country why you think this person or this bill ought to be held up in the Senate. You can hold it up for a year. You can hold it up for 1 day.

I have been putting things in the RECORD of why I put holds on bills, just as this amendment requires, for several years. And I can assure you, not one of my colleagues has beaten me up because they knew who I was. Not one of my colleagues has bloodied my nose. Not one of my colleagues has given me a black eye. Not one of my colleagues has done anything. It does not hurt. You can be a Senator. You can be out in the open. You can be transparent and still do the job you need to do.

But after all, this is the Senate. The public's business ought to be public. That is what this legislation is all about. But it also has something to do with the practical workings of the Senate. If somebody does not like a bill you propose, and they want to slow it up, you can sit down and talk to them. Now you do not even know who they are, in many instances. If you are going to do business, you have to know who to talk to. Being a part of a collegial body, as we are, talking to each other is how you get things done and move the ball along.

It is about open government. It is about reducing cynicism and distrust of public officials. It is about public accountability. It is about building public confidence. It is about making sure that as to what is being done here, the public knows who is doing it and why they are doing it. I do not see why there can be any opposition to this amendment.

A hold is a very powerful tool and must be used with transparency. I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without any public accountability. The use of secret holds damages public confidence in the institution of the Senate.

Our amendment would establish a standing order of the Senate requiring Members to publicly disclose when they place a hold on a bill or nominee. For several years now, I have made it my practice to insert a notice in the CONGRESSIONAL RECORD whenever I place a hold.

Under our proposal, disclosing holds will be as simple as filling out a cosponsor sheet and Senators will have 3 days to do it.

This proposal was drafted with the help of Senators LOTT and BYRD, who as former majority leaders know how this body operates and how disruptive secret holds can be to the Senate's business. Senator STEVENS has expressed his concerns about the use of secret holds. It says a lot that the longest-serving Members of this body oppose the use of secret holds and see them as a real problem.

If Senators support the goal of the underlying bill to increase legislative transparency and accountability, then they should support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield to Senator LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, very briefly, I rise in support of this amendment. I think the misuse of the hold in the Senate has become a fundamental problem. I do not see how anybody could support the concept of secret holds.

Now, this may drive holds into some other category, but I think it is a step

in the right direction. I commend Senator WYDEN and Senator GRASSLEY for offering it.

This proposal is an experiment in making the Senate and Senators more accountable to their colleagues and to the American people. This proposal addresses the issue of anonymous holds that Senators use to prevent consideration of legislation and nominations. This amendment would place a greater responsibility on Senators to make their holds public.

It requires that the majority and minority leaders can only recognize a hold that is provided in writing. Moreover, for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD, 3 days after the notice is provided to a leader.

I believe that holds, whether anonymous or publicly announced, are an affront to the Senate, the leadership, the committees, and to the individual Members of this institution.

This amendment does not eliminate the right of a Senator to place a hold. Some day, the Senate may decide that holds, in and of themselves, are an undemocratic practice that should no longer be recognized.

Secret holds have no place in a publicly accountable institution. A measure that is important to a majority of the American public and a majority of Senators should not be stopped dead in it's tracks by a single Senator. And when that Senator can hide behind the anonymous hold, democracy itself is damaged.

How do you tell your constituents that legislation they have an interest in, legislation that has been approved by the majority of a committee, is stalled and you don't know who is holding it up? What does that say about this institution?

I think the secret hold should have no place in this institution, and I urge my colleagues to support this amendment.

Mr. DODD. Mr. President, I understand this amendment requires public disclosure of certain holds—namely, those that rise to the level of expressing an intent to object to proceeding to a measure or matter.

Any such objection would have to be submitted in writing and disclosed in the CONGRESSIONAL RECORD and printed in the Senate calendar of business. Quite frankly, if a Member's objection rises to that level, it is probably appropriate to publicly disclose such.

But the term ''hold'' is used to apply to a much broader form of communication between Members and the leader. A hold is generally considered to be any communication in which a Member expresses an interest in specific legislation and requests that the Member be consulted or advised before any agreement is entered with regard to the issue.

In that sense, a hold is a Senate mode of communication, rather than a procedural prerogative, and when used to communicate a Member's interest in a matter, it is more of an informal bargaining tactic, not an intent to derail or delay consideration of a measure.

Such informal communication is not only important to the workings of this body, but it facilitates the development of unanimous consent requests and facilitates the consideration of legislation.

In some respects, such informal holds act much like the Rules Committee proceedings in the House whereby Members present their position with regard to offering amendments to legislation.

There is no such process in the Senate and often times informal holds, or consent letters, are the only means by which the leadership knows who has an interest in an issue and needs to be consulted in order to craft a unanimous consent agreement.

This amendment does not affect such informal consultation and so will not impede the ability of the leadership to move the business of the Senate. However, when the communication rises to the level that a Member will object to proceeding, it is appropriate that it be disclosed.

Consequently, consistent with the purpose of the bill before us, this amendment would provide greater transparency of the legislative process and increase public confidence in the outcome.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I think Senator LOTT, Senator INHOFE, and Senator GRASSLEY have said it very well. This amendment is about a simple proposition; and that is, the Senate ought to do its most important business in public, where every Senator can be held accountable. We have offered this bipartisan amendment to eliminate secret holds on the lobbying reform legislation for the same reason Willy Sutton robbed banks: Banks are where the money is. And secret holds are where the power is.

Secret holds are one of the most powerful weapons available to lobbyists. I expect that each of our offices has gotten at least one call asking if the office would put a secret hold on a bill or nominee in order to kill it without any public debate, and without a lobbyist's fingerprints anywhere.

Getting a Senator to put a secret hold on a bill is like hitting the lobbyist jackpot. Not only is the Senator's identity protected, but so is the lobbyist's. A secret hold lets a lobbyist play both sides of the street and gives lobbyists a victory for their clients without alienating potential or future clients.

In my view, secret holds are a stealth extension of the lobbying world. It would be particularly ironic if the Senate were to claim it was adopting lobbying reform legislation without doing away with what is one of the most powerful tools available to a lobbyist.

This has been a bipartisan effort. It has gone on for literally a decade. Senator LOTT, to his credit, tried a voluntary approach with Senator Daschle. We want to emphasize—for example, the Senator from Maine, Ms. COLLINS, was involved in this—that this in no way eliminates the right of a Senator to have a consult, to have the opportunity to look at legislation, to review it when it comes out of committee. A Senator can seek that. In my mind, a consult is similar to a yellow light that says proceed with caution. A hold, on the other hand, is similar to a red light, a stop light. It is when a Senator digs in and says they are going to do everything they possibly can to block a piece of legislation from going forward.

I want to protect Senators' rights, but Senators' rights need to be accompanied by responsibilities. We are talking about legislation that can involve billions of dollars, millions of our citizens, and the public's business ought to be done in public.

What this amendment does is ban a staff hold, the so-called rolling hold where the hold is passed secretly from Senator to Senator. And when a Senator exercises the power of a hold to deal with an issue that is important to them, in the future, they will be held publicly accountable.

This is long overdue. Senator Dole, when he was majority leader, spoke out on this, more eloquently than perhaps any of us are doing today. Senator GRASSLEY, myself, Senator INHOFE, Senator LOTT believe that it is time to bring sunshine to the Senate and for the Senate to do the people's business in public. I can't think of a more appropriate place to do it than on the lobbying reform bill we are working on today.

I urge my colleagues to pass the amendment and to bring some sunshine to the Senate.

The PRESIDING OFFICER. All time has expired.

Mr. WYDEN. 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.

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

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

Ms. COLLINS. Mr. President, shortly we will vote on the Wyden-Grassley amendment. First, we will vote on the Collins-Lieberman-McCain amendment which is the second-degree amendment. I applaud the initiative of Senators WYDEN and GRASSLEY. When this amendment first came up, I spoke in favor of it. I believe we do need to end the practice of secret holds.

I ask unanimous consent to be added as a cosponsor to the Wyden-Grassley amendment.

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

Ms. COLLINS. Let me say a few final words about the amendment Senators

MCCAIN, LIEBERMAN, and I have proposed to create an office of public integrity. We are about to vote on that amendment, and then we will proceed to vote on Senator WYDEN's amendment.

I believe our proposal has struck the right balance. I draw this conclusion, in part, because my colleagues who are opposed to the amendment are arguing two conflicting extremes, and both obviously cannot be right. On the one hand, some of my colleagues are disparaging the Office of Public Integrity by calling it an independent counsel, by implying that it would be a too powerful, out-of-control entity that would conduct unfair investigations and put Members in peril.

On the other hand, we have also heard colleagues during this debate say that the Office of Public Integrity would not have enough power because it can be overruled by the Ethics Committee. These two conflicting and inconsistent positions suggest that, in fact, we have struck the right balance. We have respected the role and the authority of the Ethics Committee, but we have strengthened the credibility of the investigative part of an inquiry into allegations of wrongdoing.

At the end of the day, the debate and vote on our proposal comes down to a simple question. That is, what are we going to do to strengthen public confidence in the integrity of this institution? Regardless of how fine a job the Ethics Committee has done—and it has performed well—the fact remains that public confidence in Congress is near an all-time low. I believe the legislation that we have brought forth to strengthen our lobbying disclosure laws, to prohibit practices that raise conflicts of interest and, with our amendment, to strengthen the enforcement mechanism is critical to strengthening the bond between the people we serve and those of us privileged to be elected to public office.

I urge my colleagues to support the modest proposal for a well balanced Office of Public Integrity.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Collins amendment.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. COLLINS. I also ask for the yeas and nays on the Wyden-Grassley amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the Wyden amendment.

The question is on agreeing to amendment No. 3176 to amendment No. 2944.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent on official business.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

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

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—30

Baucus	Feingold	Menendez
Bayh	Grassley	Nelson (FL)
Biden	Kennedy	Obama
Bingaman	Kerry	Reed
Burns	Kohl	Sarbanes
Cantwell	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Chafee	Levin	Talent
Collins	Lieberman	Vitter
Durbin	McCain	Wyden

NAYS—67

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Ensign	Murray
Bennett	Enzi	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Frist	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burr	Harkin	Santorum
Chambliss	Hatch	Schumer
Clinton	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Isakson	Specter
Conrad	Jeffords	Stevens
Cornyn	Johnson	Sununu
Craig	Kyl	Thomas
Crapo	Leahy	Thune
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	
Dodd	Martinez	

NOT VOTING—3

Byrd	Graham	Rockefeller

The amendment (No. 3176) was rejected.

VOTE ON AMENDMENT NO. 2944

The PRESIDING OFFICER. The question is now on agreeing to the Wyden amendment No. 2944. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in the family.

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

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—84

Akaka	Bennett	Brownback
Alexander	Biden	Burns
Allen	Bingaman	Cantwell
Baucus	Bond	Carper
Bayh	Boxer	Chafee
Chambliss	Hutchison	Nelson (FL)
Clinton	Inhofe	Nelson (NE)
Cochran	Inouye	Obama
Coleman	Isakson	Pryor
Collins	Jeffords	Reed
Conrad	Johnson	Reid
Cornyn	Kennedy	Roberts
Craig	Kerry	Salazar
Crapo	Kohl	Santorum
Dayton	Landrieu	Sarbanes
DeWine	Lautenberg	Schumer
Dodd	Leahy	Shelby
Dole	Levin	Smith
Domenici	Lieberman	Snowe
Dorgan	Lincoln	Specter
Durbin	Lott	Stabenow
Enzi	Lugar	Stevens
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Grassley	Menendez	Vitter
Hagel	Mikulski	Voinovich
Harkin	Murkowski	Warner
Hatch	Murray	Wyden

NAYS—13

Allard	Ensign	Sessions
Bunning	Frist	Sununu
Burr	Gregg	Thune
Coburn	Kyl	
DeMint	McConnell	

NOT VOTING—3

Byrd	Graham	Rockefeller

The amendment (No. 2944) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. FRIST. Mr. President, we have made progress today on a very important bill, a bill that we brought to the floor now several weeks ago. It is an important bill that reflects upon this institution in terms of respect, in terms of integrity, and a bill on which we have made huge progress. Yet it is a bill about which it has come time, I think, really, now, to establish a glidepath to continue debate, allow germane amendments but recognize we want to keep those amendments on the bill itself.

