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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Loving Father, we are thankful for every blessing from Your bounty. Thank You for health and strength, for meaningful work, and for the love of family and friends. We acknowledge that every good and perfect gift comes from You. Forgive us when we have not been faithful in using our time, talent, and tongue.

Lord, open our eyes to creative ways of helping those who live without hope. We offer You today our thoughts, words, and deeds to use in the service of Your kingdom. Send us forth as Your ambassadors of goodwill.

Bless our Senators as they seek to honor You. Keep their thoughts pure, their words true, and their actions honorable.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we set aside 30 minutes equally divided for morning business. Following that time we will return to the consideration of the lobbying reform bill.

Last night, the Democratic leader proposed an amendment which is the pending business.

The managers will be here shortly, and we expect that we will work out an agreement for a time certain for the vote in relation to that amendment.

Last night, they were also trying to line up some additional amendments for today. We will make as much progress as possible on the bill today. To do that, we are going to need a lot of cooperation from both sides of the aisle.

The managers of the bill are encouraged to work out short time agreements on amendments to provide adequate time to discuss the issues and also allow us to move the bill forward.

If we are able to finish the bill this week, we will need Members who have amendments to notify the managers just as soon as possible so they can be scheduled for debate and vote.

Finally, we will be asking for filing deadlines for all amendments, and we will attempt to lock that in for today.

I thank my colleagues for their attention and for their cooperation on this important bill.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

Who seeks time?

The Senator from Colorado.

RENEWABLE ENERGY

Mr. ALLARD. Mr. President, I would like to take a few minutes to comment on the trip that President Bush recently made to my home State of Colorado. The President visited several sites that are involved with furthering renewable energy. One of those sites included the National Renewable Energy Laboratory, or NREL as it is often called, in Golden, CO. Due to previous commitments, I was unable to join the President during his trip, but I want to thank him for visiting there, and thank him for the commitments he has made to the lab and to renewable energy.

NREL is on the cutting edge in bringing renewable energy technologies out of the laboratory and into the mainstream of American business and society. Although America has rivals in many Asian and European nations in investing in the development of these technologies, NREL deserves credit for many wonderful accomplishments.

In recognition of these accomplishments, I have, during my tenure in Congress, led a coalition to push for sufficient funding for both the Department of Energy's renewables budget and NREL. Earmarks have created problems for our national laboratories throughout the United States. The President has addressed the problem, and I am working to prevent this in the future.

The environmental benefits of renewable energy are well noted and widely praised. Not only are renewable sources of energy beneficial to our national security, but they reduce greenhouse gas emissions and decrease demands for other energy resources.

Wind, solar, geothermal, biomass, photovoltaic and other renewable energies have few if any harmful byproducts. It is simply good policy to do all we can to effectively harness and utilize the natural, clean, reusable sources of energy that are abundant all around us.

However we should also be looking at energy efficient technologies. There is a saying that energy saved is like extra

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

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energy made. I think it is important that we continue investing in research and development of renewable energy and energy efficient technologies. Further developing these technologies is a win-win solution in every sense. Jobs are created, taxpayer money is saved, our national security is enhanced, and the environment is protected.

For example, a hog farm near Lamar, CO, is seeing both economic and environmental benefits from converting to a renewable energy source that they have in abundance. The farm was built with an anaerobic digester, which is fueled by hog waste, and uses its methane as a fuel to supply power to the farm operations. An example of how increased efficiency saves money comes from Harmony Library in Fort Collins, CO. The library is considered to be a showcase for state-of-the-art, energy-efficient technologies and building design. They are projected to use about 40 percent less energy than a comparable new building in Fort Collins. They estimate that this will save nearly $12,000 in annual operation costs. The library will be able to use these savings to increase stock and provide additional library services.

Renewable and efficient technologies are an important part of a balanced domestic energy portfolio, and our energy future and national security will be enriched by the technologies being developed and perfected today. We must maintain our commitment to funding the research and development that will bring those technologies to the market. The future of our security and prosperity depends on the commitments we make today.

I would also like to remind my colleagues of the Renewable Energy and Energy Efficiency Caucus within the Senate. The caucus works to keep Members informed about issues important to the renewables and efficiency communities. We currently have 36 members, but we would like to have more.

I also want to thank the President again for his sincere interest in solar and biofuels. The visit to NREL by President Bush and his staff is appreciated by those of us who have been advocating a role in our energy policy for renewable energy. I will continue to work with the administration and my colleagues on the issues facing renewable energy resources.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ECONOMIC STRENGTH

Mr. ENSIGN. Mr. President, I rise today to comment on the strength of our economy.

This might seem like a news flash, but our economy is thriving.

You would not know it if you tuned in to a network newscast or read the paper, but we have much to be excited about.

The U.S. economy is healthy, growing, and creating more opportunity every single day.

The commonsense tax relief that we passed in the Senate and that the President signed into law have fueled our economy and driven it to new heights.

Fighting for this relief wasn't a gamble—we did it because it has a proven track record.

We know that lowering taxes creates more jobs, greater opportunity, and overall prosperity.

It has been proven in my home State of Nevada, and we have seen the results in our Nation's economy over the last several years.

Since 2003, when the tax cut went into effect, there have been almost 5 million new jobs created.

Economic growth in the United States has outpaced other major industrialized countries.

We have had 33 straight months of growth in our manufacturing sector. And productivity has grown strongly over the last 5 years.

In January, the unemployment rate fell to the lowest monthly rate since July 2001 and lower than the average of the 1970s, 1980s, and 1990s.

In Nevada, the unemployment rate is at an all time low, 3.6 percent.

Tax relief is working.

All of this economic growth and job market expansion is a result of the Jobs and Growth Tax Relief Reconciliation Act of 2003 that jumpstarted our economy and fueled unprecedented growth.

Another example of how tax cuts boost the economy is the Invest in the USA Act which I offered.

I introduced this legislation, which was included in the JOBS Act of 2004. However, this was only a temporary, 1 year tax reduction.

When meeting with corporations in the Silicon Valley, I learned that U.S. corporations pay no U.S. tax on foreign earnings invested overseas, the same as their foreign competitors. But they pay taxes on 100 percent of the foreign earnings that they want to reinvest in the United States.

Obviously, this deters many U.S. companies from reinvesting their foreign earnings in the United States. That comes at a great loss to our economy.

The Invest in the USA Act temporarily modified this inequity for 1 year by taxing companies at 15 percent for foreign earnings reinvested in the United States.

By January 2006 when it expired, the law had encouraged companies to bring home and reinvest an additional $350 billion of foreign earnings in the United States. It raised revenues, lifted investment, and created thousands of jobs.

We should take the momentum of the tax relief measures we have provided during the last several years and build on them.

Our economy is growing and that is great news, but as has always been the case in the United States, we look to the future and work to make it even better.

Let's make tax relief permanent and reassure American families and businesses that today's remarkable economy is just the beginning.

Cutting taxes, empowering working families by letting them keep more of their income, encouraging small businesses to expand and create jobs—that is how we continue to create opportunity and success in the United States.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. THUNE. Mr. President, the economy, as has been noted, has been performing extremely well of late with 10 consecutive quarters of economic growth, with job creation at 4.5 million jobs created in the last 2½ years. There are a lot of good things happening in our economy. One of the dark clouds that hovers over our economy right now, however, is the cost of energy. For several years, going back to the very first year of the Bush administration, there was an effort made by the administration to move a comprehensive energy bill through Congress, get it passed and put into law, that lessens our dependence upon foreign sources of energy.

Regrettably, in the last Congress, that bill, after it had been negotiated through the conference committee, was filibustered by the Senate Democrats and prevented from becoming law.

In this session of Congress, last July, the Senate and the House came together in a conference committee and reported out a conference report, an energy bill that was signed into law by the President that will make remarkable strides forward in doing what all agree is an important goal for this country, which is to reduce our dependence upon foreign sources of energy.

Statistics today show we are now 59 percent dependent upon imports for our U.S. energy demand. That is expected to be 60 percent not too far into the future. The Energy Information Agency says U.S. oil consumption will grow from 20.7 million barrels a day in 2005 to 26.1 million barrels a day in 2025. We are using more energy. Worldwide demand for energy is growing. Countries such as India and China are demanding more and more energy. We rely on energy that exists outside the United States in areas of the world that are unpredictable and unreliable and unstable.

We have a great solution. We have seen significant success in my State of South Dakota with renewable energy. The products we raise and grow right here in the United States, in States

such as South Dakota, corn and soybeans, can be converted into energy that will lessen that dependence upon foreign sources of energy and, at the same time, create jobs. We are creating enormous numbers of jobs across this country, particularly in the Midwest.

New technologies will allow ethanol, cellulose ethanol, to be made from other products, from other feedstocks. This will be a trend that will continue to create jobs all across this country.

The ethanol industry and the economic gains we have seen have benefited our rural economy. Over the next year, ethanol will displace 2 million barrels of imported oil, create 234,840 jobs and boost American household incomes by $43 billion. Because of the ethanol requirement in the Energy bill we passed last summer, 34 new ethanol plants are under construction, 8 existing plants will be expanded today, and more than 150 plants are in the works. Each plant employs between 40 and 50 people directly and creates hundreds of jobs throughout the local economy. These new plants will add more than 2 billion gallons of ethanol to the Nation's fuel supply by 2007, a 50-percent growth in ethanol production.

This is a good story for the American economy because the American economy relies upon affordable energy. My State of South Dakota is a case in point. We are an agriculture intense economy, energy intense economy, and rely on tourism. We have long distances to cover. We need affordable energy to continue to grow the economy and create jobs in states such as South Dakota.

The ethanol success story could not have happened had it not been for the Republican leadership in the Senate and the House coming together last summer on a bill that would put in place a renewable fuel standard that guarantees a market for ethanol moving forward in the year 2012. As a consequence, we are seeing remarkable improvements in the economy in places that had been struggling economic areas in this country, in rural areas of America that had been losing jobs and suffering from outmigration. It is a success story and one that could not have happened had it not been for the leadership that moved forward with an energy bill last year, that put in place the renewable fuel standard for the first time as a matter of policy in this country.

There are lots of other areas in the Energy bill currently being developed. If you look at wind energy, solar energy, nuclear energy, the Energy bill passed last summer provides great strides forward as we strive to achieve energy independence in this country and deal with what is a fundamental issue for our national security; that is, our energy security.

I rise this morning to again take note of the fact that we are an economy that is in some respects growing, seeing job expansion and a lot of good things happening in our economy, but also acknowledging that unless we do something to decrease the amount, the 60 percent of the energy that we get from outside the United States, we run the risk of dramatically undermining and harming the economic growth we have experienced.

The energy policies we put in place last summer and some of the things currently under consideration in the Senate as we move forward will make great strides forward in helping America deal with what is an economic security issue, what is a national security issue, and that is the crisis of energy we see not only in the United States but across the world as more and more countries have an energy demand and the consumption continues to increase with a very limited supply.

We have a supply right in the Midwest. We grow corn each year, we grow soybeans each year. Other areas produce products that, as technology continues to improve, will enable us to convert those products into usable energy for America's future.

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

The PRESIDENT pro tempore. 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 (Mr. VITTER). Without objection, it is so ordered. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the status of the agenda at this time?

The PRESIDING OFFICER. In just a minute, morning business will be closed. Then the Senate will resume consideration of S. 2349.

Mr. LOTT. Mr. President, you say in a minute. Do we have other speakers?

The PRESIDING OFFICER. No. The Chair just needs to announce that.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349 which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Reid amendment No. 2932, to provide additional transparency in the legislative process.

Mr. DODD. Mr. President, I wish to spend a couple of minutes this morning commenting on the provisions offered by the Democratic leader, Senator REID of Nevada, which is a comprehensive amendment that covers a lot of the waterfront related to the matter before us, and that is greater transparency and accountability by Members of this institution as well as those who lobby us, who come to us and petition us as paid representatives of various public, private, and nonprofit entities, so we have a better opportunity to restore a lot of the confidence that has been eroded in how this institution performs its public function.

My colleague from Nevada, the chairman of the Democratic team here, has put together a very good proposal. It has been endorsed and supported by over 40 of our colleagues as part of the larger Reid bill. It is called the Honest Leadership Act. It covers a lot of ground. I want to identify the provisions in this bill. I know my colleague from Nevada has done that already, but it deserves repetition.

As someone who has now spent more than a quarter of a century in this body, I have great respect for my colleagues and their integrity. We all know that laws are not only written for the majority who abide by the law, but occasionally we write laws because there are those who step outside the boundaries, particularly when it comes to public responsibility and trust. I am not suggesting by this amendment, nor is the Democratic leader, that my colleagues in any way, at least the overwhelming majority, are violating not only the law of the land but even ethics, a sense of responsibility, a sense of good conduct. But we have learned painfully over the last number of months that there are people, unfortunately, who serve in public life, who serve in this great Capitol building, who do take advantage of their position for private gain, who have abused that public trust and have caused this institution and its Members to suffer once again the derision of our constituents, of people who are disappointed about how we conduct our business. It is a painful thing to go through.

I have often said I would be willing to take the 99 Members I serve with in this body and compare their ethics and morality to almost any other group of people, and I am sure they would stand up very well. But the facts are that we have people who do abuse the process, and we need to be cognizant of that and respond to it. That is what Senator LOTT and I are doing. That is what my colleagues, Senator LIEBERMAN and Senator COLLINS, are doing with their proposal which is part of the underlying bill.

Senator REID, on behalf of more than 40 of our colleagues, has put together a

comprehensive proposal to try and deal with many of these issues. I am sure there are matters with which some Members may disagree, may want to fine-tune in some way, may not necessarily support every dotted ''I'' and crossed ''T.'' But the overall direction of the provisions included in this proposal is one that should enjoy broad support. We hope when the vote occurs later this morning, we can have strong support for it.

Let me mention several things it does. One, it bans all gifts, including meals, from lobbyists, the assumption being that this is no longer acceptable. There is no connection between the work of someone petitioning government on behalf of a client or an organization and simultaneously offering some gift to the Member or to the staff of that Member as a way of ingratiating themselves on behalf of the cause they represent. It may be innocent enough. We may find it obnoxious, even, in some cases, considering some of the things that are called gifts. But nonetheless, the perception—perception is reality in the business of public life—that Members of Congress or their staffs are receiving some unrelated item or gift or service or activity as a result of the relationship has come to be unacceptable to most of us here. And again, perceptions are such that we suffer as a result of that kind of conduct.

We also impose some additional restrictions of disclosure on the revolving door issue, requirements under the bill's revolving door provisions. This has to do with Members and senior staff who serve here and then leave and go into private life and become lobbyists and use that relationship to come back and have an immediate, direct influence on the legislative process as a result of those close, personal relationships. The revolving door has tried to have additional disclosure requirements and even extend to some degree the amount of time before such a person could come back and lobby their Member or other Members of this body or their senior staff.

We also deal in the Reid proposal with congressional travel. It bans lobbyists or anybody affiliated with them from being involved in congressional travel. Again, I say ''congressional travel.'' Travel can be a very important element of service in the U.S. Congress. Members, from time to time, need to get out around the country and need to engage in foreign travel. We are not talking about that. We are not talking about related travel in which Members should be engaged. We are talking about those travel expenses that are unrelated.

The most egregious case recently is the matter involving Members of the other body on a golfing excursion in Scotland. When people look at that, they assume maybe all of us are doing those sorts of things. That is not the case, but that is the perception. We need to limit what we talk about here in terms of the travel in which Members of Congress can engage. In my view, if you are traveling on behalf of your public responsibilities as a Member of the Senate or a Member of the Congress, then that is something we ought to allow. In fact, we ought to encourage it. If the travel is unrelated to that nexus of your public responsibility, we ought to try to limit it, if not ban it altogether.

The Reid proposal does that. It allows only bona fide 501(c)(3) organizations to pay for congressional travel for factfinding, educational purposes. It retains the requirement for Ethics Committee approval for travel beforehand so that if Members think it may be questionable, they can get a ruling ahead of time. It requires certification that the trip is not planned, supported, or paid for by lobbyists. It imposes per diem rates on acceptable third-party-paid travel and lodging.

I point out, Mr. President, it tightens the ban on the so-called K Street project. This is controversial. My colleague from Mississippi was patient in the Rules Committee in listening to the K Street project provision that was offered by my friend from Illinois. It was pointed out in committee that there are already prohibitions in existing criminal law for people who would suggest that there was going to be a price that someone would pay if they hired or did not hire someone else based on their political affiliation. We thought it was so important to establish this principle in the rules of this body that we have codified the prohibition against those who would pressure outside employers to make a hiring decision based primarily on party affiliation. This is wrong, it is an abuse, and it ought to be stopped. The Reid proposal does just that.

It is especially egregious where it is accompanied by a threat—implicit or explicit—that a Member might take or withhold certain actions based on the hiring decision. We have learned that has happened. It is unfortunate. The businesses that did that were unwise and shortsighted, but nonetheless it has occurred. This proposal includes the ban on the so-called K Street-type projects.

There are new civil and criminal penalties to combat public corruption. It would require new certifications by lobbyists on gifts and travel and by trip sponsors and increase penalties for knowing, willful, and corrupt violations under the False Statements Act. It would prohibit dead-of-night legislating, require a final vote on conference reports in a public meeting, which, again, I think is critical here.

We know if you are getting this legislation out, getting it to be public on the Internet so people have an opportunity to read, as well, what we are about to do, what actions we are about to take—I know this becomes difficult under certain circumstances, particularly at the end of a session if you are dealing with continuing resolutions which can be very large and so forth. It imposes burdens on this institution. But I think we bear a responsibility to make sure the public has a clear idea, or at least the opportunity for a clear idea, to understand what we are about to do, what actions we are about to take, and how they would affect them.

So I urge my colleagues, again, to support this kind of provision. Not all are people on this side or the other side of the aisle. So that is what is being proposed by Senator REID of Nevada. I hope in looking at this, in conjunction with the underlying accomplishments—let me say once again to my colleagues, I think the work of the Rules Committee was a good effort, and we are proud of what we did. Again, this is a dynamic process that doesn't happen all at once. What is reform one day is not the next, and you go back and forth. I always loved this line, and you have to be careful.

There was a wonderful Republican Party chairman in New York who once said that the last refuge of the scoundrel was patriotism—until they invented the word ''reform.'' People sometimes hide behind that language as a way to achieve certain ends.

What we have done here with the underlying bill—and I think with the Reid proposal—is strengthen this legislation. It is going to make us all better Members, help restore confidence in this institution and its individual Members. I emphasize what I said at the outset. I have great confidence in the ethical, moral behavior of my colleagues. People I have total disagreements with on policy matters, I trust them as to how they conduct themselves in these public arenas. But every profession learns that the laws are not written for the majority who obey the law. Laws and codes of ethics are written for those in the minority who violate that trust and confidence.

So we write these provisions and include these proposals in statutory law and in our code of conduct not because we believe every Member is somehow on the brink or cusp of engaging in irresponsible behavior but because we recognize and understand that from time to time there will be people who serve with us who will violate that public trust and confidence. That is why we have these codes of conduct, why we have statutory language that prohibits the behavior that we have outlined in these proposals.

So I urge my colleagues, when the time comes in roughly an hour or so, to support the Reid proposal. It is offered on behalf of more than 40 of us in this body. We think it is a sound proposal that would strengthen an already good bill. I urge my colleagues to cast and ''aye'' vote for the Reid amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, after conferring with our colleagues on this side of the aisle, I ask unanimous consent that the vote in relation to the Reid amendment No. 2932 occur at 11:30 a.m.,

with no second degrees in order prior to the vote, and that all time be equally divided until the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, I urge our colleagues to come over to speak if they wish.

Mr. LOTT. Those who would like to be heard, we want to make sure they can be heard. I would be glad to yield my own floor time so they can comment. I do have some comments I would like to make, and I will ask unanimous consent—I will do it then—that we set aside the Reid amendment so that we can have one offered by Senator SANTORUM, and we can begin debate on that. The emphasis will be on the Reid amendment, if you want to check that and make sure you are OK with that. I see one potential speaker.

In order to try to keep things moving, we are going to try to get another amendment offered, and we will alternate back and forth.

Mr. DODD. I have no objection at all to that proposal offered by my friend from Mississippi. I urge Members on both sides of the aisle who have amendments or ideas on the bill, let us know so we can move the process along, and let us know what your amendments are so we can begin to consider and discuss them even before they are offered as a way of trying to expedite the process. The Senate wants to consider other matters. This is very important, but I would like to move as rapidly as we can on the consideration of these ideas and proposals.

I urge my colleagues who have amendments and want to be heard to let us know as soon as possible.

Mr. LOTT. Mr. President, full disclosure, too. We have other Senators who would like to get into the mix, I say to Senator DODD. Senator INHOFE is here with some amendments, some of which we can probably get an agreement on, some of which will take more time. Also, Senator VITTER, who is in the chair now, would like to get into the mix.

As we go back and forth, I thought we would go to SANTORUM, and then if you have a Senator—or maybe we can clear a couple of the Inhofe amendments. That is what we would like to do.

Mr. President, I want to respond a little bit to the Reid proposal. I think you have to give credit to Senator REID and the Democrats for developing some legislation for this body to consider. People may be shocked to hear me say that, thinking that is not the way we do things. This is basically the Democratic leader's proposal. My attitude is, look, good work was done on it. They have a package here. Some of it was good enough that we pulled it out and put it right into the Rules Committee bill. I want to give credit to the fact that they want to work on this and have made some recommendations. In that vein, Senator SANTORUM, at the request of our leader, as chairman of our conference, went to work and started developing a package of ideas, amendments, and concerns and solutions, too.

So both parties were working on this. Yes, it was on separate tracks, but as we went forward Senators began to realize that this is not really partisan. It is even bigger than the institution. It is about us and the people we represent and their rights. We need to think this through because whatever we do, we are going to have to live with it, and the American people are going to have to live with it.

As time went forward, Senator SANTORUM was working with Senator MCCAIN and Senator LIEBERMAN. I started working with Senator DODD—we talked—and Senator FEINSTEIN, and then bipartisan meetings started to happen. I tell you, I wish we could do more things here like this. We came to a juncture and we reported out a bill from the Rules Committee that was unanimously approved. The Homeland Security and Governmental Affairs Committee reported out a bill that had only one dissenting vote. This is the way it ought to work.

I give credit to Senator REID and the Democrats for getting involved and helping this process. But now we have to produce legislation. It is important that we hear each other out and that we have some debate and some amendments and votes and get this job done.