I had hoped we would have been able to reach an agreement to sequence a large number of amendments, but the amendments keep coming. And after talking to both sides of the aisle, I understand that we are not going to be able to get time agreements on those amendments. Therefore, my only option at this juncture is to bring this bill to a close with a cloture unanimous consent request.

Therefore, I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider be agreed to, and the Senate now proceed to a vote on invoking cloture on the underlying bill.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the legislation now before this body is imperfect, but it is sure good. I said before, and I say again, the work done by the Rules Committee and the Homeland Security and Governmental Affairs Committee is exemplary. It was bipartisan. They

brought pieces of legislation to the floor. It was melded into one, and this is what is now before this body.

We have had amendments offered. Some have passed; some have not. As the majority leader has indicated, we tried to get the list of amendments agreed to. This would go on for weeks. We have immigration. I want to get to immigration. I want to come out of here with a good lobbying reform bill.

As I said, this bill is not perfect, but it contains important reforms to strengthen both lobbying disclosure requirements and our own internal efforts in some very significant ways. No one needs to hang their head in shame about what we have done. It extends and strengthens a cooling off period for Members and staff, ends gifts and meals for lobbyists, requires preapproval and more disclosure for all trips, requires disclosure of job negotiations, prohibits the K-Street Project under Senate rules, eliminates floor privileges for former Members who become lobbyists, requires more disclosure by lobbyists—and that is an understatement—requires new disclosure of grassroots lobbying and stealth coalitions by business groups, reforms rules regarding earmarks, scope of conference and availability of conference reports to eliminate dead-of-night legislating.

This is a good piece of legislation. I would like a lot more, but I don't believe the perfect should get in the way of the good. This is good.

I urge my colleagues to vote for cloture so we can complete action on this bill quickly.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. McCAIN. Reserving the right to object.

Mr. FRIST. Mr. President, I understand there was no objection.

Mr. McCAIN. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, if we vote cloture, there will be several important amendments that will fall, including use of corporate jets, including earmarking, which is the reason we have the abuses that we have today. I will not support cloture, and I will tell my colleagues if we do have cloture, we will revisit those issues.

There is no reason any Member of this body should pay only first-class airfare for riding a corporate jet. Earmarking is out of control, and it has become a problem with all Americans, and we need to address at least those two issues.

I hope my colleagues understand if we do invoke cloture, we will be revisiting those issues one way or another. I am disappointed that we could not address those very important aspects.

I will not object to the unanimous consent request.

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

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, and Christopher Bond.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

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

The yeas and nays resulted—yeas 81, nays 16, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—81

Akaka	DeWine	Lugar
Alexander	Dodd	Martinez
Allard	Dole	McConnell
Allen	Domenici	Menendez
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Enzi	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Shelby
Chambliss	Isakson	Smith
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Voinovich
Crapo	Lincoln	Warner
DeMint	Lott	Wyden

NAYS—16

Bunning	Kohl	Sessions
Coburn	Kyl	Snowe
Dayton	Lieberman	Sununu
Ensign	McCain	Vitter
Feingold	Obama	
Kerry	Santorum	

NOT VOTING—3

Byrd	Graham	Rockefeller

The PRESIDING OFFICER. Upon reconsideration, on this vote, the yeas are 81, the nays are 16. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the motion is agreed to.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to take a couple of moments here to pay tribute to Erma Ora Byrd, the beloved wife of our good friend and colleague, Senator ROBERT BYRD. I will be a very few minutes.

I thank Senator LOTT because I know he has business he wants to attend to, and he is very supportive of my making a statement.

(The remarks of Mrs. BOXER are printed in today's RECORD under ''Morning Business.'')

Mrs. BOXER. I yield the floor.

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

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

(The remarks of Mr. LOTT are printed in today's RECORD under ''Morning Business.'')

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

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

IMMIGRATION

Mr. REID. Mr. President, sometime tomorrow, hopefully, or the next day, we are going to move to immigration. There is widespread acknowledgment that our immigration system is badly broken. There is a crisis at our borders, and we need a comprehensive strategy to address it.

Just yesterday, the Senate Judiciary Committee reported a bill with strong bipartisan support which would do much that is necessary to restore order to our immigration system. The committee bill offers real solutions with tough, effective enforcement and smart reforms. The bill is not perfect, but it is certainly a good bill. This legislation would secure our borders, crack down on employers who hire illegally, and bring undocumented immigrants out of the shadows. I commend Chairman SPECTER, Ranking Member LEAHY, and Senator KENNEDY, who has worked on these issues for more than 30 years, and the rest of the committee for their hard work in completing this bill.

I have received assurances from the majority leader that it will be in order for Senator SPECTER to offer the committee-reported bill as the first amendment to Senator FRIST's border security bill. That amendment will be a complete substitute, so if it is adopted by the full Senate, it will completely supersede the Frist bill.

This is no different than we handle all other pieces of legislation. Based on those assurances, we have consented to vitiate the cloture vote—that happened earlier today—and allow the debate to move forward.

Under the process we have agreed upon, the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill.

I will have more to say about immigration policy in the coming days. For now, I want to express my satisfaction that the full Senate will be allowed to debate the comprehensive, bipartisan immigration bill that the Senate Judiciary Committee reported yesterday. I welcome that debate.

Mr. LEAHY, Mr. President, I filed an enforcement amendment to the bill on March 7 and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the ''Honest Services Amendment,'' No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Abramoff, Scanlon, and Cunningham that Congress took note of the scandal that has grown over the last years.

If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government. I explained this amendment back on March 9, and a copy of it is included in the CONGRESSIONAL RECORD of that day.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of Honest Services Fraud Involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors or holding hidden financial interests in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes $25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad-ranging impact. These scandals undermine the public's confidence in our Government. Earlier this month, the Washington Post reported that as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency, the Counterintelligence Field Activity, to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect, and deserve, to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal we will do so. I hope the Republican leadership and the managers of the bill will accord me the opportunity to offer the amendment and improve the underlying measure.

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

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the bill tomorrow morning, Senator FEINGOLD be recognized to offer his amendment No. 2962 relating to the definition of ''lobbyist'' for purposes of gifts; provided further that there be 40 minutes equally divided for debate prior to a vote in relation to the amendment, with no second-degree amendments in order to the amendment.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, all time until we resume the bill tomorrow count against the time limit under the provisions of rule XXII. I further ask unanimous consent that all first-degree amendments that qualify under rule XXII be offered no later than 11 a.m. on Wednesday, other than a managers' amendment to be cleared by the managers and the two leaders.

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HOLDS ON INTELLIGENCE AUTHORIZATION

Mr. KERRY. Mr. President, earlier today, my colleague from Alabama, Senator SESSIONS, alleged that I have a ''hold'' on the Intelligence Authorization Act. Nothing could be further from the truth.

I know that in the heat of debate on the Senate floor, words can sometimes come out faster than a Member might intend, so I harbor no ill will toward my colleague. But in the interest of accuracy, I wish to set the record straight.

Last autumn, many of us were shocked to read allegations in the press of secret clandestine prisons operated around the world by the CIA as part of the war on terror. Congress has a responsibility to perform oversight in all things, including the intelligence community's conduct in the war on terror. In discussing this amendment last fall, I said, and I repeat today, no one is passing judgment on whether these alleged facilities should be closed. We are simply saying that Congress—and specifically the duly established intelligence committees of the House and Senate—need to know what is going on.

On November 10, 2005, I offered an amendment to the National Defense Authorization Act requiring the Director of National Intelligence to provide a secret report to the Intelligence Committees of the House and Senate on the operation, past or present, of these alleged facilities. It would also have required a report on the planned disposition of those allegedly held at these facilities and a determination as to whether interrogation techniques at these facilities were consistent with U.S. obligations under the Geneva Convention and the Convention against Torture.

In debating this amendment, I was delighted to work with my colleague, Senator ROBERTS, the chairman of the Senate Select Committee on Intelligence, and his vice chairman, Senator ROCKEFELLER, to perfect the text of the amendment so they could support it. It passed with overwhelming bipartisan support by a vote of 82 to 9.

About 1 month later, the House of Representative voted 228 to 187 to urge

House-Senate negotiators to include the amendment in their conference report. The House Armed Services Committee, however, was concerned that the amendment was beyond the scope of their jurisdiction and the provision was stripped out in conference.

I turned then to the Intelligence Authorization Act and again worked with Senator ROBERTS and Senator ROCKEFELLER to prepare the amendment anew for inclusion in that legislation. The amendment was identical to the provision passed previously in the Senate and endorsed by the House and was cleared by Senator ROBERTS for passage by unanimous consent. But someone objected to the unanimous consent request to pass this vital bill by voice vote. Since that time, the legislation has lingered because someone doesn't want a vote on this amendment or the amendments offered by my colleague from Massachusetts, Senator KENNEDY.

I know my friend from Alabama voted against my amendment when it was on the floor in November. I am sure he would vote against it again. We can agree to disagree on this issue, but his assertion that I have placed a hold on the intelligence bill is simply not true.

Mr. KENNEDY. Mr. President, earlier today, the Senator from Alabama, Senator SESSIONS said that Senator KERRY and I objected to Senate consideration of the intelligence authorization bill because we wish to offer amendments.

In fact, neither Senator KERRY nor I have objected to this bill and no other Democrat has objected to considering it. The bill is cleared on the Democratic side. That means an unidentified Republican Senator or Senators have placed a hold on the bill and are preventing the Senate from considering it.

I do have two amendments to the bill. My first amendment would require the administration provide to the Intelligence Committee with the presidential daily briefs on Iraq from 1997 to the first day of the Iraq war as part of the committee's investigation on the use of prewar intelligence. I would certainly be willing to support a time agreement allowing reasonable debate and a vote on the amendment.

My second amendment would guarantee that detainees held by the intelligence community would be treated humanely, and that treatment would be verified independently.

Apparently, to prevent debate on this very important issue, a Republican Senator is willing to let the whole intelligence bill fail. That's an outrage.

It's important for the Senate to approve the intelligence authorization bill, and it's important for the Senate to get to the bottom of the abuse of intelligence the administration used to justify war.

GREEK INDEPENDENCE DAY

Mr. MENENDEZ. Mr. President, I am honored to address the Senate in celebration of the 185th anniversary of Greek independence. On March 25, 1821, the Greeks revolted against nearly 400 years of repressive rule by the Ottoman Empire and began their journey toward independence.

And in honor of that historic day, the United States and Greece stand together in our commitment to the principles of democracy, freedom, and independence.

In honor of that day, we celebrate the achievements and contributions of the Greek state and her people. We honor Greece's accomplishments in history, science, philosophy, mathematics, literature, and art.

In honor of that day, we recognize and celebrate our own democratic heritage in this Nation. The Greeks believed in self-governance, and our Founding Fathers incorporated the ancient Greeks' political experience and philosophy when they formed our representative democracy. Greek ideas of government and freedom have had an immense and unparalleled influence in the world and in this Nation. And I would like to thank the Greek people for leading the way and giving us the inspiration to pursue these ideals.

In honor of that day, we celebrate the contributions of the more than 1 million Greek-Americans in this country. In New Jersey alone, there are over 61,000 Greek-Americans who contribute daily to the economic, political, and cultural fabric of this Nation.

Over the years, not only has Greece supported the United States in every major international conflict in the last century, but it has stood by this country after the September 11 terrorist attacks. And Greece generously supported us with aid after the devastating effects of Hurricane Katrina here on our soil.

And we should stand with Greece and protect the human and religious rights of the Ecumenical Patriarch. This is an issue that not only affects the Greek community but is important to all communities. We must protect the rights of the Ecumenical Patriarchate as Turkey has: refused to recognize the Ecumenical Patriarchate's international status and its significance to Orthodox Christians around the world, impeded training for the clergy while requiring that all candidates for the Holy Synod be Turkish nationals; confiscated 75 percent of the Ecumenical Patriarchal properties, and levied a 42 percent retroactive tax on the Balukli Hospital which is run by the Ecumenical Patriarchate.

Last year, as Member of the House, I authored a resolution calling on Turkey to eliminate all forms of discrimination and to respect the human and religious rights of the Ecumenical Patriarchate. And that language sent a strong message to Turkey when it was included in the State Department authorization bill which passed the House last year.

Now, as a U.S. Senator, I will remain firm in my position and will continue to work hard to make sure Turkey ends its discrimination and persecution against the Ecumenical Patriarchate.

As Aeschines, one of ancient Greece's more gifted orators once said, ''In a democracy, it is the laws that guard the person of the citizen and the constitution of the state, whereas the despot and the oligarch find their protection in suspicion and in armed guards.''

From the history of democracy to the religious freedom and human rights of the Ecumenical patriarchate, we in this Nation share this common vision with Greece and her people.

And the United States of America stands proudly with Greece in honor of our shared commitment to democracy, freedom, and independence.

NOMINATION OF WILLIAM MYERS TO 9TH CIRCUIT COURT OF APPEALS

Mr. CRAPO. Mr. President, I rise today to note that it has now been more than one full year that the nomination of William Myers to the 9th Circuit Court of Appeals has been pending on the Senate Calendar. On March 17, 2005, the Judiciary Committee approved the Myers nomination by a vote of 10–8. Unfortunately, this was not the first time Mr. Myers has been approved by the Judiciary Committee. We are also approaching the two-year anniversary when Bill Myers was approved by the Judiciary Committee in the 108th Congress on April 1, 2004.

Last year, with the so-called ''Gang of 14'' agreement, many pending nominees finally received their long-overdue up or down votes on the Senate floor. Unfortunately, Bill Myers was not one of those nominees, despite the fact that he has the support of a bipartisan majority of this Senate. On July 20, 2004, Bill Myers received 53 votes to end the filibuster on his nomination. The time has come to give Bill Myers his long-overdue up or down vote on the Senate floor. His nomination has been pending on the Senate calendar for a full year now and I urge the Senate leadership to bring this nomination up for a vote.

Bill Myers is a highly respected attorney who was approved unanimously by this Senate in 2001 to serve as Solicitor of the Department of Interior. Former Democratic Governor of Idaho Cecil Andrus, who also served as Interior Secretary in the Carter administration, says that Bill Myers possesses ''the necessary personal integrity, judicial temperament and legal experience'' as well as ''the ability to act fairly on matters of law that will come before him on the court.'' As a nominee to fill an Idaho seat on the 9th Circuit, Bill Myers has the full support of the entire Idaho congressional delegation.

Bill Myers is a qualified nominee and there is no justification for continuing to filibuster or delay his nomination. My fellow Idahoans and all residents in the 9th Circuit deserve to have their appeals heard in a timely manner. To do this, we must fill all vacancies on

the court in a timely manner. I join with my colleague from Idaho, Senator CRAIG, in urging this Senate to hold an up or down vote on the nomination of William Myers to the 9th Circuit Court of Appeals.

Mr. CRAIG. Mr. President, just before we recessed 2 weeks ago, many celebrated the Irish national holiday commemorating the Patron Saint Patrick. That day also marked an important anniversary for another man: William G. Myers. Mr. Myers' nomination was confirmed by the Senate Judiciary committee exactly one year ago on that day, and he has since been waiting for confirmation by the Senate.

My colleagues know that this is the second time Mr. Myers will be considered by the Senate for a seat on the 9th Circuit Court of Appeals. It is important to note that in the previous Congress a majority of the Senate voted to confirm him. Due to the circumstances of that time, however, his confirmation required a supermajority. I am confident that the current Congress will see the fine qualities of Mr. Myers, and he will receive a full bipartisan vote for confirmation.

Mr. Myers will be an advocate of truth and justice. He was confirmed in the past as Solicitor for the Department of the Interior and is a very talented and capable candidate. His tremendous background demonstrates that he will provide clear and precise judgment and leadership to the Western States in the Ninth Circuit. Mr. Myers has proven throughout his professional career that he understands the culture and heritage of the Western States and the issues critical to that region. His professional history demonstrates that he will show responsibility and intellect in every decision that he makes as a judge.

I strongly support William Myers' nomination to the Ninth Circuit Court. He deserves our fair consideration for this position, and it is my hope that he will be given an up-or-down vote in the Senate. The President has correctly selected this highly qualified nominee, and I ask that the Senate move quickly to confirm him.

TRIBUTE TO SENATOR BEALL

Ms. MIKULSKI. Mr. President, I rise today to pay my respects to a true Marylander who passed away last week, Senator J. Glenn Beall, Jr. He will be remembered for devoting his life to public service as a naval officer, a State delegate, a Member of the U.S. House of Representatives, and a U.S. Senator.

Senator Beall was born in Cumberland, MD, to a prominent and extraordinary Maryland family who shared his dedication to improving the lives of all Marylanders. His father, J. Glenn Beall, was a moderate Republican Congressman who served in the U.S. House of Representatives for a decade and the U.S. Senate for 12 years. Senator Beall Jr. grew up following his father's campaigns in Western Maryland and went on to follow in his footsteps.

Senator Beall's long and distinguished career in both the public and private sector has set a high bar for those of us who follow in his footsteps. His example reminds us to eschew capricious fame and the ever-changing political winds and to focus on the substantive issues of the day.

As a freshman Senator in 1986, I sought and received Senator Beall's advice and counsel on how to best serve the people of Maryland, and most particularly, the residents of western Maryland. His advice was specific, immediate, and realizable. It added greatly to my own efforts to succeed. I will miss his counsel and the true collegial spirit that governed our interaction.

Senator Beall had a lot of Senate know-how. His political priorities focused on health, preservation, and transportation. He was known for going across party lines in an effort to work on a bipartisan basis. It was a pleasure to work with him.

Most recently, Senator Beall was the founding chairman of the Canal Place Preservation & Development Authority, which was the direct result of his tireless efforts to establish the Chesapeake and Ohio Canal National Historical Park in the early 1970s. Together, I worked with Senator Beall to create economic development opportunities throughout western Maryland. His constituents throughout the State, and especially in the region, are indebted to him for the creative manner in which he led the preservation, rehabilitation, development, and management of the Canal Place Preservation District.

Throughout his life and long-lived political career, Senator Beall strived to serve the needs of Marylanders in the State legislature, in the U.S. Congress, and at the Canal Place Preservation & Development Authority. I join my constituents in mourning the loss of a remarkable gentleman who had Maryland in his heart, and bid farewell to an old friend.

GRATITUDE FOR INTEGRITY, EXPERTISE AND PROFESSIONALISM

Mr. CRAPO. Mr. President, at the end of March, I will be losing a valuable member of my legislative team as she returns to her host agency, the Federal Deposit Insurance Corporation. Since early 2005, Larisa Collado has served as a legislative fellow in my Washington, DC, office. Her extensive expertise on technical financial intricacies, coupled with her diligence, enthusiasm and professionalism has made her an invaluable, albeit temporary, member of my staff.

As chairman of the Senate Banking Subcommittee on International Trade and Finance and the designated Senate lead for regulatory relief matters, I am actively engaged in a wide portfolio of financial issues. During her service, Larisa has been critical to advancing my legislative agenda by meeting with stakeholders and analyzing and recommending legislative initiatives. She has effectively utilized her firsthand experiences as a regulator when working on a number of controversial issues. Without her able assistance, my efforts to promote financial services regulatory restructuring would have been seriously undermined. Larisa has demonstrated time and again the willingness to revisit detailed regulatory provisions without losing patience or drive. When others would have turned to other projects, she stayed committed to this long-overdue but sorely overlooked facet of the financial services sector.

Larisa has also demonstrated keen perceptivity and integrity with regard to the proper balance of personal privacy protection and legitimate law enforcement—a necessary component of congressional oversight and reform of our Nation's financial markets. Idahoans and Americans across the country are becoming increasingly aware of the vulnerability of their personal financial information. I looked to her for guidance and analysis of the proper ways to ensure that financial information remains private. At the same time, Larisa has also been a key component of my efforts to work with Idaho Hispanics to educate those who need help with financial literacy and understanding the benefits of the financial services community.

Larisa has proven herself a highly effective professional and I have no doubt she will continue to excel at the FDIC in a career already marked by superior performance and achievement. I thank her for her commitment to public service and to Idaho these past months, and wish her well.

ADDITIONAL STATEMENTS

A FRIEND TO IDAHO WHEAT

• Mr. CRAPO. Mr. President, the National Association of Wheat Growers announced their annual awards in February, and I am proud to report that a member of my staff was one of only five Senate staff members recognized for ''superior action in support of the goals and policies of the wheat industry.''

Staci Lancaster serves as my senior policy advisor with responsibilities in agriculture, forestry, trade and immigration issues, and as my staff director of the Senate Agriculture, Nutrition and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization. Staci provides me with meticulous and well-researched information, not only on the wheat industry, but in all legislative areas for which she bears responsibility.

I have great respect for her intelligence and analytical abilities and trust her guidance and direction on these issues which are so critical to Idaho. She is a tremendous asset to me and my staff and I congratulate her on this esteemed award.•

TRIBUTE TO THE MIDDLEBURY PANTHERS WOMEN'S ICE HOCKEY TEAM

• Mr. JEFFORDS. Mr. President, I am pleased today to recognize the Middlebury College women's ice hockey team for its recent NCAA Division III National Championship—the school's third in as many years and its fifth national title in the last 7 years.

In defeating Plattsburgh State by a score of 3 to 1 on March 18, the Panthers finished their season 27 to 2, tying the school record for victories. The Panthers had four players named to the all-tournament team including Emily Quizon, the American Hockey Coaches Association's National Player of the Year.

I am proud this hockey dynasty is being built in the Green Mountain State. I am particularly pleased that the student athletes who have created this dynasty are doing so while studying at a top-notch academic institution. The demanding academics at Middlebury make the accomplishments of these great student athletes that much more impressive.

Since Bill Mandigo took over as the head coach of the Panthers in 1988, the women's team has posted a record of 329–86–11. That gives Coach Mandigo the most wins by a women's hockey coach at any level. Although the team will graduate five seniors this May, Middlebury will return seven of its top eight scorers from this season, and I am sure that Coach Mandigo's program will continue to develop successful students and athletes.

I congratulate each member of the team: head coach Bill Mandigo, assistant coach Jean Butler, Abby Kurtz-Phelan, Shannon Tarrant, Emily McNamara, Rose Babst, Kerry Kiley, Liz Yale-Loehr, Molly Vitt, Karen Levin, Gillian Paul, Shannon Sylvester, Emily Quizon, Annmarie Cellino, Randi Dumont, Erika Nakamura, Gloria Velez, Alison Graddock, Margaret MacDonald, Lacey Farrell, Ellen Sargent, Tania Kenny, Abby Smith, Nina Daugherty, and Kate Kogut.

Again, congratulations to the Middlebury College Panthers for their third straight national championship.•

TRIBUTE TO THE MIDDLEBURY PANTHERS MEN'S ICE HOCKEY TEAM

• Mr. JEFFORDS. Mr. President, I rise today to congratulate the Middlebury College men's ice hockey team on winning its third straight NCAA Division III National Championship with a victory over St. Norbert College on March 19.

After eight national titles in the last 12 years, there is little new that can be said about Middlebury hockey. The eight national championships, including this recent three-peat, speak for themselves. Under the leadership of Coach Bill Beaney, the Panthers have achieved an unprecedented level of success, making them the envy of college hockey programs everywhere.