Mr. President, the amendment presented by the Democratic leader is not fundamentally different from any of the provisions of the bill reported by the Rules Committee and by the Homeland Security and Governmental Affairs Committee. It has similar provisions to what was in the Santorum package. Our main differences are on issues such as how to treat gifts from lobbyists, and the Reid amendment bars all gifts from registered lobbyists. The Rules Committee bans gifts from registered lobbyists, except for meals, which are not included in the definition of a gift. I will give you one example for why we are making this exception. Our bill bars gifts from registered lobbyists and foreign agents. A very thoughtful Senator, chairman of the Foreign Relations Committee, Senator LUGAR, inquired: Wait a minute. How will that work if I am invited as chairman of the Foreign Relations Committee to a dinner at an embassy of a foreign country that involves foreign agents? Will I be able to go? How will I deal with that?

That is the kind of thoughtful question we better think about because we don't want to put ourselves into a position where we cannot do our jobs.

Another example of where I am concerned is we have language in the Homeland Security bill that is going to restrict or require more reporting of grassroots lobbying activities. This will have a chilling effect on grassroots lobbying. Do we want to do that? What about the right of the people to petition their government for a redress of grievances? Why are we letting on like there is something wrong with people with a point of view who would get people involved and get our constituents to contact us about an issue? We are big boys and girls.

We should be able to hear from our constituents, even if they are inspired by the Chamber of Commerce or the Sierra Club, or even if it is something such as the ports issue. I heard from a lot of my constituents. We need to make sure we think through what we do here.

The Reid amendment claims to prohibit privately funded travel, yet, in fact, it does no such thing. It opens a loophole that would allow 501(c)(3) organizations to finance congressional travel. The Rules Committee requires far stricter preclearance of such trips.

My attitude is, instead of setting up a new process or new loophole, let's have these trips reviewed mandatorily and approved or you can't do it. Then you have to also divulge the itinerary and who is involved in these trips. I think that is a far better approach.

The Democratic alternative presented by Senator REID bars lobbyists from participating in such trips whereas the Rules Committee measure requires disclosure of lobbyist involvement.

The Reid amendment also prohibits a Member from negotiating for prospective private employment if a conflict of interest or the appearance of a conflict exists. We have that in our Rules Committee language. We actually went a step further than that. The law prohibits this already, but I also think that a rule in this area is fine.

The Reid amendment makes it a felony for a Member of Congress to seek to influence a private employment decision by threatening to take or withhold an official act. Absolutely we should do that. I think the law already does that. I honestly believe the bills reported by the Rules Committee and Governmental Affairs Committee are superior to the Reid amendment.

When I first looked at the Homeland Security and Governmental Affairs bill, I wasn't quite sure what it did. But as I read it more and more, it is very good in terms of reporting, disclosure, and transparency. It requires more reporting with regard to lobbyists.

We better continue to ask ourselves about what we are doing here. For instance, I am particularly troubled by the provisions that would only allow travel sponsored by 501(c)(3) organizations. Do my colleagues not realize that 501(c)(3) organizations can be manipulated and used by lobbyists as fronts for their lobbying activities? In fact, that is exactly what Jack Abramoff did. He laundered money through a 501(c)(3) and used a tax-exempt entity to finance congressional travel.

This is one of my major concerns with the Reid proposal. I think it actually endorses a process that has been used to abuse the lobbying rules.

While the effort here is a good one by Senator REID and in good faith, we have a superior bill. Where Senator REID had some good proposals, we put them into the Rules Committee bill. But there are many provisions, a much more detailed package from the Rules Committee and Homeland Security and Governmental Affairs Committee.

I hope when the time comes, this amendment will be rejected. We are trying to make this a responsible bill—not inferring that the Reid amendment is not responsible. We are also trying to make it bipartisan. So I am concerned that we have come right out of the gate with a partisan package. I assume we are not going to have the Santorum alternative offered as a package. It has been melded into what we have.

I urge my colleagues to reject the partisan package. Let's take the good stuff out of it and make it a part of our final product.

Mr. President, I will be glad to yield the floor so a Senator may speak on the Reid proposal. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, if it is all right with Senator DODD, I wish to be heard on the Reid amendment for not longer than 15 minutes.

Mr. DODD. I yield whatever the time the Senator cares to use.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased the Senate has now taken up this important issue. I compliment Senators LOTT and DODD for working together, as well as Senators COLLINS and LIEBERMAN. We needed to have this debate. We need to have these changes.

Over the past several months, we have all heard the sorry tale of scandal and corruption and bribery involving Jack Abramoff, senior Bush administration officials, and, sadly for us, Members of Congress. Those tales have unfolded here in Washington. It is clear that these scandals show corruption has taken hold here and that we in Congress must act. That is why I am so glad we have set aside time for this bill.

The measure on the floor today makes important strides in cleaning up corruption, but, in my view, it doesn't go quite far enough. Under the leadership of Senator HARRY REID, Senate Democrats have advanced legislation that goes even further, but it doesn't go so far as to make it unworkable or unreasonable.

We were and Senator REID was the first to respond to the revelations of scandal and corruption in Washington. Nearly the entire Democratic caucus united to create a package of reforms which we call the Honest Leadership and Open Government Act of 2006. It was the first idea that we rolled out for the American people to see.

I believe the Reid bill helped set the tone for the bill we are debating today. I do, again, Mr. President, thank Senator LOTT for his leadership in the committee. I thank him for working so closely with Senator DODD. And I say the same to all my colleagues involved in this issue because we know the partisanship here is deep and the Senators set it aside, and for that we are all grateful.

What we have before us is an excellent start. If we did that and nothing else, it is a start. But we have a chance now to do better. I think the American people won't settle for just a good start; they want to see deep reform. They want the revolving door slowed so that they don't see Members of Congress—Senators and House Members—staff members, and administration officials walking out the Capitol steps and walking right into a lucrative job where they will have undue influence in terms of what goes on in the Congress.

The American people want to feel they still have a voice, even though they don't have thousands or maybe millions of dollars to shell out on K Street where the lobbyists thrive. They want gifts banned. They don't want to see a commission report on why the latest scandal happened; they want measures in place that prevent scandals from taking place at all.

My colleagues and I on this side of the aisle are prepared to offer amendments to strengthen this bill, and Senator REID's package is the first such attempt. I believe it is important, again, to strengthen this bill and raise it to a standard in which our constituents can take comfort.

We truly need to go beyond what we have before us. We also need to go beyond the Congress and follow the money, as sordid as it may be, and follow the meetings, and follow the contacts between Mr. Abramoff and the White House. So far, the White House is quick to admonish those outside the administration who engage in scandalous acts. Yet they have maintained a policy of duck and cover and denying when allegations are pointed in their direction.

I will have an amendment calling on the White House to cooperate, to turn over the information that we and the public deserve to have on how many times Jack Abramoff was in the White House, or his associates, and what it is they wanted and what it is they got and what it is they gave. That amendment will be coming soon. It is very clear. I hope it will be accepted. I know that my side of the aisle supports it.

My amendment simply says that the White House should fully disclose all of its dealings with Mr. Abramoff. We certainly should disclose our dealings, and as far as I know, every Member has gone back and looked to see if they received contributions from Mr. Abramoff, if they received contributions from anyone associated with him. Many of us have acted to either return those contributions or to explain why we would rather give them to charity. We have opened up our books. The White House has to open up its books as well.

Again, I am very pleased at the bipartisan effort that has taken place to bring ethics reform to the floor today, and I urge all my colleagues on both sides of the aisle to support the amendment offered by the Senator from Nevada and continue this bipartisanship.

Anyone who knows HARRY REID knows he is a reasonable person who loves this institution, who has given his life to public service, starting from the time he was a police officer. The Reid amendment serves only to strengthen the reforms we seek and that the American people demand. This is what it does in part.

It closes the revolving door so that the outcome of legislation is not tied to a Member's potential job prospects. It ends the K Street project by shutting down the pay-to-play corruption scheme. K Street offices should be staffed by individuals who are the most qualified for the job, not well-placed former congressional staffers who obtain their job through a back-room deal to stack the deck in any party's political favor. And we know that calls come routinely to these offices saying: Hire this staff or that staff, and the implication is you will be treated better in legislation. It is a disgrace.

The Reid amendment increases penalties for violations of the rules under the Lobbying Disclosure Act as a further deterrent for lobbyists to engage in unethical practices, and it prohibits dead-of-night legislating to allow for an open meeting of the conferees with access by the public. The public is so shut out around here. Not only are Democrats shut out of some conferences, but the public certainly knows not what is going on. We want the light of day to shine. If you want to stop those bridges to nowhere and other projects that don't make any sense, open up the process to the light of day, and all of us—all of us—will be scrutinized.

I think we should impose tougher restrictions on congressional travel and gifts. We know there is a difference between traveling in an official congressional delegation and traveling because some company wants to do you a favor. We know what that is about. There is a difference between a truly educational trip that is sponsored by a foundation with no ties to special economic interests and a trip that is organized by some economic interests that want to treat you in a way that will make you more open to what they want. There is a difference here, and I think what the Reid amendment does is walk that line.

So with this bill, amended by the Reid amendment, the American public will have reason to feel confident that laws are being written and debated and voted on by Members who respect democracy and the wishes of their constituents and are not unduly influenced

by forces that simply want it because it is good for their bottom line.

We must be open, we must be honest, and we must be ethical. I know each of us tries to do that, but the rules need to reflect the highest denominator, not the middle, not the lowest. With this bill, we are at the middle denominator. The Reid amendment and some other amendments offered by colleagues on both sides of the aisle can bring us up to that highest level, and I hope we will start by voting ''aye'' on the Reid amendment in a bipartisan way. It will set the tone of this debate.

I thank my colleague Senator DODD for yielding me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to be recognized for the purpose of having a colloquy with the chairman and ranking minority member, Senator LOTT and Senator DODD.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. WYDEN. I thank the Chair.

As the distinguished chairman of the Rules Committee knows, Senator GRASSLEY and I have worked for a decade to bring some openness and accountability to the Senate by requiring that when a Senator puts a hold on a major piece of legislation, they would have to disclose it publicly. Senator GRASSLEY and I are ready to go with that bipartisan amendment which we have worked on for a decade. I would simply ask the distinguished chairman of the committee and the ranking minority member what the process is so that Senator GRASSLEY and I can bring forward this bipartisan amendment. I pose my question to the distinguished chairman of the committee.

Mr. LOTT. Mr. President, in answer to the distinguished Senator from Oregon, we have before us the Reid amendment which is in the nature of a substitute.

I am advised it is not; it is a regular amendment. We are going to have a vote on it at 11:30. We are open for debate on that amendment.

Then we are working out arrangements where we would come back to this side to Senator SANTORUM and Senator DODD, who are going to offer the next amendment jointly, sometime between now and 11:30, or immediately after the vote on the Reid amendment. Then it would be back to the Democratic side and going back and forth for the next amendment that might be in order. We are encouraging Members to come to the floor and offer their amendments. We have Senator INHOFE coming up to offer amendments on our side. But after Senator SANTORUM, we would be back for I guess a jump ball if anybody wanted to offer an amendment.

Mr. WYDEN. Would it be acceptable to the distinguished chair of the committee and ranking minority member that I could ask unanimous consent that after you all have completed the bipartisan amendment of the Senator from Connecticut and the Senator from Pennsylvania, that when you all have completed your business, the Wyden-Grassley amendment come next?

Mr. LOTT. Mr. President, we have no objection. We are encouraging Senators to come to the floor with their amendments, and if Senator WYDEN would like to be next in line, that is fine. As a part of that, let me ask consent that Senator INHOFE be allowed to offer the next amendment after the Wyden-Grassley amendment so we would have a package of the two lined up.

I propose then that we have the Wyden amendment in order after the Santorum-Dodd proposal, to be followed by the Inhofe amendment.

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

Mr. WYDEN. I thank the distinguished chairman and the ranking minority member.

Mr. DODD. Mr. President, does my colleague from Delaware request time?

Mr. CARPER. I do. Can I ask for 5 minutes?

Mr. SANTORUM. Mr. President, we have been trying to go back and forth. The last speaker was Senator BOXER. I think we have been trying to alternate back and forth.

Mr. LOTT. Does the Senator propose to speak on the pending amendment?

Mr. SANTORUM. Mr. President, I am going to talk about the bill, and then I will yield back to Senator DODD to actually offer the amendment we are working on, was my intent. That was the plan.

Mr. President, I, too, rise to thank Senator LOTT and Senator DODD, as well as Senator KYL and Senator LIEBERMAN. They talked about how this process has been somewhat unique in the annals of recent Senate history and about how this process has worked now for the past month, a little over a month in a way that, as Senator LOTT said, should be done more often around here, which is sitting down and having good, bipartisan discussions to try to come up with a consensus piece of legislation.

While obviously there will be lots of amendments, at least the foundation of this bill is one that included a lot of bipartisan input and, in fact, has features from both sides of the aisle and is as much a bipartisan bill, at least on a major bill, as has been brought to the floor in a long time. I thank the chairman and ranking member of the committees, in particular Senator MCCAIN for his leadership on this issue, as well as others who participated in the bipartisan process, including Senator FEINGOLD, Senator PRYOR, Senator OBAMA, Senator SALAZAR, and others who have made contributions on the Democratic side; Senator VITTER, Senator ISAKSON on the Republican side, who have also been very involved in the process.

As a result of that process, we came up with a working document. I won't call it a consensus because there were Members who had varying points of view on a variety of these issues, but let's say that at the conclusion of our discussions we had a working draft that had broad support as a whole. At the same time, as you will see in the discussions and in the amendments we are going to have today, some wish to ratchet it up a little bit, make it a little tougher; others thought it might be a little too tough. But in the areas of concern, there was broad agreement on what those areas of concern are, and suggestions of approaches on how to deal with it.

I wish to go through the areas that we agreed needed to be addressed and what the general idea was in how to proceed with a lot of the things that are up here, which were foundational in the sense that we started with the McCain-Lieberman bill that Senator MCCAIN and Senator LIEBERMAN introduced a couple of months ago, and there was some tinkering to that legislation. Overall, the disclosure requirements in that legislation were universally embraced and adopted for disclosure of lobbyist contributions to Member PACs, and lobbyist disclosure of executive and congressional employment. All of those things were included, as well as others we have heard talked about on the floor.

Several things were not included: disclosure of contracts with State sponsors of terrorism. That is something I happen to believe should be included in the legislation, but so far we have had objections to that being included. I am not too sure I understand why but, nevertheless, it has not been included.

We suggested 30 days, not 60 days, to comply with the rules. That has not been included.

Higher penalties. The penalties were increased from $50,000 to $100,000. Many of us believe that is not sufficient as a deterrent for some who make a lot more than $50,000 or $100,000 around here on transactions. So we think a higher penalty sends a stronger signal, and I will be offering an amendment on that to increase the penalties up to $200,000. Again, it is up to $200,000 for breaking these rules, lobbyists breaking these rules.

One of the important things we brought to the table that was not in the underlying bill was disclosure of rule enforcement by the Secretary of the Senate and the U.S. Attorney. In other words, one of the concerns Members have and that the public has is, What sort of oversight is being done? Are there any actions being taken? What this would require is that when there, in fact, is an action taken on the part of the committee, and it has been referred to a U.S. Attorney for prosecution—not that particular case, but at least the number of cases that have been referred is made public so we know the level of activity. Not the specific charge, because we don't know whether the U.S. Attorney will actually bring a charge, but we at least know the number.

There are several other things we did in our bipartisan discussions: ban registered lobbyists who are former Members from the Senate floor; no staff contact with lobbyists who are a member of the family, which is an amendment I successfully offered in committee, in the Rules Committee; and the earmark transparency, something Senator LOTT and Senator FEINSTEIN have worked with, and obviously Senator MCCAIN. There will be differences. We passed something out of the Rules Committee. There will be amendments to try to expand this provision, maybe contract this provision, modify it; but the idea was developed and supported by a bipartisan group.

Another thing Senator COLLINS and Senator LIEBERMAN put in their bill, which was very important that we brought to the table, was the idea of an SRO, a self-regulatory organization that many professional organizations use to police their own ranks. While we can pass laws and we can pass rules that try to govern the lobbyist profession, there are a lot of things within the profession that need to be upgraded, whether it is fees or whether it is professional ethics, and there is not a good body out there that does that. There certainly isn't any kind of self-regulatory body that does that. We think it is vitally important to send a message from the Congress to the folks who make a living petitioning their government to clean up their own house, and particularly in greater detail than what the Congress could or should do with respect to the practices, the internal practices of lobbying firms and lobbyists.

I think this is a very important suggestion, something I felt very strongly about, and I appreciate Senator LIEBERMAN and Senator COLLINS for including it in their legislation.

This is the final chart, which again shows the consensus. You can see the checkmarks here again, which are areas that are already included in the bill that were part of the bipartisan discussion, to extend the lobbying ban for Members and senior staff from 1 to 2 years for Members and included more senior staff of Members in a separate amendment. Both were discussed and supported broadly in our discussions.

This is something I also felt very strongly about: Members not being able to negotiate for private sector employment while they are a member of the Senate. Then we put in the date of the election of your successor as the date you can then freely discuss employment opportunities for after your life here in the Senate. We have an exception. There needs to be an exception. If something happens, a personal emergency in the family, or something comes up where you feel you have to leave the Senate for some reason, the opportunity to have those discussions simply must be disclosed within 3 days of having those discussions. Again, we think there needs to be an escape hatch for those kinds of contingencies.

Travel was a very big point of discussion and will be a point of discussion here on the floor of the Senate. Privately funded travel must be preapproved by Ethics, be of educational value, have little or no R and R—rest and recreational value, disclosure of the lobbyist's involvement in the trip, as well as all activities reported after the trip. In other words, you have to file a comprehensive report of what you did, not just what you planned to do.

The area that was not done and that I will be offering an amendment on with Senator MCCAIN and Senator FEINGOLD is having to do with the Members and Federal candidates paying a fair market value for the cost of corporate travel. I know this is very controversial, particularly for Members from larger States using a private aircraft in getting around. But as we will discuss later with Senator MCCAIN and Senator FEINGOLD on the floor, we believe this is an area that needs to be addressed. This is clearly a subsidy. I understand, and I think we all understand, this will probably require higher amounts of money in our accounts to be able to pay for these costs as we travel around our States that now are, in a sense, subsidized by the private sector. But I believe this is a very important transparency issue.

The final issue is the mandatory disclosure of travel on private charter flights by Members as well as Federal candidates, so this is something that we did.

The last thing that is on the agenda, and then I will turn it over to the Senator from Connecticut, Senator DODD, is the gift ban. Now we do have a gift ban in this bill having to do with lobbyists. Lobbyists are no longer allowed to give any gift of any value to Members. The one area that is excluded from that is meals. To be clear, what the Rules Committee did was make a change to current law which says, you are allowed to purchase a meal for a Member of Congress or his staff of up to almost $50. The Rules Committee said you have to now report it if it is above $10. That, I think, is worse than the current law, in my opinion, because it sets up a situation where Members—I can tell you if this is the law that would go into place, I would tell my staff, and certainly I would never have a meal with a Member, because it creates the impression first that you have to report it, and of course any activity that occurred with respect to that lobbyist and your office or legislation you voted on or campaign activities would be tied to this particular event which, of course, may or may not have had anything to do with that particular event, but it creates, I think, an untenable situation. I think the effect of Senator LOTT's suggestion would be, in fact, a ban on meals, so if that would be the effect of it, let's do it.

So I have offered an amendment. Senator DODD came to the floor with the same idea. We have spoken. We have decided to jointly offer an amendment that would ban all meals from registered lobbyists to Members of Congress and their staff. That is the amendment Senator DODD will be teeing up here in a moment. Again, we filed virtually identical amendments.

I am happy to yield to the Senator from Connecticut because of the fine work he has done to be the lead sponsor on this amendment. We need to work together and get this done because the current situation in this bill, in my opinion, is simply untenable and is a potential trap for the unsuspecting, which I would not like to see be visited on any Member of the Senate.

With that, again, I want to congratulate all of those who were involved. I think you see that the bipartisan process we worked on for several weeks yielded the basis—the basis of the bill we have before us has yielded a situation where I think most of the amendments that are going to be offered are going to be offered in a bipartisan fashion because discussions were actively underway that did have sincere collaboration. As a result of that, I think you are going to see a lot of the effort being put forward today in a bipartisan fashion. I am pleased to be able to kick that off with the Senator from Connecticut on the issue of not allowing lobbyists to buy meals for either Members or their staffs here in the Senate.

Mr. President, I yield the floor for the Senator from Connecticut.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

AMENDMENT NO. 2942

Mr. DODD. Mr. President, my colleague from Delaware has asked to be recognized. Before he does that, I am going to send a modification—an amendment on behalf of myself, Senator SANTORUM, and Senator OBAMA to the desk and ask for a modification to be accepted of that amendment.

I ask unanimous consent to temporarily lay aside the Reid amendment for purposes of considering this amendment and then we will go right back to the Reid amendment.

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

The amendment is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 8 through 16.

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2942), as modified, is as follows:

(Purpose: To strike the meals and refreshments exception for lobbyists)

On page 8, strike lines 6 through 16 and insert the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''

AMENDMENT NO. 2932

Mr. DODD. Mr. President, at conclusion of the vote on the Reid amendment, this would be the next item to be

considered. That is the purpose for offering it now. For the purposes of recognition, I am going back and forth, I believe.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify, we will need to go back to the Reid amendment or was that automatic under the agreement, so we are back on the Reid amendment?

The PRESIDING OFFICER. The Reid amendment is once again pending.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding there is a unanimous consent we are operating under, but my only request is if the Senator from Delaware goes next, I be recognized after the Senator from Delaware for my amendment.

Mr. LOTT. Mr. President, if I could respond to the parliamentary inquiry before the Chair comments on it, we did get an agreement that yours would be next in order. That was in the previous unanimous consent agreement.

Mr. INHOFE. So I will be following the Senator from Delaware. Thank you.

The PRESIDING OFFICER. Who yields time? The Senator from Delaware.

Mr. CARPER. Mr. President, my thanks to Senator DODD and Senator LOTT. My thanks to Senator LIEBERMAN and Senator COLLINS as well. By working together, they have speeded along reforms that I think most of us agree are badly needed. I am hopeful that the bipartisan approach that they have taken on this issue will rub off on the rest of us, not only with respect to this particular subject but with respect to others that are before us.