Last week, in reaction to the Panthers' hat trick of national titles, the Burlington Free Press called Middlebury hockey players ''talented, determined, motivated student-athletes . . .'' Although this description goes without saying, it reminds us that this great hockey team is comprised of students that must balance their athletic and academic responsibilities. At a college as academically renowned and demanding as Middlebury, balancing these responsibilities is no easy task, and these great student athletes must be commended for their efforts both on and off the ice. As a U.S. Senator from Vermont, I am proud to have such a great academic institution in our State, and I am also proud of the incredible hockey program Middlebury has developed.

I congratulate each member of the team: head coach Bill Beaney, assistant coach Chris LaPerle, assistant coach Frank Sacheli, student assistant Ryan Cahill, manager Ryan McQuillan, Ross Cherry, Tom Maldonado, Jed McDonald, Samuel Driver, Jack Kinder, Ryan Harrington, Mickey Gilchrist, Darwin Hunt, Jamie McKenna, Eric LaFreniere, Justin Gaines, Evgeny Saidachev, Robert MacIntyre, Mack Cummins, Jeff Smith, Brett Shirreffs, John Sales, Doug Raeder, Kyle Koziara, Ian Drummond, Richie Fuld, Yen-I Chen, Jocko DeCarolis, Leonard Badeau, Mason Graddock, and Scott Bartlett.

Again, congratulations, Panthers, on another national title and another fantastic season.•

RECOGNITION OF ARTHUR WINSTON

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the amazing life accomplishments of Arthur Winston as he is honored by the Los Angeles County Metropolitan Transportation Authority—MTA—family during his retirement and 100th birthday celebration.

Arthur Winston began his association with the MTA at the young age of 15. He would assist his father who was employed by the maintenance department for one of MTA's predecessors, the Pacific Electric Railway Company. In 1924, Arthur began his career with the Pacific Electric Railway Company. After a brief period of separation between 1928 through 1934, he returned at the age of 28 and began 72 years of continuous work. In total, Arthur has devoted 76 years of his life to public service and has missed only day of work since 1934, which occurred when his wife passed away in 1988.

In 1996, Arthur Winston received a congressional citation from President Bill Clinton as ''Employee of the Century.'' In 1997, the MTA board of directors named the agency's bus operating division in South Central Los Angeles, Chesterfield Square, after him. He has also appeared on the Oprah Winfry television show where he was invited to share his life's story with her television viewing audience.

Arthur Winston was born in Oklahoma on March 22, 1906 before Oklahoma was officially recognized as a State. He and his family moved to Los Angeles in 1918, when Arthur was 12. He attended Jefferson High School and graduated in 1922. Currently assigned to the bus operations division that bears his name, Arthur serves as an attendant leader and directs a crew of 11 employees. Through their efforts, Los Angeles city buses are properly maintained for use by the city's residents.

I invite all of my colleagues to join me and the members of the Metropolitan Transportation Authority family in commending Arthur Winston for his 100th Birthday and his 76 years of service and dedication to MTA and the city of Los Angeles.•

TRIBUTE TO JOSEPH WHITEHEAD

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to Joseph Whitehead, an officer with the Bibb County Drug Squad in Macon, GA who was tragically killed in the line of duty on the early morning of Thursday, March 23, 2006.

An 11-year veteran of the Bibb County Sheriff's Department, Joseph Whitehead was known as an exemplary law enforcement officer who was dedicated to making our neighborhoods safer by fighting drugs in Middle Georgia. His steadfast commitment to fighting gangs and drugs that plague our communities is commendable and will be a lasting legacy for his family, his fellow law enforcement officers, and the citizens of Middle Georgia.

Joseph Whitehead's tragic death is a sad reminder that our law enforcement personnel put themselves in harm's way every day to make this Nation safer and more secure for our children and grandchildren.

Joseph Whitehead will be remembered as a man who loved his family, a true leader, a team player who loved his job, and a man who gave it his all every single day. He is a true American hero.

Georgia's law enforcement community and our entire State grieve his tragic loss. May God bless him, and may God bless his family.•

TRIBUTE TO SERGEANT MAJOR ALFORD L. MCMICHAEL

• Mr. WARNER. Mr. President, I rise today to recognize and honor SGM Alford L. McMichael, U.S. Marine Corps. He retires after 36 years of dedicated service to his country and the U.S. Marine Corps.

The consummate Marine, he typifies every desirable characteristic of a staff Non-Commissioned Officer, NCO—unsurpassed leadership, mentorship, guidance, courage, and dedication. Sergeant Major McMichael has served his

country in tours throughout the world. He has provided leadership to generations of marines through tours of duty as sergeant major of the Marine Corps Officer Candidates School, 31st Marine Expeditionary Unit, the 1st Marine Aircraft Wing, Headquarters U.S. Marine Corps Manpower and Reserve Affairs Division, and the 14th sergeant major of the Marine Corps.

His career culminated in his appointment as the first senior noncommissioned officer for Allied Command Operations to Supreme Headquarters Allied Powers Europe, the strategic NATO headquarters in Mons, Belgium. In that capacity, Sergeant Major McMichael has been instrumental in developing and elevating the role of the noncommissioned officer in the militaries of NATO member countries in order to enhance their military effectiveness.

With limited resources and with purpose of conviction, Sergeant Major McMichael has been responsible for the Armed Forces of predominantly former Soviet-block nations to adopt professional noncommissioned officer and staff noncommissioned officer programs. This momentous feat, accomplished virtually singlehandedly, is a landmark in the Alliance's 21st Century transformation. The United States and the NATO Alliance have been most fortunate to have had Sergeant Major McMichael within their ranks for over three decades.

The Department of the Navy, the U.S. Marine Corps, Congress, and the American people have been served extraordinarily well by this dedicated American. Members of this Congress will not soon forget the leadership, service, and dedication of Sergeant Major McMichael. He will be missed, yet his contributions will resonate far and deeply into the institutions to which he so well and faithfully devoted his life. From a grateful nation, we bestow our profound appreciation to Sergeant Major McMichael, his lovely wife Rita, and their daughter Portia, and offer our very best as they end an important chapter in their lives and embark upon a new journey. May they forever be counted in our blessings.●

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6098. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the State Implementation Plan'' (FRL8045–4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6099. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Arkansas Update to Materials Incorporated by Reference'' (FRL8022–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6100. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Architectural and Industrial Maintenance (AIM) Coatings Regulations'' (FRL8038–1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6101. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule'' (FRL8045–5) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6102. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection; Withdrawal of Direct Final Rule'' (FRL8044–4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6103. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Testing of Certain High Production Volume Chemicals'' (FRL7335–2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6104. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for Pennsylvania'' (FRL8011–3) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6105. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration'' (FRL8047–9) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6106. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Resource Conservation and Recovery Act Burden Reduction Initiative'' (FRL8047–3) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6107. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana'' (FRL8040–6) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6108. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Nevada State Implementation Plan, Washoe County District Board of Health'' (FRL8040–8) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6109. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request'' (FRL8041–9) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6110. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request'' (FRL8041–6) received on March 16, 2006; to the Committee on Environment and Public Works.

EC–6111. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation which authorizes appropriations for fiscal year 2007; to the Committee on Environment and Public Works.

EC–6112. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus lentiginosus var coachellae (Coachella Valley milk-vetch)'' (RIN1018–AT74) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6113. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants; Final Rule; Administrative Revisions'' (RIN1018–AU06) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6114. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determinations of Endangered Status for the Salt Creek Tiger Beetle (Cicindela nevadica lincolniana)'' (RIN1018–AJ13) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6115. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Navarretia fossalis (spreading navarretia)'' (RIN1018–AT86) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6116. A communication from the Chief, Division of Scientific Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Tibetan Antelope as Endangered Throughout Its Range'' (RIN1018–AF49) received on March 27, 2006; to the Committee on Environment and Public Works.

EC–6117. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL7768–3) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6118. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inert Ingredients; Revocation of 29 Pesticide Tolerance Exemption for 27 Chemicals'' (FRL7760–6) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6119. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerance'' (FRL7766–8) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6120. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modified cry3A Protein and the Generic Material for its Production in Corn; Extension of a Temporary Exemption from the Requirement of a Tolerance'' (FRL7766–6) received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6121. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Avocados Grown in South Florida; Florida Avocado Maturity Requirements; Correction'' (FV06–915–1 C) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6122. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Potato Research and Promotion Plan'' (FV–05–702 IFR) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6123. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Update and Clarify a Shell Egg Grading Definition'' (PY–05–003) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6124. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rule'' (FV06–932–1 IFR) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6125. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Doc. No. 05–027–2) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6126. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Criteria for Releasing Fields from Regulation'' (Doc. No. 04–134–2) received on March 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6127. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''Forest Service Tribal Relations Enhancement Act of 2006''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6128. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the International Terrorism Victim Expense Reimbursement Program Report for 2005; to the Committee on the Judiciary.

EC–6129. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Anti-Money Laundering Programs; Special Due Diligence Programs for Certain Foreign Accounts'' (RIN1506–AA29) received on March 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6130. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Certain Archaeological and Ethnological Materials from Columbia'' (RIN1505–AB59) received on March 16, 2006; to the Committee on Finance.

EC–6131. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (OK–030–FOR) received on March 27, 2006; to the Committee on Energy and Natural Resources.

EC–6132. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Application Procedures'' (RIN1004–AB85) received on March 27, 2006; to the Committee on Energy and Natural Resources.

EC–6133. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Anthony R. Jones, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6134. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of General Charles F. Wald, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6135. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 022106B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6136. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2005; to the Committee on Foreign Relations.

EC–6137. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending June 30, 2005; to the Committee on Foreign Relations.

EC–6138. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom (UK Chinook Through Life Customer Support Program); to the Committee on Foreign Relations.

EC–6139. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the International Traffic in Arms Regulations: Office Names, Corrected Cross-Referencing, Reference to Wassenaar Arrangement, and other Corrections/Administrative Changes'' (22 CFR Parts 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, and 130) received on March 27, 2006; to the Committee on Foreign Relations.

EC–6140. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–57—06–66); to the Committee on Foreign Relations.

EC–6141. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of rules entitled ''Security Zones (including 11 regulations), Drawbridge (including 1 regulation), Special Local Regulations (including 6 regulations), and Safety Zone (including 69 regulations)'' (RIN1625–AA87, 1625–AA09, 1625–AA08, 1625–AA00) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6142. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; San Carlos Bay, FL'' (RIN1625–AA11) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6143. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 3 regulations): [CGD01–006–007], [CGD13–06–011], [COPT St. Petersburg 06–034]'' (RIN1625–AA00) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6144. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, California'' (RIN1625–AA87) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6145. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Regulations; Long Beach, CA'' (RIN1625–AA01) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6146. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations): [CGD01–06–013], [CGD01–06–020], [CGD05–05–079]'' (RIN1625–AA09) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6147. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 2 regulations): [CGD01–06–006], [CGD07–05–063]'' (RIN1625–AA09) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6148. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 2 regulations): [COPT San Francisco Bay 06–008], [COPT San Francisco 06–009]'' (RIN1625–AA87) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6149. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Chesapeake Bay'' (RIN1625–AA08) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6150. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; St. Petersburg Grand Prix Air Show; St. Petersburg, FL'' (RIN1625–AA08) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6151. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Herring Fishery; 2006 Specifications'' (RIN0648–AT21) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6152. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2006 Specifications for the Atlantic Bluefish Fishery'' (RIN0648–AT20) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6153. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 022406A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6154. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 021506A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6155. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska'' (I.D. No. 021606E) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6156. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 022206C) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6157. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 022206A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6158. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska'' (I.D. No. 021606F) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. MENENDEZ):

S. 2461. A bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 2462. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2463. A bill to designate as wilderness certain National Forest System land in the State of New Hampshire; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. DURBIN):

S. 2465. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2466. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEMINT, Ms. STABENOW, Mr. LUGAR, Mr. LEVIN, Mr. SANTORUM, Mr. CRAIG, Mr. CHAFEE, Mr. CRAPO, and Mrs. DOLE):

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 407. A resolution recognizing the African American Spiritual as a national treasure; to the Committee on the Judiciary.

By Mr. HAGEL (for himself and Mrs. CLINTON):

S. Res. 408. A resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. DEWINE):

S. Res. 409. A resolution supporting democracy, development, and stabilization in Haiti; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. SARBANES, Mr. COCHRAN, Mr. LAUTENBERG, Mr. KOHL, Ms. STABENOW, Mr. TALENT, Mr. JOHNSON, Mr. CRAPO, Mr. DODD, Mr. MARTINEZ, Mrs. LINCOLN, Mr. DURBIN, Mr. INOUYE, Mr. DEMINT, and Mr. BAUCUS):

S. Res. 410. A resolution designating April 2006 as ''Financial Literacy Month''; considered and agreed to.

By Mr. HARKIN (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. ENZI, Mr. DEWINE, Mr. ISAKSON, and Mrs. MURRAY):

S. Res. 411. A resolution recognizing a milestone in the history of Gallaudet University; considered and agreed to.

By Mr. KYL (for himself, Mr. BAUCUS, and Mr. LOTT):

S. Con. Res. 84. A concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are

not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 277

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 277, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 440

At the request of Mr. BUNNING, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 503

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 718

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 882

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 882, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1112, supra.

S. 1263

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1741

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 2083

At the request of Mrs. CLINTON, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2296

At the request of Mr. INOUYE, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2296, a bill 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, and for other purposes.

S. 2314

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2314, a bill to suspend the application of any provision of Federal law under which persons are relieved from the requirement to pay royalties for production of oil or natural gas from Federal lands in periods of high oil and natural gas prices, to require the Secretary to seek to renegotiate existing oil and natural gas leases to similarly limit suspension of royalty obligations under such leases, and for other purposes.

S. 2322

At the request of Mr. ENZI, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2385

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2437

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2437, a bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. RES. 371

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as ''National Day of the American Cowboy''.

AMENDMENT NO. 2944

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 2944 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2944 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. MENENDEZ):

S. 2461. A bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey, and that specifically exclude cities in Armenia; to the Committee on Foreign Relations.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation to block U.S. support for yet another anti-Armenian initiative.

In numerous cases over the last few years, the Turkish government has methodically sought to isolate Armenia economically, politically and socially. One of the most egregious examples was the imposition of a 1993 blockade against Armenia in support of Azerbaijan's war against Karabakh Armenians.

The Turkish government has routinely sought to exclude Armenia from projects that would benefit the economies of the countries of the South Caucasus. The latest example of this policy is the proposal to build a new rail line that would connect Turkey, Georgia and Azerbaijan. Similar to the Baku-Ceyhan pipeline, this rail link would specifically go around Armenia.

Now, geographically, we all know that a pipeline or rail line that seeks to connect Turkey, Georgia and Azerbaijan would have to pass through Armenia. One would have to make a special effort to bypass Armenia.

The U.S. should not endorse Turkey and Azerbaijan's politically motivated attempt to isolate Armenia.

I therefore rise today in opposition to this plan, and to introduce legislation, along with my colleague, Senator SANTORUM, that would bar U.S. support and funding for a rail link connecting Georgia and Turkey, and which specifically excludes Armenia. This project is estimated to cost up to $800 million and would take three years to complete. The aim of this costly approach, as publicly stated by Azeri President Aliyev, is to isolate Armenia by enhancing the ongoing Turkish and Azerbaijani blockades and to keep the existing Turkey-Armenia-Georgia rail link shut down. This ill-conceived project runs counter to U.S. policy, ignores the standing Kars-Gyumri rail route, is politically and economically flawed and serves to destabilize the region.

U.S. policy in the South Caucasus seeks to foster regional cooperation and economic integration and supports open borders and transport and communication corridors. U.S. support for this project would run counter to that policy which is why Senator SANTORUM and I are introducing this legislation today.

We cannot continue to stoke the embers of regional conflict by supporting projects that deliberately exclude one of the region's most important members. I urge my colleagues to support this bill.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 2462. A bill to permit startup partnership and S corporations to elect taxable years other than required years; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a bill that will offer small businesses greater flexibility in complying with their tax obligations. This legislation is one of a series of proposals that, once enacted, will reduce not only the amount of taxes that small businesses pay, but also will reduce the administrative burden that saddles small companies when trying to comply with the tax laws.

The proposal that I am introducing today will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Before I talk about the specifics of this particular provision, let me first explain why it is so critical that we begin evaluating how we can reduce the administrative burden of the tax code. As is well-known small businesses are the backbone of our Nation's economy. According to the Small Business Administration, small businesses represent 99 percent all employers, employ 51 percent of the private-sector workforce, and contribute 51 percent of the private sector output.

Yet, despite the fact that small businesses are the real job-creators for our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current tax code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and record-keeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs; an amount that is nearly 67 percent more than larger firms.

These statistics are disturbing for several reasons. First, the fact that small businesses are being required to spend so much money on compliance costs means they have fewer earnings to reinvest into their business. This, in turn, means that they have less money to spend on new equipment or on worker training, which unfortunately has an adverse effect on their overall production and the economy as a whole.

Second, the fact that small business owners are required to make such a sizeable investment of their time into completing paperwork means they have less time to spend on doing what they do best—namely running their business and creating jobs.

Let me be clear that I am in no way suggesting that small business owners are unique in having to pay income taxes, and I'm certainly not expecting them to receive a free pass. What I'm asking for, though, is a change to make the tax code fairer and simpler so that small companies can satisfy this obligation without having to expend the amount of resources that they do currently.

For that reason, the package of proposals that I have introduced will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the tax code. By simplifying the tax code, small

business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

Specifically, the proposal that I am introducing today will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The tax code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as along as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

Importantly, these changes will not reduce the amount of taxes a small business pays by even one dollar. The overall amount of taxes a qualifying small business pays will remain the same. This bill simply permits more taxpayers to use a taxable year other than the calendar year and makes tax compliance easier.

This bill is good policy and common sense. I look forward to working with the bill's cosponsor, Senator LINCOLN, in providing small businesses with more flexibility in meeting their tax obligations.

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. 2462

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 ''Small Business Tax Flexibility Act of 2006''.

SEC. 2. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to accounting periods) is amended by inserting after section 444 the following new section:

''SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

''(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

''(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

''(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

''(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

''(c) TERMINATION.—

''(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

''(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

''(B) the date on which the entity fails to qualify as an S corporation, or

''(C) the date on which the entity terminates.

''(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

''(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

''(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1)(A) results in a short taxable year—

''(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

''(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SMALL BUSINESS.—The term 'qualified small business' means an entity—

''(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

''(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

''(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

''(C) which is a start-up business.

''(2) START-UP BUSINESS.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

''(3) REQUIRED TAXABLE YEAR.—The term 'required taxable year' has the meaning given to such term by section 444(e).

''(e) TIERED STRUCTURES.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.''.

(b) CONFORMING AMENDMENT.—Section 444(a)(1) of such Code is amended by striking ''section,'' and inserting ''section and section 444A''.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 444 the following new item:

''Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2463. A bill to designate as wilderness certain National Forest System land in the State of New Hampshire; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SUNUNU. Mr. President, I rise today to introduce legislation with my friend, the senior Senator from New Hampshire, JUDD GREGG, which will designate approximately 34,500 acres of forest land in the State of New Hampshire as wilderness. Our bill, the New Hampshire Wilderness Act of 2006, will enact the recommended wilderness designations as set forth in the Forest Service Management Plan for the White Mountain National Forest.

Established under the Weeks Act of 1911, the White Mountain National Forest consists of nearly 800,000 acres—732,000 acres in the State of New Hampshire and 65,000 acres more in Maine. Over 6 million people visit the White Mountain National Forest annually, making it one of the most popular National Forests in the Nation.

In November of 2005, the Forest Service recommended the designation of additional acreage as wilderness in its management plan for the White Mountain National Forest. The bill that Senator GREGG and I are introducing today, the New Hampshire Wilderness Act of 2006, incorporates the recommendations of this management plan by designating some 23,700 acres in the area of the Wild River as wilderness, and adding another 10,800 acres to the existing Sandwich Range Wilderness. This land would remain as White Mountain National Forest land under the protection of the National Wilderness Preservation System. Similar legislation is to be introduced in the House of Representatives by our New Hampshire colleagues, Representative CHARLES BASS and Representative JEB BRADLEY.

With the passage of the Wilderness Act in 1964, Congress set out to permanently preserve areas of natural beauty for the public to enjoy; areas ''where the earth and its community of life are

untrammeled by man.'' New Hampshire was one of the original States in 1964 to have wilderness designated with the establishment of the Great Gulf Wilderness, and it reflects the view in our State that Granite Staters place a premium on safeguarding our natural heritage for future generations. In New Hampshire, we presently have four wilderness areas comprising more than 102,800 acres; and with the passage of this bill, we will expand one current wilderness area and create a fifth.

In New Hampshire, we have a tradition of multiple use for the consideration of our forest lands. In the White Mountain National Forest, it is generally understood that decisions affecting the forest are vetted thoroughly and that consensus is the guideline by which policies are implemented. Indeed, the development of the White Mountain National Forest Management Plan is one of the few times in the last 30 years that the final decision on how a particular National Forest will be managed over the next 15 years was not subject to an administrative appeal by concerned citizens.

As my colleagues know, wilderness areas consist of Federal lands that are permanently reserved from such activities as mining, logging, road construction, vehicular traffic, and building construction. By law, the establishment of new wilderness must be approved by Congress. That presents a unique responsibility on the part of lawmakers to reflect the views of community leaders, residents, visitors and other interested parties in designating wilderness. Given the consensus approach they undertook in their decision-making process for the White Mountain National Forest, we chose to pattern our legislation on the recommendations set forth by the Forest Service.

One need only experience the beauty of the White Mountain National Forest once to understand the need to preserve it for future generations. The Forest Service has done an admirable job in putting together a Forest Management Plan that all can support. I am pleased to introduce this measure with Senator GREGG, and I encourage my colleagues to give quick consideration to our legislation.

I ask unanimous consent that the full text of the New Hampshire Wilderness Act of 2006 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. 2463

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 Hampshire Wilderness Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term ''State'' means the State of New Hampshire.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled ''Proposed Wild River Wilderness—White Mountain National Forest'', dated February 6, 2006, which shall be known as the ''Wild River Wilderness''.

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled ''Proposed Sandwich Range Wilderness Additions—White Mountain National Forest'', dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98–323; 98 Stat. 259).

SEC. 4. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 3 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 5. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this section shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this Act, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 3 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

By Mr. MCCAIN (for himself and Mr. KYL):

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing legislation to revise the Fort McDowell Indian Community Water Rights Settlement Act of 1990 in order to bring the Settlement Act process to an orderly conclusion. The 1990 Act ratified a negotiated settlement of the Fort McDowell Yavapai Nation's water entitlement to flow from the Verde River. The Department of the Interior provided technical assistance in crafting this legislation. I am pleased to be joined by Senator KYL as an original cosponsor of this bill.

As part of Water Rights settlement, Congress authorized and directed the Secretary of the Interior to provide the Fort McDowell Yavapai Nation a no-interest loan pursuant to the Small Reclamation Project Act, in the amount of $13 million, to construct facilities for the conveyance and delivery of water to 1,584 acres on the Fort McDowell reservation. Prior to construction of the irrigation system, the Department of the Interior conducted its environmental review pursuant to NEPA. The review revealed that 227 of the acres to be irrigated were significant cultural sites and the Secretary subsequently withdrew those acres from development. The Department proposed to develop replacement lands, subject to the availability of funding. To date, however, the replacement lands have not been developed and the settlement agreement has been left uncompleted.

In October 2005, the Fort McDowell Yavapai Nation and the Department of the Interior agreed that the Department's environmental mitigation responsibility for the replacement lands should be resolved through legislation. They proposed that the Department forgive and cancel Fort McDowell's obligation to repay the mandatory loan in return for the Tribe's forgiving the Department of the Interior's responsibility to develop 227 mitigation acres. The Yavapai Nation and the Department further agree that funds already advanced to the Tribe toward development of the replacement acres would be reprogrammed to fund other water development projects on the Yavapai Nation's reservation.