I am sure all of us have gone home and heard about how disappointed people are with what they see going on in parts of Washington these days. I think most Delawareans realize we are not all taking bribes and not all lobbyists are crooks. I certainly agree with them. I have met many more good people here during my time in the Senate than bad, and I am sure those sentiments are shared by my colleagues. But similar to those I have spoken to in recent months, news of the Abramoff scandal and of the bribing of Congressmen and their staffs have hit the papers and television news outside the beltway. I am gravely disappointed that our system can allow such excesses and disrespect for the people who sent us here.

The fact is, the American people have lost some of the trust they have placed in their leaders here in Washington. That is dangerous because, as we all know, a lot of the folks around our country did not have a whole lot of trust in us to begin with. That is why I am proud to support today the amendment offered by Senator REID. It would add several provisions from the Honest Leadership and Open Government Act to the bill that is before us today.

Senator REID's amendment would make a good bill even better. It would do so by ending certain practices that at the very least create among our constituents a perception of impropriety.

Along those lines, the Reid amendment would prohibit Members and staff from receiving gifts from registered lobbyists. Many offices, mine included, are already implementing this kind of reform. We will no longer accept meals, entertainment or any other gifts from lobbyists, and will abide by that standard until the Congress decides what the new standard should be.

The Reid amendment would also ban congressional travel funded by companies and other special interests that have business before the Senate. Senator REID's proposals to end the practice of receiving gifts and privately funded travel from lobbyists are, in my opinion, reason enough to vote for this amendment. Unfortunately, we find ourselves at a time and place where even truly significant reforms will be met with skepticism by the American people. While none of us could be bought with a $50 meal, the all too common assumption is that any reform, any new restriction, any new guideline or rule will be written in such a way that Members, staff, and lobbyists will still have loopholes through which to operate.

Bans close all loopholes. In this case, the bans proposed in the Reid amendment would go a long way toward disabusing people of the notion that nothing will change as a result of the reforms that we are debating today.

Let me add one quick comment before I close. However good our rules are in the Senate or House, however well intentioned our rules are, it is critical that the rules be enforced. When we look at what has gone on in the House of Representatives over the last several years, a major problem there was not so much the rules but the failure to enforce the rules that exist, the failure to enforce them with respect to lobbyists and apparently with respect to Members of the House and with members of their staffs.

I hope our work on lobbying reform sends the signal to the American people that we are serious about restoring their trust in us and in this institution. As we all know, that trust is absolutely essential to the good health of our democracy and of our country.

I will yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 2933. I ask the Senate to set aside the pending amendment.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, it is my understanding it was agreed to by both sides, that I was to be recognized for the purpose of setting aside the amendment and calling up amendment No. 2933.

Mr. LOTT. Mr. President, that was not what was agreed to, as I understand the question, from the Senator from Oklahoma. We have the Reid amendment, and then the next in order was going to be the Santorum-Dodd amendment. Then we were going to go to Senator WYDEN, and then the consent was that the Senator from Oklahoma would be next in order, to offer his amendment and have debate at that point.

Mr. INHOFE. If that is what you recall—that is certainly not the intention of this Senator.

Mr. LOTT. Was that the way it was agreed to?

The PRESIDING OFFICER. That is not what the Chair recalls, but that is what I have been told was agreed to. I will defer to someone who was here before me.

Mr. INHOFE. I ask if our leader would defer for a question. I appreciate very much the Senator's attention. I have been down here since before the bill came up with the intention of being the first one. I yielded to Senator SANTORUM. We wanted to go back and forth. It was my understanding Senator CARPER was recognized and I would be right after him and that time has arrived.

What is the problem?

Mr. LOTT. Mr. President, the Senator is correct. He came here early on, ready to go. But there had already been discussion with Senator SANTORUM about being able to offer his amendment. We try to go back and forth from one side of the aisle to the other.

Mr. INHOFE. Last I saw, Senator CARPER was a Democrat.

Mr. LOTT. He was just speaking. He didn't have an amendment.

Mr. INHOFE. I ask the Chair what his understanding was of the unanimous consent request?

Mr. LOTT. Mr. President, No. 1, we have an order of how amendments will go. On a separate track, we were debating the Reid amendment, and we were alternating back and forth, having speakers speak on the Reid amendment. That is where there seems be maybe a dichotomy. Senator CARPER was going to speak next. Then Senator INHOFE would be able to speak next. That was my understanding.

Mr. DODD. The two Senators from Illinois, I say to my colleague, want to be heard on the Reid amendment as well. We are losing some time. We might have some private conversations on other matters, but let's get through on the Reid amendment before the time expires.

Mr. LOTT. Was there a request pending?

Mr. DODD. It is an informal request.

Mr. LOTT. What is the Chair's impression?

The PRESIDING OFFICER. If the Chair can think for a minute, he will give it.

Mr. INHOFE. While the Chair is thinking——

The PRESIDING OFFICER. At 10:37 an agreement was reached to have a

vote on the Reid amendment at 11:30. At 11 o'clock, the following agreement was reached: Following the disposition the Reid amendment, which will be voted on at 11:30, the Senate will go to the Santorum-Dodd amendment; following that, the Wyden amendment, and following that, the Inhofe amendment. That was the agreement reached at 11 o'clock.

Mr. INHOFE. Will the leader yield for a request? If I do not take more than 2 minutes, may I go ahead and bring mine up, set the current amendment aside and bring it up so it will be in the mix?

Mr. DODD. I will have to object to that. We have to talk about this.

The PRESIDING OFFICER. Objection has been heard.

Mr. DODD. Let's sit down and talk about it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield a couple of minutes to my friend, Senator OBAMA.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise briefly to support the amendment offered by Senator REID. I also support the amendment that was introduced by Senator DODD and Senator SANTORUM, of which I am a cosponsor. But let me focus on the particular provision in Senator REID's bill, the honest leadership bill, that I think all of us should pay attention to, and that is the provision which closes a loophole that would still allow Members and staff to receive free meals from lobbyists up to $50 in value.

On my way over to the floor, I passed a couple of security guards and Capitol police. I asked them how often lobbyists had bought them a meal. Surprisingly, they said none.

I talked to the young women who help us on the elevators on the way up. I asked them: Has a lobbyist ever bought you a meal? The answer was ''no.''

In cities and towns all across America, it turns out people pay for their own lunches and their own dinners, people who make far less than we do, people who cannot afford their medical bills or their mortgages or their kids' tuitions. If you ask them if they think that people they send to Congress should be able to rack up a $50 meal on a lobbyist's time, what do you think they are going to say? You ask them if they think we should be able to feast on a free steak dinner at a fancy restaurant while they are working two jobs to put food on the table. I don't think we need a poll to find out the answer to that one.

I want to be clear. In no way do I think that any of my colleagues or staffers would exchange votes for a meal. But that is not the point. It is not just the meal that is the problem, it is the perception, the access that the meals get you. In current Washington culture, lobbyists are expected to pick up the tab when they meet with Members or staff. It is understood by all sides that the best way to get face time with a Member is to buy them a meal. You don't see many Members eating $50 meals with constituents who come into town to talk about issues on their minds, or with policy experts who are discussing the latest economic theories. Most of these meals that are taken are with lobbyists who are advocating on behalf of special interests. It diminishes perceptions, and it is something that I think has to stop.

Let me close by saying this. If people are interested in meeting with lobbyists or having dinner with lobbyists, they can still do so. It is very simple. You pull out your wallet and pay for it.

I strongly urge we support the Reid amendment. In addition, I strongly support the Dodd-Santorum amendment, of which I am a cosponsor.

I yield my time.

Mr. DODD. Mr. President, Senator DURBIN from Illinois asked to be heard for 2 minutes as well. Senator DURBIN has time during the day to comment on this.

This is a very comprehensive amendment Senator REID has offered. It strengthens what is, in my view, already a very strong bill of the Rules Committee. But it does close some gaps that I think are critically important. I hope we can develop some bipartisan support. It will take some issues we would have to debate later in the day off the table because they would be included in this amendment.

So, again, I urge my colleagues to take a look at this. You may not agree with every single dotted ''i,'' as I said earlier, and crossed ''t.'' But if you agree with the thrust of this, I think it deserves your support and it is one that would strengthen this bill on lobbying reform and the transparency and accountability issues, which are the hallmarks of this joint legislative effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. 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 dispensed with.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the Reid amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—44

Akaka	Feinstein	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Jeffords	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Rockefeller
Conrad	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Wyden
Feingold	Menendez	

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Byrd

The amendment (No. 2932) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I believe we are ready to go to the Dodd-Santorum amendment.

Mr. DODD. That is true. I believe the Senator from Oklahoma has a unanimous consent request. I am prepared to yield to him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Yes. My request would be in conjunction with the Wyden amendment but also to bring up my amendment and set it aside so I would be in the mix, if that would be all right. So a couple minutes would do it.

Mr. DODD. And you have asked unanimous consent to be a cosponsor of the Wyden amendment?

Mr. INHOFE. Let me go ahead and propound that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, there is an amendment I had submitted on holds, and we have been trying to do this for quite some time. My good friends, Senator WYDEN and Senator GRASSLEY, have been trying to do the same thing, and I think Senator LOTT from Mississippi. So what I will do is not offer my amendment No. 2933 in favor of the Wyden-Grassley now Inhofe amendment that will be considered. That is my unanimous consent request.

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

Mr. INHOFE. Madam President, I ask unanimous consent that my amendment No. 2934 be called up for its immediate consideration.

Mr. DODD. Reserving the right to object, that, as I understand it, is in the order after the Dodd-Santorum amendment and the Wyden-Grassley-Inhofe amendment.

Mr. INHOFE. OK. We would be able to get it up and get it in without taking any time. If you want to go back to that order, that is fine.

Mr. DODD. Yes. I would like to do that, if we could, just to maintain the order here.

I believe what the Senator would do, Madam President, after the consideration of the Wyden-Grassley-Inhofe amendment, is then be next in line for his amendment. Is that the Senator's request?

Mr. INHOFE. Well, my request is to go ahead and bring it up now, but that is fine.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, has the Chair ruled on the request?

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Madam President, let me just say to the Senator, I do not believe we will be able to get a recorded vote before lunchtime on the Wyden-Grassley-Inhofe issue.

We might be able to set that aside and take up yours and get it disposed of before lunch, if that would be convenient to the Senator. I am not asking that yet, but I believe we will probably do that.

Mr. DODD. Madam President, if we could see the amendment our colleague would like to offer, it would be helpful to us. Why don't we do that while I am talking about this amendment, and then before we break from this, we can agree to what the Senator wants. I need to see what the amendment is.

Mr. INHOFE. I would only say that the amendment has been at the desk as of 8 this morning. I assume you have already gone over the amendments.

Mr. DODD. But I understand there are five amendments. I want to know which amendment.

Mr. INHOFE. This would be an amendment having to do with COLAs.

Mr. DODD. Cost-of-living increases. If we could see the amendment, I will be glad—let me start and then he may offer that.

I ask unanimous consent that our colleague from Arizona, Senator MCCAIN, and Senator LIEBERMAN be added as cosponsors to the Santorum-Dodd-Obama amendment. I believe that is what my colleague was interested in being heard on.