The bill introduced today implements the Yavapai Nation's and the Department's agreement by effectively resolving the replacement land mitigation cost for the Department and the loan repayment by the Tribe. This agreement shall constitute completion of all conditions necessary to accomplish full and final settlement. Resolution of this last remaining issue fully implements the Fort McDowell Indian Community Water Rights Settlement Act of 1990. 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. 2464

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 ''Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—The term ''Fort McDowell Water Rights Settlement Act'' means the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101–628; 104 Stat. 4480).

(2) NATION.—The term ''Nation'' means the Fort McDowell Yavapai Nation, formerly known as the ''Fort McDowell Indian Community''.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.

(a) CANCELLATION OF OBLIGATION.—The obligation of the Nation to repay the loan made under section 408(e) of the Fort McDowell Water Rights Settlement Act (104 Stat. 4489) is cancelled.

(b) EFFECT OF ACT.—

(1) RIGHTS OF NATION UNDER FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act alters or affects any right of the Nation under the Fort McDowell Water Rights Settlement Act.

(B) EXCEPTION.—The cancellation of the repayment obligation under subsection (a) shall be considered—

(i) to fulfill all conditions required to achieve a full and final settlement of all claims to water rights or injuries to water rights under the Fort McDowell Water Rights Settlement Act; and

(ii) to relieve the Secretary of any responsibility or obligation to obtain mitigation property or develop additional farm acreage under section 410 the Fort McDowell Water Rights Settlement Act (104 Stat. 4490).

(2) ELIGIBILITY FOR SERVICES AND BENEFITS.—Nothing in this Act alters or affects the eligibility of the Nation or any member of the Nation for any service or benefit provided by the Federal Government to federally recognized Indian tribes or members of such Indian tribes.

By Mrs. BOXER (for herself, Mr. SMITH, and Mr. DURBIN):

S. 2465. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today, I am pleased to introduce the Boxer-Smith-Durbin STOP–TB Now Act of 2006. This bill would authorize additional resources to fight tuberculosis, a deadly infectious disease that knows no borders.

In January, at the World Economic Forum in Davos, Switzerland, a long-term strategy was developed to cut in half the number of TB cases and deaths. This Global Plan to Stop TB estimates that the 10-year cost to control tuberculosis is $56 billion, including $47 billion to detect and treat TB and $9 billion for additional research and development. If this plan is implemented over the next 10 years, it is estimated that it will save the lives of 14 million people throughout the world.

Tuberculosis is a deadly disease, especially in the developing world. Tuberculosis kills nearly 2 million people per year—one person every 15 seconds. One-third of the world is infected with the germ that causes TB and an estimated 8.8 million individuals will develop active TB each year. Tuberculosis is a leading cause of death among women of reproductive age and of people who are HIV-positive.

While developing nations are most heavily impacted by TB, there is also a concern here at home. It is estimated that 10–15 million people in the United States are infected with the germ that causes TB. And, California has more TB cases than any other State in the country. Ten of the top twenty U.S. metro areas for TB case rates are in California; San Francisco, San Jose, San Diego, Fresno, Los Angeles, Stockton, Sacramento, Ventura, Vallejo, and Oakland.

This funding is a wise investment for our Nation. A recent article published in the New England Journal of Medicine found that a $35 million investment in the health system of Mexico to fight TB would yield a savings to the U.S. taxpayer of $108 million in terms of reduced TB healthcare costs domestically.

I have been working with Senator SMITH to fight the spread of international tuberculosis since 1999. I am proud that he has been such a strong partner on this issue. And, I am grateful for the support of Senator Durbin, a champion on the issue of global AIDS and other infectious diseases.

The Boxer-Smith-Durbin bill is consistent with the Global Plan to Stop TB, including the goal to reduce by half the international tuberculosis death and disease burden by 2015. It also sets a goal to detect at least 70 percent of cases of infection tuberculosis, and the cure of at least 85 percent of the cases detected.

The bill authorizes not less than $225 million for fiscal year 2007 and not less than $260 million for fiscal year 2008 for foreign assistance programs that combat international TB. It also creates a separate authorization of $30 million for the Centers for Disease Control to combat international TB.

This bill will not only save lives, it will help reverse a troubling trend—the emergence of multi drug-resistant tuberculosis caused by inconsistent and incomplete treatment. In the U.S., a standard case of TB takes 6 months to cure at the cost of $2,000 per patient. A case of multi drug-resistant TB can take up to 2 years to treat costing as much as $1 million per patient.

TB kills more people than any other curable disease in the world. I hope my colleagues will join us in supporting this important legislation.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2466. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN to introduce a modified version of S. 1122, the Southeast Arizona Land Exchange and Conservation Act, which we introduced last year. This modified bill is a culmination of months of negotiation with members of the climbing community, local and state stakeholders, and other interested parties. It is an effort to strengthen the land exchange in a way that better meets the needs of outdoor recreation, conservation, resource protection, and mining interests.

Let me briefly explain the new provisions in this bill. First, you may recall that S. 1122 contained a placeholder for additional climbing provisions. I included this provision in our bill as a good faith offer to the climbing community to work with us and the proponent of this land exchange, Resolution Copper Company, to address the loss of public access to climbing at Oak Flat in a way that did not compromise public safety. The discussions over the last six months have been fruitful. There will be continued interim use of Oak Flat and some additional access to climbing on Resolution Copper's private land—all subject to public safety requirements.

This modified bill goes a step further in addressing the loss of recreation at Oak Flat. S. 1122 required the identification and development of a replacement climbing site. I am pleased to announce that representatives from Resolution Copper, working in cooperation with climbers and federal land managers, have found a climbing gem about 20 miles from Oak Flat, near Hayden and Kearny, Arizona in the Tam O'Shanter Mountains. ''Tamo,'' as it is now nicknamed, has the quality of rock and the elevation and diversity of cliffs, climbing walls, and boulders that rock climbers seek. Couple these characteristics with Arizona's mild weather and this site has the potential to be a four season climbing destination and tourism draw for Arizona.

Recognizing this potential, Arizona State Parks, Resolution Copper, and the Bureau of Land Management in cooperation with the communities and other mining interests, have been working together on a proposal to turn ''Tamo'' into Arizona's newest State park. This proposed State park would place a special emphasis on rock climbing, but would also have opportunities for camping and other outdoor recreation. To turn ''Tamo'' into State park is not an easy task. Currently, Arizona State Parks lack the legal authority to acquire ''Tamo,'' but it is seeking it through the Arizona state legislature. I am pleased to report that a State bill containing this authority successfully passed the state Senate with overwhelming support from the Sierra Club, Access Fund, and ASARCO, a mining company operating in the vicinity. The stakeholders tell me this issue and others concerning access to the site are close to resolution. For this reason, I am including language in this bill that would facilitate a recreation and public purposes conveyance of ''Tamo'' to Arizona State Parks.

This conveyance, of course, would be subject to resolution of these issues.

Besides addressing climbing and recreation concerns, this modified bill does even more for environmental conservation and effective land management than the original by adding to the private land package two additional parcels: East Clear Creek and Dripping Springs.

The East Clear Creek parcel encompasses 640 acres and is one of the largest single blocks of private inholdings within the Coconino National Forest. The parcel includes two miles of East Clear Creek, hence its name, and magnificent canyons that drop as much as 2,000 feet in some areas. This unique landscape is a wildlife transition zone between the upper plateau dominated by ponderosa pine and the riparian corridor of the creek, allowing it to support several threatened and sensitive species including bald eagle, peregrine falcon, fish, reptile and amphibian species and big game species such as Rocky Mountain elk, mule deer, turkey, and black bear. This parcel has been identified and is strongly endorsed for public acquisition by the U.S. Forest Service and the Trust for Public Lands.

The Dripping Springs parcel encompasses 160 acres in the Dripping Springs Mountains near Tam O'Shanter Peak in Gila County. This parcel has rock formations with excellent climbing opportunities and is within the contemplated boundaries of the proposed state park.

In summary, this land exchange gives us the ability to preserve highly sought-after land, important for wildlife habitat, cultural resources, watershed and land-management objectives, to promote outdoor recreation and tourism, and to generate economic opportunities for state and local residents in the copper triangle region in Arizona. It is good for our environment and our economy. I urge my colleagues to approve the legislation at the earliest possible date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—RECOGNIZING THE AFRICAN AMERICAN SPIRITUAL AS A NATIONAL TREASURE

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 407

Whereas, since slavery was introduced into the European colonies in 1619, enslaved Africans remained in bondage until the United States ratified the 13th amendment to the Constitution in 1865;

Whereas, during that period of the history of the United States, the first expression of that unique American music was created by enslaved African Americans who—

(1) used their knowledge of the English language and the Christian religious faith, as it had been taught to them in the New World; and

(2) stealthily wove within the music their experience of coping with human servitude and their strong desire to be free;

Whereas, as a method of survival, enslaved African Americans who were forbidden to speak their native languages, play musical instruments they had used in Africa, or practice their traditional religious beliefs, relied on their strong African oral tradition of songs, stories, proverbs, and historical accounts to create this original music, now known as spirituals;

Whereas Calvin Earl, a noted performer and educator on African American spirituals, remarked that the Christian lyrics became a metaphor for freedom from slavery, a secret way for slaves to ''communicate with each other, teach their children, record their history, and heal their pain.'';

Whereas the New Jersey Historical Commission found that ''some of those daring and artful runaway slaves who entered New Jersey by way of the Underground Railroad no doubt sang the words of old Negro spirituals like 'Steal Away' before embarking on their perilous journey north.'';

Whereas African American spirituals spread all over the United States, and the songs we know of today may only represent a small portion of the total number of spirituals that once existed;

Whereas Frederick Douglass, a fugitive slave who would become one of the leading abolitionists of the United States, remarked that the spirituals ''told a tale of woe which was then altogether beyond my feeble comprehension; they were tones loud, long, and deep; they breathed the prayer and complaint of souls boiling over with the bitterest anguish. Every tone was a testimony against slavery and a prayer to God for deliverance from chains. . . .''; and

Whereas the American Folklife Preservation Act (Public Law 105–275; 20 U.S.C. 2101 note) finds that ''the diversity inherent in American folklife has contributed greatly to the cultural richness of the nation and has fostered a sense of individuality and identity among the American people.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that African American spirituals are a poignant and powerful genre of music that have become one of the most significant segments of American music in existence;

(2) expresses the deepest gratitude, recognition, and honor to the former enslaved Africans in the United States for their gifts to our Nation, including their original music and oral history; and

(3) requests that the President issue a proclamation that reflects on the important contribution of African American spirituals to American history, and naming the African American spiritual a national treasure.

Mr. MENENDEZ. Mr. President, I rise today to submit a resolution honoring the African American Spiritual as a national treasure. This important piece of legislation recognizes that the African American spiritual is a poignant and powerful genre of American music that contributes to the cultural richness of our country.

I am very proud to sponsor this resolution and grateful to the individuals who helped make this landmark occasion possible. In particular, I would like to thank Calvin Earl, a New Jersey native, who is a noted performer and educator on African American spirituals for his vision and dedication in helping make this resolution a reality. I also would like to thank the staff at the American Folklife Center in the Library of Congress for their endless expertise and insight.