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

AMENDMENT NO. 2942, AS MODIFIED

Mr. DODD. Madam President, I call up amendment No. 2942, as modified, on behalf of myself, Senator SANTORUM, Senator OBAMA, Senator MCCAIN, and Senator LIEBERMAN. This is to extend the ban on gifts from lobbyists to include meals from lobbyists as well.

The PRESIDING OFFICER. The amendment is pending.

Mr. DODD. Madam President, this amendment is simple and straightforward. It would ban meals from lobbyists in the same way that the current bill bans all other gifts. For purposes of the Senate gift rule, it would ban meals outright.

The Rules Committee has reported an amendment that bans all gifts. But in an effort to deal with the meal issue, the language of the underlying bill would allow for meals to be paid for by lobbyists but would require, within 15 days of receiving a meal from a lobbyist or a foreign agent, that the name of the person providing that meal and the value of the meal be disclosed on the Member's Web site. In effect, we are banning meals almost without language. The idea that every 15 days we would be reporting these meals probably would result in a ban outright anyway. But it is dangerous to leave language in there because Members could inadvertently forget to report, as well as staff members and the like. It seems to me the better course to follow is to ban these meals outright and to avoid any possible problems that may occur as a result of people having meals and failing to report these in an adequate way or to misreport the details. It unnecessarily creates a tripwire for staff who may attend meetings or events where food is served but where the value is difficult to determine. None of us want to do that.

What we are trying to do with this bill is not to play gotcha or to catch people but to set some very clear bright lines about what is permissible or impermissible behavior. Clearly, you can make a case—and Members have—that meals are very much a part of a culture where business is done. I know many Members and staff over the years have had meals where they discuss legislation or upcoming amendments. There is nothing inherently corrupt about it, but the meal is paid for. And the perception is that there is an undue advantage given to those who are able to take a Member or a senior staff member out for a meal, to then ask them to support a particular provision or oppose something. That creates the impression that Members are somehow being unduly influenced. I will not stand here and suggest that that is the case, but the perception could be that it is the case.

All of us who serve in public life understand that perceptions are more real than reality in many cases, and the average citizen doesn't have the opportunity to do that. Members of our constituency who would like to talk to us rarely get the opportunity that a lobbyist has to sit down. I happen to believe that lobbying is a right. I think it is included in the first amendment of the Constitution to be able to petition your Government. I don't want to be party to things that limit people's ability to come and petition their Government. That is what it is really about.

The word ''lobbyist'' has become a pejorative word associated with evil doing. The idea of petitioning your Government is a very important right, but I don't think it necessarily means that petitioning your Government gives you the right to then necessarily be able to give gifts or provide meals to the person whom you are petitioning. The average person can't do that. We don't think lobbyists should be able to do so as well.

Our language very simply takes it off the table. It is the cleanest way to do it. I know there are fact situations that our colleagues can identify that are probably going to be disadvantageous to them, but overall I think we are better off without this. It is cleaner. It is a bright line. Let there be no questions about it whatsoever; if you are a registered lobbyist, a foreign agent, then you cannot provide the meals or the gifts that you have in the past.

As a Member, it is simple. If you are having a meal with them, you pay for your own meal or set up a meeting where there is not a meal involved and listen to the petition that that lobbyist wants to bring to you, what cause he or she wants to make to you. But the idea that you are going to be able to sit down and break bread at their cost as a way of engaging in that first-amendment right is something we believe should be eliminated. We include it with the gifts, generally. The nexus between giving a gift, buying a meal, and petitioning your Government cannot be made, in my view, and, therefore, needs to be separated. Therefore, we have offered this amendment to create that bright line and to eliminate not only gifts but also clearly to eliminate the meals as well.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I echo the comments made by the Senator from Connecticut. He covered all the salient points. I did so earlier in a broader discussion on the bill. This really is a tripwire. The current language could cause all sorts of problems for Members and staff. The better policy is to simply ban this activity. That does not mean that you can't go out with people who aren't lobbyists, and if you have a constituent who has come into town and you can buy them dinner or lunch and they can buy you dinner or lunch, that is all well and good but subject to the gift limits that are in place right now. But when you are in the business of lobbying Members of Congress, as the Senator from Connecticut said, it does without question present the perception that there is some undue influence involved with the purchase of a meal.

I understand that we are talking about small meals as well as large. But the bottom line is, that perception is

not helpful to the image of this body. Perception and reality should be a concern of ours because public confidence in this institution and those of us in it is vitally important to the success of our democracy. This is an important measure. It is a small measure but it is important to get it accomplished. I hope we can do so by consent or by voice vote. I don't see anybody else on the floor. I don't know if the Senator from Mississippi wants to speak on this amendment, but I would like to suggest that we agree to this by voice vote and then have the Senator from Oklahoma, who has been incredibly patient in waiting to offer his amendment, be given the right to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Pennsylvania for working with me on this amendment, and I thank my colleagues, Senator MCCAIN from Arizona and Senator OBAMA, who have been deeply interested in this subject matter as well as others. There is a colleague who is thinking about offering a second-degree amendment to our amendment, so we will unfortunately not be able to vote on this right now. We are going to be talking to him to work it out if we can. My hope would be that unless others want to speak against this, and there may be Members who would like to speak against it, in which case a recorded vote may be necessary, but if we no one is objecting to this amendment, my hope is we can deal with it on a voice vote and get to the next amendment.

I want to move this bill. I don't want to spend the next 2 or 3 weeks on it. We have major issues that have to be confronted by this body. This is an important one. I do not minimize it. But my hope is we can get this dealt with, done, and move on. We have issues that are very important to the people we represent. My hope is that we don't take too much time on that, and we can get to those questions.

Mr. LOTT. If I may inquire of the Senator from Connecticut, is he proposing that we go ahead and accept this on a voice vote?

Mr. DODD. We can't at this point. I have a colleague who wants to offer a second degree.

Mr. LOTT. Then while the Senator from Connecticut talks to his colleagues and determines how we can work on that issue, I will make a few brief remarks.

I want to say, again, to Senator SANTORUM how much I appreciate the work he has done. He didn't just try to find a way to give this issue a hit and miss; he got into great detail. I had a lot of questions as we went along on different aspects of his proposal. He was always able to give me thoughtful answers. I appreciate that very much. He worked in the Rules Committee, offered some amendments that were accepted. And in this case, he agreed to make it bipartisan, once again, by joining Senator DODD on the meals question. I emphasize how much I appreciate what he has done.

Frankly, I have no problem, personally, with banning lobbyists from paying for meals. Fine. Anybody around here who knows me at all knows that I probably do less of that than just about anybody. I have breakfast with my family: my kids, when they were still living at home before they went off to college, and my wife now. When the Sun goes down, I am ready to go home because I believe there is something called a life, family life. The Senate is not my only life. I think more of my wife than I do the Senate. I go home every night and eat with my wife. I recommend a lot of other people doing it instead of going to all these blame dinners.

I am a little offended at the whole concept that you can be bought by a meal. I don't get it. That is where I do get upset. I think there are some things we need to do, should do, can do to make the rules tighter, to have more clarity, disclosure, transparency with regard to lobbying reform. I am going to go along with this because, personally, it will give me a fine excuse just to say ''no.'' But I think we are creating some unintended problems. The Rules Committee bill says that you must disclose the cost of such meals that you go to 15 days after you share the meal. To me, that is better. Are we going to stop eating? It might be a good idea for some of us, but I have been going to meals where you talk about issues since I was in elementary school.

Again, I believe in being honest about it, disclose what you are doing, you have had a meal, whom it was with, and then let your constituents decide. They don't expect me to come up here and not go to a luncheon or a meal with school teachers or labor union members or executives from Northrop Grumman or lobbyists, somebody who represents a group, cable television. First of all, they are a source of information. I benefit from it. But I don't just go to lunch to meet with lobbyists from cable television. I also talk to telephone people. You talk to everybody. That is what our republican form of Government is all about. People are here to try to find out the details of issues and then try to cast an intelligent vote. The very idea that if I sit down with them or go to lunch with them or go to a dinner, which I generally don't, that is somehow questionable—no Senators are running up tabs of hundreds of thousands of dollars at the expense of lobbyists.

By the way, the rules now say that the maximum value of a meal we can receive from a lobbyist is less than $50. I don't know that that is a great meal, but you could have a pretty good meal. Being a guy who likes hamburgers and pizzas, I am very happy to get a meal of less than 50 bucks. But I do think if we call for a ban on all these meals, that we are going to have some unintended problems for ourselves and our staffs.

What happens if you go to a luncheon that is sponsored by a lobbyist organization, maybe it is under $50, maybe you get a box lunch. Are we going to be scurrying around saying, what is my pro rata share of this lunch? Maybe we shouldn't go to these policy luncheons. That is what is going to happen. Or you go and you don't eat. It is totally ludicrous that we are doing this.

But my attitude is, fine, if that is what the Senators want to do for themselves, no skin off my back. But I do think we are going to regret this, and we are going to look small. Not this amendment or the Senators involved, who are well intentioned, but I think we demean ourselves by inferring that we could be had for the price of a lunch or a dinner. That is not the case.

Having said that, it is clear that in a bipartisan way the Senate wants to do this. So be it. I will be eating with my wife and so will a lot more Senators after we pass this one.

Madam President, could I inquire, are we ready to deal with this amendment? Do we want to set it aside and go to another amendment?

Mr. DODD. If my colleague would withhold, maybe we can temporarily set this aside if Senator INHOFE wanted to go forward with his amendment. He can explain his amendment. If the Senator would withhold a minute, Madam President, I suggest the absence of a quorum.

Mr. LOTT. Will the Senator withhold on that?

Mr. DODD. Yes.

Mr. LOTT. Madam President, I suggest to the Senator that if the Senator wants to offer a second-degree amendment, it sounds like it could be offered to just about every other amendment pending.

Mr. DODD. And he could offer it as a first degree, also.

Mr. INHOFE. If he should come on the floor—he or she—with a second-degree amendment, I would be glad to suspend.

Mr. DODD. My colleague is on his way over to offer the second-degree amendment.

Mr. LOTT. Madam President, Senator INHOFE has been so helpful and understanding. We have kind of, because of the effort to go back and forth, pushed him aside. I ask that in view of the fact that we are waiting for a Senator to arrive—I think the amendment Senator INHOFE wants to offer can probably be accepted. Would it be possible to ask unanimous consent to set aside the pending amendment and go to the Inhofe amendment and be prepared to come back to the pending amendment?

Mr. DODD. That is fine.

Mr. LOTT. Madam President, I make that unanimous consent request.

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

AMENDMENT NO. 2934

Mr. INHOFE. Madam President, first of all, I ask to bring up my amendment, No. 2934.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2934.

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

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

The amendment is as follows:

(Purpose: To deny Members who oppose Congressional COLA's the increase)

At the appropriate place in the bill, insert the following:

SEC. ___. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

Mr. INHOFE. Madam President, this amendment is very simple. I have always felt that the greatest single hypocrisy every year is when Members come up and vote to exempt Members of Congress from a cost-of-living increase. The hypocrisy comes in when all the press releases hit the home State and they talk about how great this is, saying they are great reformers and then, of course, it is defeated and they end up taking the increase anyway.

Basically, what this does is say if you vote in favor of an increase by voting against an exemption of Congress, then you are not entitled to the increase. It is as simple as that. I say this, too: I love the Kennedys and the Rockefellers, but I don't think you should have to be a Kennedy or a Rockefeller to serve in this body. I can think of many people, such as Senator Dan Coats—Democrats and Republicans alike would hold him up and say there is a guy who was an outstanding Member and he had to quit because of his kids getting up to college age, and he knew he would be able to make enough money to send them to school outside of serving in the Senate.

If there is ever any transparency in stopping hypocrisy, that is what this would be. I am glad to have this in the mix, and when the appropriate time comes, I will call for a vote. It doesn't necessarily have to be a rollcall vote. I will leave that up to the leadership.

With that, I yield the floor.

Mr. LOTT. Madam President, I thank Senator INHOFE for being cooperative and bearing with us. I am glad we were able to get this amendment on the record. I voted for this before. I think Senator Pat Moynihan one time rose up in indignation and suggested an amendment of this type, and I voted for it.

I think it is well intentioned, something that we will need to think about and work on the exact language. I would propose, if Senator DODD wants to be heard on it, OK; but if we can accept it after that, I recommend that we do that.

Mr. DODD. Madam President, I thank my colleague for his patience this morning. He has been here a long time. He had several amendments he wanted to offer. Again, having been here as many years as I have been, I have voted for and against cost-of-living increases, depending on whether I thought they were appropriate. Many times I voted for them and other colleagues voted against them. To their credit, some of our affluent Members have voted for pay increases when they clearly could have avoided it. I mention my colleague from Massachusetts. I know in my experience here, on every occasion—there may be some exception—he has voted for them when he believed pay increases were warranted. Even though he may not have needed it himself, he understands that not everybody is equal when it comes to financial situations. I have had those feelings myself. I voted against these pay increases and then having blinked when it comes to taking the pay increase.

If you feel that strongly about it and you think it is the wrong thing to do, nothing prohibits you from turning in your pay increase. You can write a check to the Department of Treasury and they will accept your check. People leave in their wills their hard-earned dollars to the Federal Government. On several occasions I have read that people have actually done that. Nothing prohibits Members from doing that. So I am very moved by what my colleague from Oklahoma is saying, and we may want to wait until we have disposed of the Reid amendment so you can talk to colleagues as to how they feel about it.

Mr. INHOFE. If the Senator will yield, I want to get a vote. If I had a chance to make my full remarks, I would go into more detail. I am one of the fortunate ones who have other sources of income. As most of you know, I also do things that go to charity. I am probably a logical one to introduce this. I have heard several Members on your side of the aisle say they are supportive, and I anticipate they will be adding their names as cosponsors of this amendment before it comes up for a vote.

Mr. LOTT. Madam President, I believe there is objection to accepting it at this time. I hope we will be able to get that worked out. If not, the Senator can speak at length. I feel so strongly about it, I ask unanimous consent that my name be included as a cosponsor of this amendment.

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

Mr. LOTT. Madam President, I will soon ask unanimous consent to set aside the Inhofe amendment and return to the pending amendment, the Santorum/Dodd or the Dodd/Santorum amendment.

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

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

Mr. LOTT. Madam President, we have checked on both sides of the aisle and we are, I believe, clear now to accept the Inhofe amendment. I urge that the Inhofe amendment be accepted by a voice vote.

Mr. DODD. Madam President, I support that.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2934) was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2942, AS MODIFIED

Mr. LOTT. Madam President, we are back to the Dodd-Santorum amendment.

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

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

Mr. LOTT. Mr. President, once again, let me thank my colleagues on both sides of the aisle, Senator DODD for his efforts, and Senator FEINGOLD for his cooperation in getting an agreement to move forward with the pending amendment. The pending issue is the Dodd-Santorum amendment, and I believe we are clear now to act on that amendment.

Mr. DODD. Mr. President, we are prepared to vote. Again, I thank my colleagues. I think this is a good amendment. I appreciate my colleague from

Pennsylvania as well as my colleague from Illinois, and my home State colleague, Senator LIEBERMAN, and Senator MCCAIN, who have joined as cosponsors. I think we have made a good case for it, the bright line to get rid of the tripwires. That is a word you will hear me use quite frequently during the course of this discussion. We need clear, bright lines. We are not trying to complicate or make life difficult for people, but we are trying to make sure we have some very clear understandings as to what is permissible or not permissible in the conduct of our official business. So I thank my colleagues for their support.

Mr. LOTT. Mr. President, I ask unanimous consent that before we move to the amendment at hand, Senator FEINGOLD have his amendment in order following the Santorum-McCain amendment, and we will put it in the queue at that point. If it turns out not to be, we will work with the Senator at a later time.

Mr. FEINGOLD. Mr. President, reserving the right to object, and I will not object, let me say I appreciate the work of the Senators on this. Clearly what Senator DODD did is an improvement. I, however, believe we need to do more. I don't see this as a question of tripwires. What I see this as is a question of whether certain often well-to-do individuals who work for companies, who are not themselves registered lobbyists, be able to take Members of Congress out to lunch without the Member paying his own way for dinner, and I want to offer an amendment on that. But I want to acknowledge that Senator DODD has achieved a significant step in the right direction.

I will offer my approach to this a bit later.

Mr. LOTT. Mr. President, if I could modify my request, since I understand we had not gotten an agreement formally locked in. But after we dispose of the Dodd-Santorum amendment and the Wyden-Grassley amendment, the next amendment to be in order is the Santorum-McCain amendment, to be followed by the Feingold amendment.

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

AMENDMENT NO. 2942, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Dodd amendment No. 2942, as modified.

The amendment (No. 2942), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today so that the parties can have their respective conference meetings.

There being no objection, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe the Senate did clear the Dodd-Santorum amendment, so the pending issue is the Wyden-Grassley-Inhofe amendment.

The PRESIDING OFFICER. The amendment has not been submitted so it is not currently the pending question.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I believe, then, we would be ready to go with this amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 2944

Mr. WYDEN. Mr. President, I propose the Wyden-Grassley-Inhofe amendment, No. 2944, which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 2944.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: 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)

At the end of title I, add the following:

SEC. ___. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—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 ___, intend to object to proceeding to ___, dated ___.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''. Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—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 ___, do not object to proceeding to ___, dated ___.''.

Mr. WYDEN. Mr. President, if you walked down the Main Streets of this country and asked people what a hold was in the U.S. Senate, I think it is fair to say nobody would have any idea what it is you were talking about. In fact, they might hear the world ''hold,'' and they would think it was part of the wrestling championships that are going on across this country right now. But the reason I am on the floor of the Senate today with my distinguished colleague, Senator GRASSLEY, and Senator INHOFE, is that the hold in the Senate, which is the ability to object to a bill or nomination coming before the Senate, is an extraordinary power that a United States Senator has, and a power that can be exercised in secret.

At the end of a congressional session, legislation involving vast sums of money or the very freedoms on which our country relies can die just because of a secret hold in the Senate. At any point in the legislative process, an objection can delay or derail an issue to the point where it can't be effectively considered.

What is particularly unjust about all of this is that it prevents a Senator from being held accountable. I think Members would be incredulous to learn this afternoon that the Intelligence reauthorization bill, a piece of legislation which is vital to our national security, has now been held up for months as a result of a secret hold.

I am going to talk a little bit about the consequences of holding up an Intelligence authorization bill in a moment. But I want to first be clear on what the Wyden-Grassley-Inhofe amendment would do. It would force the Senate to do its business in public, and it would bring the secret holds out of the shadows of the Senate and into the sunshine. Our bipartisan amendment would make a permanent change to the procedures of the Senate to require openness and accountability. We want to emphasize that we are not going to bar Senators from exercising their power to put a hold on a bill or nomination. All we are saying is, a Senator who wants that right should also have a responsibility to the people he or she represents and to the country at large.

Now, to the hold on the Intelligence bill that has been in place for more than 3 months, I think every Member of the Senate would agree that authorizing the intelligence programs of this country is a critical priority for America. Striking the balance between fighting terrorism ferociously and protecting our civil liberties is one of the most important functions of this Senate. The bill that is now being held up as a result of a secret hold, the Intelligence reauthorization bill, has been

reviewed by a number of Senate committees. It was reported by the Intelligence Committee late last September, by the Armed Services Committee last October, and by the Homeland and Governmental Affairs Committee last November.

I particularly commend Chairman ROBERTS who worked with me on a number of amendments, amendments that I felt strongly about, because this legislation does ensure that there will be accountability and oversight in the Intelligence Committee by establishing a strong inspector general, by requiring that the committees get the documents they need to perform effective oversight over the intelligence community, and by making the heads of the key agencies subject to Senate confirmation.

I think the Senate would particularly want to know if this legislation, the Intelligence reauthorization bill that is held up by a secret hold, does not move forward, it will be the first time since the Senate Select Committee on Intelligence was established in 1978 that the Senate has failed to act on an Intelligence reauthorization bill.

What we have is a situation where a single, anonymous Senator has invoked a practice that cannot be found anywhere in the Senate rules and has lodged an objection to a piece of legislation that is critically important to the well-being of America. Senators have often asked Senator GRASSLEY and myself and Senator INHOFE: Where are the examples of these secret holds? Exactly why do you believe your legislation is important? We now have a textbook case of a secret hold that is injurious to America.

For all the talk about earmarks—we have been discussing that here on the Senate floor, as well as the scope of conference, line-item vetoes and the like—I would wager that no weapon is more important and more powerful to each Senator than the ability to stop amendments, legislation, and nominations through secret holds. I believe as U.S. Senators we occupy a position of public trust and that the exercise of the power that has been vested in each of us should be accompanied by public accountability.

I have no quarrel with the use of a hold. I have used them myself on several occasions. But what is offensive to the democratic process is the anonymity, the secrecy, the lack of accountability when a Senator tries to exercise this extraordinary power in secret.

Let me just wrap up, because I see the distinguished chairman of the Finance Committee is here, with a quick minute on the history of these efforts. Senator GRASSLEY and I have been at this for almost a decade. The Rules Committee held a hearing on our proposal in the summer of 2003. We worked with Chairman LOTT and with the ranking minority member, Senator DODD, extensively. This is a matter that has been considered at length by colleagues.

Senator LOTT knows firsthand about this issue because he has personally spent many hours with me as he has wrestled with it, and in fact tried to set in place some voluntary procedures that would curtail the abuses of the secret hold.

These secret holds have been an embarrassment to the Senate in my view, and they have been an embarrassment for a long time. But I cannot recall an instance where we had a hold, a secret hold on the Intelligence authorization bill at a time when our country is at war. This is a practice that needs to end.

I yield now for the distinguished chairman of the Finance Committee, Senator GRASSLEY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today I put a hold on the President's nominee for the Export-Import Bank. I don't usually issue a press release when I do that, but I did that because it is in relationship to a problem we are having with the Export-Import Bank on an ethanol issue, and I want the people to know that it is broader than just some of the small reasons you do holds around here.

But I have had a practice, as this amendment would mandate—I have had a practice over the last 7 or 8 years of putting a statement in the CONGRESSIONAL RECORD when I use a hold. I believe I use a hold a little less often than some of my colleagues do, but I agree. A lot of people maybe use a hold because they do not want to put up with the fuss that goes on when you make public why you are holding up a bill and who you are. But I want to assure you, I have been in the Senate for 25 years, and I have not lost one ounce of blood. I have not had one black and blue mark. I don't believe I have had any fight with any colleague over the practice when they know who I am.