SENATE RESOLUTION 408—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DECLARE LUNG CANCER A PUBLIC HEALTH PRIORITY AND SHOULD IMPLEMENT A COMPREHENSIVE INTERAGENCY PROGRAM THAT WILL REDUCE LUNG CANCER MORTALITY BY AT LEAST 50 PERCENT BY 2015

Mr. HAGEL (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 408

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'';

Whereas the Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other

lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

SENATE RESOLUTION 409—SUPPORTING DEMOCRACY, DEVELOPMENT, AND STABILIZATION IN HAITI

Mr. NELSON of Florida (for himself and Mr. DEWINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 409

Whereas Haiti has a per capita gross domestic product (GDP) of $361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

Whereas the Government of Haiti has fundamental requirements with respect to providing citizen security, protecting the rule of law, controlling drug trafficking, and fighting corruption;

Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, ''We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.'';

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) was established by United Nations Security Council Resolution 1542 on April 30, 2004, and extended again until August 15, 2006, by United Nations Security Council Resolution 1658, ''with the intention to renew for further periods'';

Whereas over 40 countries participate in MINUSTAH, including 12 countries from the Western Hemisphere;

Whereas the United Nations senior leadership in Haiti is comprised of representatives from Canada, Brazil, and Chile;

Whereas more than 3,500,000 Haitians registered to vote in Haiti according to the Organization of American States;

Whereas more than 2,000,000 Haitians voted in the national elections on February 7, 2006, according to the Haitian Provisional Electoral Council (CEP); and

Whereas more than $1,000,000,000 was pledged at the International Donors Conference in July 2004 in support of Haiti's Interim Cooperation Framework: Now, therefore, be it

Resolved, That the Senate—

(1) urges reconciliation among the people of Haiti, including a government led by President-elect Rene Preval that respects the rights of all political parties;

(2) supports the holding of the second round of parliamentary elections as soon as possible while stressing the importance of a free, fair, and open process;

(3) thanks the countries that have contributed personnel to MINUSTAH, particularly Brazil, whose President, Luiz Inacio Lula da Silva, announced on March 13, 2006, that peacekeepers from Brazil will stay in Haiti for as long as the new government in Haiti needs them;

(4) strongly encourages MINUSTAH to maintain the current elevated troop levels and to raise significantly the numbers of UNPOL police forces;

(5) urges the international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor's conference to be held no later than July 2006;

(6) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(7) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(8) supports assistance from the United States Government for the reconstruction of Haiti, including programs supporting job creation, governance and rule of law, protection of the environment, social development, and reconstruction of basic infrastructure.

Mr. NELSON of Florida. Mr. President, Haiti's recent election has refocused the eyes of the international community on that country, its remarkable successes, and its continuing challenges. We must remind ourselves that although less than two months ago the Haitian people elected Rene Preval as their next President. Haiti's GDP per capita is $361, with over 65 percent of the population below the poverty line. Half of all Haitians have no access to clean water, and nearly half cannot read or write. In this context the Haitian achievement of an election is even more extraordinary.

The international community took notice of Haiti's difficulties and its achievements, pledging over a billion dollars in support of Haiti's Interim Cooperation Framework in July 2004 at the International Donors Conference. Some of this money has arrived in Haiti and is benefiting the Haitian people while other pledges remain unfulfilled. We are in a critical time in Haiti; we need to ensure that the promised money arrives and is used in a way that will improve the lives of all Haitians.

That's why today I am submitting a Senate resolution along with my colleague, Senator DEWINE that highlights Haiti's successes and reminds our international partners of their commitments to Haiti and of the importance of promoting stability there. The United Nations Stabilization Mission in Haiti (MINUSTAH) is authorized through August of this year, and it is critical that this important stability operation be continued. Over 40 countries have sent personnel to MINUSTAH, including Brazil, whose President Luiz Inacio Lula da Silva recently announced that Brazil's peacekeepers will remain in Haiti for as long as the new government there needs them.

I have just today met with the President-elect of Haiti, Rene Preval. In our meeting I stressed to him the important role he must now play to ensure that his government respects the rights of all political parties and maintains its legitimacy with the Haitian people and the international community. Mr. Preval has a unique opportunity at this historical juncture to move Haiti in the right direction. Doing so will ensure that Haiti attains its proper place within the community of free and democratic nations. Only by constantly striving to enhance the liberties and opportunities of the average Haitian can Mr. Preval be an effective steward of Haiti's dreams.

SENATE RESOLUTION 410—DESIGNATING APRIL 2006 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself, Mr. SARBANES, Mr. COCHRAN, Mr. LAUTENBERG, Mr. KOHL, Ms. STABENOW, Mr. TALENT, Mr. JOHNSON, Mr. CRAPO, Mr. DODD, Mr. MARTINEZ, Mrs. LINCOLN, Mr. DURBIN, Mr. INOUYE, Mr. DEMINT, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 411—RECOGNIZING A MILESTONE IN THE HISTORY OF GALLAUDET UNIVERSITY

Mr. HARKIN (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. ENZI, Mr. DEWINE, Mr. ISAKSON, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to.

S. RES. 411

Whereas Gallaudet University grants more bachelor's degrees to deaf people than any other institution of higher learning in the world, is the only such institution serving primarily deaf and hard of hearing students, and provides groundbreaking research in the field of deafness;

Whereas, in 1988, Dr. I. King Jordan became the first deaf President of Gallaudet University, and the first deaf president of any institution of higher education in the United States;

Whereas deaf and hard of hearing graduates of Gallaudet University serve as leaders around the globe;

Whereas Dr. I. King Jordan graduated from Gallaudet University in 1970 with a B.A. in Psychology, and received both a master's degree and a doctorate in Psychology from University of Tennessee by 1973;

Whereas, before his appointment as president, Dr. I. King Jordan served as the Chair of the Department of Psychology and Dean of the College of Liberal Arts and Science at Gallaudet University;

Whereas Dr. I. King Jordan was a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, an exchange scholar at Jagiellonian University in Krakow, Poland, and a lecturer at schools in Paris, Toulouse, and Marseille, France;

Whereas, from 1997 to 2001, Dr. I. King Jordan led the first comprehensive capital campaign for Gallaudet University and successfully raised nearly $40,000,000, which was used by the University to strengthen academic programs, increase the endowment, and construct the Student Academic Center;

Whereas Dr. I. King Jordan established the President's Fellow program to increase the number of deaf and hard of hearing faculty members by providing support for deaf and hard of hearing college graduates to complete their terminal degree;

Whereas in 1988, Dr. I. King Jordan proclaimed to the world, ''Deaf people can do anything, except hear.'';

Whereas Dr. I. King Jordan is a strong advocate on the national and international level for deaf people and people of all disabilities, and was a lead witness in support of the Americans with Disabilities Act of 1990 (in this resolution referred to as the ''ADA'') during a joint session of Congress prior to the passage of ADA;

Whereas in July 2005, Dr. I. King Jordan received the George Bush Medal for the Empowerment of People with Disabilities, an award established to honor those individuals who perform outstanding service to encourage the spirit of ADA throughout the world;

Whereas Dr. I. King Jordan served in the Navy from 1962 to 1966;

Whereas Dr. I. King Jordan has shared nearly 38 years of marriage with Linda Kephart, with whom he has two children, King and Heidi;

Whereas Dr. I. King Jordan is a strong supporter of physical fitness and has completed more than 200 marathons and 40 100-mile marathons;

Whereas Dr. I. King Jordan will retire as the first deaf president of Gallaudet University on December 31, 2006; and

Whereas Dr. I King Jordan is an accomplished, respected leader who devoted his life to Gallaudet University and efforts to improve the quality of life for individuals who are deaf or hard of hearing, and individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the achievement of Gallaudet University; its leadership, faculty and students; and

(2) expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS REGARDING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. KYL (for himself, Mr. BAUCUS, and Mr. LOTT) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 84

Whereas for more than 50 years a close relationship has existed between the United States and Taiwan, which has been of enormous economic, cultural, and strategic advantage to both countries;

Whereas on November 16, 2005, President Bush noted the strong ties between the United States and Taiwan, saying Taiwan is a ''free and democratic Chinese society'', and that economic reforms have made it ''one of the world's most important trading partners'';

Whereas on January 1, 2002, Taiwan was officially admitted into the World Trade Organization under the name of the ''Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu'' (TPKM), and this accession has reduced Taiwanese tariffs and has increased market access to foreign investment;

Whereas on August 6, 2002, the President signed into law the Trade Act of 2002, which by request, was extended until June 30, 2007, providing for an expedited procedure for congressional consideration of international trade agreements;

Whereas a 2002 report issued by the United States International Trade Commission found some sectors of the United States economy, such as exports of motor vehicles, rice, and fish would increase significantly, and other food exports to Taiwan would increase by more than 100 percent, if the United States entered into a free trade agreement with Taiwan;

Whereas the United States is Taiwan's third largest trading partner, and Taiwan is the eighth largest trading partner of the United States;

Whereas Taiwan is the sixth largest market for United States agricultural products, while in terms of per capita consumption, Taiwan is the world's second largest consumer, the third largest buyer of United States beef and corn, the fifth largest buyer of United States soybeans, and the eighth largest buyer of United States wheat;

Whereas Taiwan has become the world's largest producer of information technology hardware, and ranks first in the production of notebook computers, monitors, motherboards, and scanners;

Whereas the United States is an important supplier of electrical machinery and appliances, transport equipment, scientific instruments, and chemical products to Taiwan;

Whereas Taiwan purchases nearly the same amount of goods and services from the United States as all the countries with respect to which the United States is currently negotiating free trade agreements; and

Whereas the United States and Taiwan have already signed more than 140 bilateral agreements: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should increase trade opportunities with Taiwan by launching negotiations to enter into a free trade agreement with Taiwan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3175. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 3176. Ms. COLLINS (for herself, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. OBAMA) proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, supra.

SA 3177. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3178. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3179. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3180. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3181. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, supra; which was ordered to lie on the table.

SA 3182. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349 , supra; which was ordered to lie on the table.

SA 3183. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS—MARCH 9, 2006

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term ''unauthorized appropriation'' means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term ''new or general legislation'' has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term ''new matter'' means any matter not committed to conferees by either House.

(4) The term ''nongermane matter'' has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

TEXT OF AMENDMENTS

SA 3175. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

(4) the location of the entity and primary location of performance, including the city, State congressional district, and country;

(5) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

(6) any other relevant information.

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity''—

(A) includes—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) any other legal business entity;

(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

(viii) any State or locality; and

(B) does not include—

(i) an individual recipient of Federal assistance;

(ii) a Federal employee; or

(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

(2) FEDERAL FUNDING.—The term ''federal funding''—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

(B) does not include credit card transactions or minor purchases.

(3) SEARCHABLE DATABASE WEBSITE.—The term ''searchable database website'' means a website that allows the public to—

(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

(B) download data included in subparagraph (A) including outcomes from searches.

(c) WEBSITE.—The database website established by this section—

(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

(2) shall provide an opportunity for the public to provide input about the utility and of the site and recommendations for improvements; and

(3) shall be updated at least quarterly every fiscal year.

(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.

SA 3176. Ms. COLLINS (for herself, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. OBAMA) proposed an amendment to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

TITLE—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 11. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the ''Office'').

SEC. 12. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) QUALIFICATIONS.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by the President Pro Tempore of the Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 13. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) POWERS.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 14. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) INITIATION OF ENFORCEMENT MATTERS.—

(1) IN GENERAL.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) FILED COMPLAINT.—

(A) TIMING.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) DISMISSAL.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) REFERRAL.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) FRIVOLOUS COMPLAINTS.—If the Select Committee on Ethics of the Senate determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the Office resulting from such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) PRELIMINARY DETERMINATION.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) NOTICE TO COMMITTEE.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) CONDUCTING INVESTIGATIONS.—

(1) IN GENERAL.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) AUTHORITY.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) REFUSAL TO OBEY.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) ENFORCEMENT.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) PRESENTATION OF CASE TO SENATE SELECT COMMITTEE ON ETHICS.—

(1) NOTICE TO COMMITTEES.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) COMMITTEE DECISION.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) DETERMINATION AND RULING.—

(A) REFERRAL.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) FINAL DECISION.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of

each member of the committee on such roll-call vote.

(d) SANCTIONS.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 15. PROCEDURAL RULES.

(a) PROHIBITION OF CERTAIN INVESTIGATIONS.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) DISCLOSURE.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 16. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking ''or'';

(B) in subparagraph (I), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(J) the Office of Public Integrity.''; and

(2) in paragraph (9), by striking ''and the Office of Technology Assessment'' and inserting ''the Office of Technology Assessment, and the Senate Office of Public Integrity''.

SEC. 17. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Section 312 shall take effect upon the date of enactment of this Act.

SA 3177. Mr. COBURN. submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) LOBBYING DISCLOSURE.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.''.

(b) PUBLIC AVAILABILITY.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

''(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SA 3178. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

''(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

''(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.''.

SA 3179. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be processed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—OFFICE OF LOBBYING DISCLOSURE

SEC. 301. ESTABLISHMENT OF OFFICE OF LOBBYING DISCLOSURE.

There is established, as an independent office within the legislative branch of the Government, the Office of Lobbying Disclosure (referred to in this title as the ''Office'').

SEC. 302. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—The Office shall be headed by a Director who shall be appointed by agreement of the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders of the House of Representatives and the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by a majority of the appointing authority for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to receive, monitor, and oversee reports filed by registered lobbyists under the Lobbying Disclosure Act of 1995;

(2) to assume all other responsibilities and authorities of the Secretary of the Senate and the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995;

(3) to refer to the Select Committee on Ethics of the Senate and Committee on Standard of Official Conduct of the House of Representatives, as appropriate, any information it comes across that relates to a possible violation of ethics rules or standards of the relevant body;

(4) to conduct periodic and random reviews and audits of reports filed with it to ensure compliance with all applicable laws and rules; and

(5) to provide informal guidance to registrants under the Lobbying Disclosure Act of 1995 of their responsibilities under such Act.

(b) POWERS.—

(1) OBTAINING INFORMATION.—

(A) IN GENERAL.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(B) INVESTIGATION BY DOJ.—In the event that the Office, due to failure of a person to comply with a request for information, is unable to determine whether a violation of the Lobbying Disclosure Act of 1995 has occurred, the Office may refer the matter to the Department of Justice for it to investigate whether a violation of the Act may have occurred.

(2) REFERRALS TO DOJ.—Whenever the Director has reason to believe that a violation of the Lobbying Disclosure Act of 1995 may have occurred, he shall refer that matter to the Department of Justice for it to investigate.

(3) GENERAL AUDITS.—The Director shall have the authority to conduct general audits of filings under the Lobbying Disclosure Act of 1995.

SEC. 304. ADMINISTRATION AND STAFF.

(a) STAFF AND SUPPORT SERVICES.—The Director may appoint and fix the compensation of such staff as the Director considers necessary.

(b) APPLICABILITY OF CIVIL SERVICE LAWS.—The Director and other members of the staff of the Office shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Office on a nonreimbursable basis. The facilities shall serve as the headquarters of the Office and shall include all necessary equipment and incidentals required for the proper functioning of the Office.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Director, the Architect of the Capitol and the Administrator of General Services shall provide to the Director on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Director such services, funds, facilities, staff, and other support services as the Director may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Office may use the United States mails in the same manner and

under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Office shall be deemed to be a committee of the Congress.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the Government in the same manner and to the same extent as agencies are authorized to do so under sections 1535 and 1536 of title 31, United States Code.

SEC. 306. TRANSFER OF RECORDS.

Not later than 90 days after the effective date of this Act, the Office of Public Records in the Senate and the Office of Clerk of the House of Representatives shall transfer all records to the Office with respect to their former duties under the Lobbying Disclosure Act of 1995.

SEC. 307. TRANSFER OF JURISDICTION TO OFFICE OF LOBBYING DISCLOSURE.

(a) FILING OF REGISTRATIONS.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)(1), by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''; and

(2) in subsection (d), by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

(b) REPORTS BY REGISTERED LOBBYISTS.—Section 5(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

(c) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

(d) PENALTIES.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking ''Secretary of the Senate or the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

(e) RULES OF CONSTRUCTION.—Section 8(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(c)) is amended by striking ''Secretary of the Senate or the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

(f) ESTIMATES BASED ON TAX REPORTING SYSTEM.—Section 15(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Lobbying Disclosure''.

SEC. 308. OFFICE EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking ''or'';

(B) in subparagraph (I), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(J) the Office of Lobbying Disclosure.''; and

(2) in paragraph (9), by striking ''and the Office of Technology Assessment'' and inserting ''the Office of Technology Assessment, and the Office of Lobbying Disclosure''.

SEC. 309. PROHIBITION ON FILING AND OTHER ASSOCIATED FEES.

The Office shall not—

(1) charge any registrant a fee for filings with the Office required under the Lobbying Disclosure Act of 1995; or

(2) charge such a registrant a fee for obtaining an electronic signature for such a filing.

SEC. 310. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Sections 302, 304, and 305 shall take effect upon the date of enactment of this Act.

SA 3180. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 17 and insert the following:

''(2) the term 'out-of-scope earmark' means an earmark that includes any matter not committed to the conferees by either House; and

''(3) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an explanation of the essential governmental purpose for each earmark; and

''(3) an identification of the Member or Members who proposed each out-of-scope earmark, if any;

SA 3181. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Two years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

SA 3182. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 46, after line 7, insert the following:

(d) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

Strike Sec. 266(a)(2) and (b).

SA 3183. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike line 21 through page 6, line 19, and insert the following:

72 hours before its consideration.

SEC. 104. AVAILABILITY OF LEGISLATION ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XIV of the Standing Rules of the Senate is amended by adding at the end the following:

''11. (a) It shall not be in order to consider a bill or resolution, or conference report thereon, unless such measure is available to all Members and made available through a searchable electronic format to the general public by means of the Internet for at least 72 hours before its consideration.

''(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.''.

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 11 of rule XIV of the Standing Rules of the Senate, as added by subsection (a).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I wish to announce that the Committee on Environment and Public Works will hold an oversight hearing on Wednesday, March 29, at 9:30 a.m., on the impact of the elimination of MTBE.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, April 6, 2006, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1510, a bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; S. 1957, a bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as

an historical interpretive site along the trail; S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barnett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, and for other purposes; S. 2252, a bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; and S. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the Grand Teton Park Subdivision, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie, David Szymanski, or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 2006, at 9:30 a.m. to hold a hearing on Multilateral Development Banks.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 28, 2006, at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 28, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1439, the Indian Trust Reform Act of 2005, Titles II through VI.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''NSA III: Wartime Executive Powers and the FISA Court'' on Tuesday, March 28, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable Harold A. Baker, Judge, U.S. District Court for the Central District of Illinois, Urbana, IL; The Honorable Stanley S. Brotman, Judge, U.S. District Court of New Jersey, Camden, NJ; The Honorable John F. Keenan, Judge, U.S. District Court for the Southern District of New York New York City, NY; The Honorable Allan Kornblum, Magistrate Judge, U.S. District Court for the Northern District of Florida Gainesville, FL.

Panel II: Morton H. Halperin, Senior Fellow, Center for American Progress, Executive Director, Open Society Policy Center, Washington, DC; David S. Kris, Senior Vice President, Time Warner, Inc., New York, NY.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, March 28, 2006, 9:30 a.m., for a hearing entitled ''Neutralizing The Nuclear And Radiological Threat: Securing the Global Supply Chain (Part One).''

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

SUBCOMMITTEE ON AIRLAND

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 28, 2006, at 2:30 p.m. in open session to receive testimony on Air Force and Navy tactical aviation programs in review of the Defense authorization request for fiscal year 2007 and the future years Defense program.

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

SUBCOMMITTEE ON AVIATION

Mr. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, March 28, 2006, at 10 a.m., on FAA Budget.

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

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness be authorized to hold a hearing during the session of the Senate on Tuesday, March 28, 2006, at 10 a.m., in SD–430.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Ms. COLLINS. Mr. President, I ask unanimous consent that the subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, March 28, 2006, at 2:30 p.m., for a hearing regarding ''Bolstering the Safety Net: Eliminating Medicaid Fraud.''

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

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging be authorized to hold a hearing during the session of the Senate on Tuesday, March 28, 2006, at 2:30 p.m., in SD–430.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 596. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

COAST GUARD

The following named individual for appointment as Commandant of the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 44:

To be admiral

Vice Adm. Thad W. Allen, 4359

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 4911.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4911) was read the third time and passed.

FINANCIAL LITERACY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 410, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 410) designating April 2006 as ''Financial Literacy Month.''

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 410) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

RECOGNIZING A MILESTONE IN THE HISTORY OF GALLAUDET UNIVERSITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 411, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 411) recognizing a milestone in the history of Gallaudet University.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 411) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 411

Whereas Gallaudet University grants more bachelor's degrees to deaf people than any other institution of higher learning in the world, is the only such institution serving primarily deaf and hard of hearing students, and provides groundbreaking research in the field of deafness;

Whereas, in 1988 Dr. I. King Jordan became the first deaf President of Gallaudet University, and the first deaf president of any institution of higher education in the United States;

Whereas deaf and hard of hearing graduates of Gallaudet University serve as leaders around the globe;

Whereas Dr. I. King Jordan graduated from Gallaudet University in 1970 with a B.A. in Psychology, and received both a master's degree and a doctorate in Psychology from University of Tennessee by 1973;

Whereas, before his appointment as president, Dr. I. King Jordan served as the Chair of the Department of Psychology and Dean of the College of Liberal Arts and Science at Gallaudet University;

Whereas Dr. I. King Jordan was a research fellow at Donaldson's School for the Deaf in Edinburgh, Scotland, an exchange scholar at Jagiellonian University in Krakow, Poland, and a lecturer at schools in Paris, Toulouse, and Marseille, France;

Whereas, from 1997 to 2001, Dr. I. King Jordan led the first comprehensive capital campaign for Gallaudet University and successfully raised nearly $40,000,000, which was used by the University to strengthen academic programs, increase the endowment, and construct the Student Academic Center;

Whereas Dr. I. King Jordan established the President's Fellow program to increase the number of deaf and hard of hearing faculty members by providing support for deaf and hard of hearing college graduates to complete their terminal degree;

Whereas in 1988, Dr. I. King Jordan proclaimed to the world, ''Deaf people can do anything, except hear.'';

Whereas Dr. I. King Jordan is a strong advocate on the national and international level for deaf people and people of all disabilities, and was a lead witness in support of the Americans with Disabilities Act of 1990 (in this resolution referred to as the ''ADA'') during a joint session of Congress prior to the passage of ADA;

Whereas in July 2005, Dr. I. King Jordan received the George Bush Medal for the Empowerment of People with Disabilities, an award established to honor those individuals who perform outstanding service to encourage the spirit of ADA throughout the world;

Whereas Dr. I. King Jordan served in the Navy from 1962 to 1966;

Whereas Dr. I. King Jordan has shared nearly 38 years of marriage with Linda Kephart, with whom he has two children, King and Heidi;

Whereas Dr. I. King Jordan is a strong supporter of physical fitness and has completed more than 200 marathons and 40 100-mile marathons;

Whereas Dr. I. King Jordan will retire as the first deaf president of Gallaudet University on December 31, 2006; and

Whereas Dr. I. King Jordan is an accomplished, respected leader who devoted his life to Gallaudet University and efforts to improve the quality of life for individuals who are deaf or hard of hearing, and individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the achievement of Gallaudet University; its leadership, faculty and students; and

(2) expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.

MEASURE READ THE FIRST TIME—S. 2467

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2467) to enhance and improve the trade relations of the United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 29, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, March 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate proceed to a period of morning business for up to 1 hour with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of S. 2349, the lobbying reform bill. I further ask that at 10:50, Senator DODD or his designee be recognized to call up amendments on behalf of himself or others and at 10:55 Senator LOTT or his designee be recognized to call up amendments on behalf of himself or other Members.

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

PROGRAM

Mr. MCCONNELL. Today we made significant progress on the lobbying reform bill. Cloture was invoked an hour or so ago. Under an agreement that we have just entered, Senators will have up to 11 a.m. in the morning to offer first-degree amendments that qualify postcloture. Votes will occur, and we expect to finish up the lobbying bill in a reasonable time on Wednesday. That will allow us to begin consideration of the border control legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Wednesday, March 29, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 28, 2006:

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. THAD W. ALLEN

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.