Of course, if they were secret and they never knew I was doing it, I wouldn't have to worry about any of these things. But I believe, as my colleague from Oregon does, that the people's business is the people's business, and the people's business ought to be public. I believe if you have guts enough to put a special hold on legislation, you ought to have guts enough to say who you are and why you are doing it. I think your constituents ought to know that. But more importantly, just to get things done around here, your colleagues ought to know who it is because if you have a gripe, let's get the gripe out in the open and let's talk about it.

What is wrong in America that we do not want to talk about some things? I don't know how often my constituents brag about: ''There are two things I never talk about, religion and politics.'' There are no things that you ought to talk about more than religion and politics because they have more influence on your life than anything else that we do in American society. But somehow you can't think that you can do it in a civil way when you ought to be able to do it in a civil way. In the U.S. Senate you ought to be able to do all this stuff in a civil way.

I hope my experiences of not having any harm done to me in any way for putting a hold on, that people will back this amendment and get the public's business out. There is nothing wrong with the word ''hold,'' but there is something wrong with the word ''secret.'' When you read it in the newspapers you never hear the word ''hold'' unless the word ''secret'' is connected with it.

The people around the countryside of America, at least in my State of Iowa, think what is wrong with American Government is that there is too much secrecy, too much behind-the-scenes dealing, too much money in politics—all those things that give us kind of a black eye with the public. This is not going to solve these problems, just taking the word ''secret'' out of the hold.

But at least the newspapers won't be able to use the word ''secret'' anymore. And maybe when bit by bit we do some of these things around here we will be able to elevate public service to be the honorable profession that it ought to be.

This is a small effort on the part of my colleague and myself and now Senator INHOFE to do that.

How do you eat 10,000 marshmallows? You eat one at a time. How are you going to raise public respect for the Senate? You are going to do it a little bit at a time. This may be too little for some people. But the way caucuses are being held around here on this very subject in the last hour, you know this is a big deal—and it should be a big deal.

This is the public's business. Having expressed those views, I would like to go to a statement I have that maybe will make more sense.

The time has come for the Senate as a body to rid itself of a serious blemish. And, of course, I am talking about the practice I just spoke about of placing anonymous holds on legislation or nominations.

The power of the hold is to stop a bill or a nomination in its tracks, which each Senator possesses. It was never authorized or even intended. It is just a practice. It is not in the books.

I do not object to the use of this powerful tool, so long as it is accompanied with some public accountability. However, the current lack of transparency in the process is an affront to the principle of open government, and I think it is an embarrassment to this body.

The amendment by Senator WYDEN and myself and Senator INHOFE which we proposed today would establish a standing order requiring that holds be made public. We believe it is time to have the Senate consider our proposed standing order and then decide as a body whether to end this secret process.

For my colleagues who might be apprehensive about this change in doing business, I ask you to just give it a try. I should point out that this measure is a standing order which, while binding on Senators, does not formally amend the Senate rules and can more easily be changed if it turns out to be unworkable.

I have no doubt that once instituted this reform will be found to be very sound and no reason will be found why it should not be continued for a long period of time. For years, I have made it my practice to publicly disclose in the CONGRESSIONAL RECORD any hold that I place along with a short explanation. It is quick, it is easy, and it is painless. I want to assure my colleagues of that.

Our proposed standing order would provide that a simple form be filled out, much like we do when we add cosponsors to a bill. Senators would have a full 3 session days from placing the hold to submit the form. The hold would then be published in the CONGRESSIONAL RECORD and the Senate Calendar. It is just as simple as that.

This amendment is essentially the same as S. Res. 216 in the 108th Congress, which was a collaborative effort between myself, the Senator from Iowa, Mr. WYDEN, Senator LOTT, and Senator BYRD.

In the last Congress, Chairman LOTT held a hearing in the Rules Committee on the issue that is before us. Since that time, I have worked with Senators WYDEN, LOTT, and BYRD to come up with what I think is a very well thought out proposal to require public disclosure of holds on legislation or nominations in the Senate.

It says a lot that this proposal was written with the help of such outstanding Senators as Senator LOTT and Senator BYRD. As chairman of the Rules Committee and as former majority leader, Senator LOTT brings valuable perspective and experience. It is also a great honor to be able to work on this issue with Senator BYRD, who is also a former majority leader and an expert on Senate rules and procedures.

I can think of no reason a single Senator should be able to kill a bill or a nomination in complete secrecy. Despite recent attempts by the leadership to curb abuses of holds, the secret hold remains a stain on the fabric of the Senate.

It is time for the whole Senate to consider our proposed standing order and speak as a body on this issue. If any Senator believes I am misguided in this, I welcome their discussion.

I have yet to hear a single good reason we should allow secrecy to creep into what ought to be a very public legislative process. In fact, public discussion on this matter is long overdue. If this practice that is in the shadows of legislation is to continue, let us at least say so publicly.

I can think of no better time to consider this long overdue measure than in the context of a bill titled the ''Legislative Transparency and Accountability Act.''

If we don't end this in a bill with this title, we are missing a chance that we have been waiting for for 10 years. I thank the chairman of the committee for that opportunity. That is why this measure is all about transparency and accountability.

The purpose of the underlying bill is to restore public confidence in Congress by making our actions transparent and accountable. Secret holds run contrary to both principles. They are done in complete secrecy and allow Senators to avoid public accountability for action. The underlying bill requires disclosure of earmarks in advance of conference negotiations and increased disclosure of trips and employment negotiations.

I ask my colleagues to support the Wyden-Grassley-Inhofe amendment so that we can use this one small step to restore confidence and have more public accountability.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by commending the two sponsors of this proposal. I know that each of them has worked so hard and so long trying to end the practice of secret, indefinite holds being put on either nominees or placed on legislation. I believe this proposal is consistent with the goal of this legislation which is more accountability and more transparency. I commend both of them for their effort.

I would like to engage the sponsor of this amendment in a colloquy in order to clarify that his proposal is not intended to reach a very temporary hold that is placed on a bill in order to allow for review of that legislation.

Let me give a specific example. Occasionally, bills will be discharged from their authorizing committees. These are not necessarily on the calendar. They are discharged from the committee, and the bill will be hotlined on both of our sides to see if there is any objection.

Obviously, putting a temporary stay on the consideration of a discharged bill in order to allow a few hours for review or even a day for review is completely different from the practice of secretly killing a bill by putting an indefinite anonymous hold.

I wonder if, through the Chair, I could inquire of the sponsor if it is his intention to distinguish between those two situations. I would call one a ''consult hold'' perhaps, and one a ''killer hold.''

Mr. WYDEN. Mr. President, as usual, the distinguished Chair of the subcommittee has put her finger on an important distinction. I want to take a second to describe how the legislation addresses it. I think we are of like mind on it. Subsequently, a lot of time was spent by the distinguished chairman of the Rules Committee and Senator DODD and Senator BYRD on this matter.

What the distinguished Chair of the Homeland Security Committee is describing is essentially a consult. For example, a Senator wants to be notified about a bill that is headed for the floor. Very often that comes up, say, when a Senator is in his or her home State and frequently needs to be able to come back, and it takes a day, and they need to be able to review it.

Under the Wyden-Grassley-Inhofe amendment we make very clear it is not our intention to bar those consults. We like to use the word ''consult,'' which is a protected tool for a Senator as opposed to the question of a hold.

I think perhaps another way to clarify it is a consult is sort of like a yellow light. You put up a little bit of caution—that we need a bit of time to take a look at it. A hold is a red light when you are not supposed to go forward. We don't want people to be able to exercise those holds in secret. We think it is fine to have the kind of consult that the distinguished Chair of the Homeland Security Committee has described.

In fact, to ensure that we have this kind of procedure that the Senator seeks, we call for 3 days before an individual has to put in the CONGRESSIONAL RECORD that they have a hold on a matter.

I think we are clearly in agreement—that the consult is protected, but the secret hold and forcing the Senate to do its business in public is what is going to change.

Ms. COLLINS. Mr. President, I very much appreciate the explanation and clarification of the sponsor of the amendment. I am in complete agreement with the differences that he described. I believe his proposal would inject needed transparency and accountability into the process, not to mention that I would know who puts those holds on my bills.

I hope this proposal will be adopted. I intend to support it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support this amendment offered by the Senator from Oregon, the Senator from Iowa, and the Senator from Oklahoma. I thank them very much for doing it.

I must say, as I listened to the debate I thought back to the winter of 1988 after I was elected to the Senate.

Incidentally, a distinguished member of that cast was the honorable Senator from Mississippi, and we attended the orientation session together that winter for new Senators. I remember then Senator Wendell Ford from Kentucky came before us to give us instructions about Senate procedure.

He said: Look, I remember when I was just elected to the Senate. You are going to find a lot of things around here that don't make much sense to you, but they will over time.

Then Senator Ford stopped for a moment, and said: Take the seniority rule. The longer I am here, the more sense it makes to me.

I want to say the longer I am here, the less sense the secret hold procedure makes to me. Honestly, it has become increasingly outrageous when you think about it—that this body can be stopped by an action that is secret, and the source of the action is not known on a measure that is on the Senate floor because it came out of a committee. It is really outrageous.

I congratulate Senators WYDEN, GRASSLEY, and INHOFE for seizing this moment of reform brought about by the reports from the Rules Committee and our own Homeland Security and Governmental Affairs Committee to take this opportunity to get rid of this outdated but really outrageous part of Senate procedure.

If somebody cares enough to hold up a measure and hold up the rest of us from considering it on the floor, the least they can do is have the guts to reveal their identity.

That is all this change would bring about.

I thank my colleagues. I look forward to supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I defer to the manager of the bill.

Mr. LOTT. Mr. President, is the Senator from Louisiana speaking on the same issue? If you would defer, Senator INHOFE has become one of the lead cosponsors of this amendment. I think you would probably like to be heard in sequence. Then the floor would be open for questions.

Mr. WYDEN. Mr. President, at this point, after the Senator from Oklahoma has spoken, it would be my intention to very briefly wrap up the case for the Wyden-Grassley-Inhofe amendment. We would yield our time at that point, and we are going to ask for a recorded vote.

The PRESIDING OFFICER. The Senate is not currently operating under a time agreement.

Without objection, the Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, I was fascinated by the comment from the Senator from Connecticut that after a few years some of this stuff will make sense to us. I have only been here 20 years. I am a patient man; I will wait.

Let me put this in perspective, as far as my interest in this. Back in 1986 I was elected to the House of Representatives. There was a procedure that was used at that time called the discharge procedure whereby a person could discharge a bill out of the committee without having committee action, but it could be blocked by someone and we could not know the name of the person who blocked it.

Consequently, we found ourselves in this situation where there would be legislation that everyone at home is very excited about. We could go home and campaign and say, yes, I am for this. I remember several of the West Texas Democrats wanting to oppose gun control. Yet their caucus wanted them to support gun control. So they would tell the people at home that they were opposing it. Yet they were the very ones who kept it from coming up for a vote.

That is exactly the same thing we are dealing with here. In 1994 we were able to pass that reform. When we came over here in 1994, I was not even aware that you could put a hold on a bill without disclosing who you were or who was putting the hold on. This is a very similar thing. It is transparency, bringing it out in the open.

I agree with my good friend Senator WYDEN that if Members want to, they can put a hold on a bill. This does not affect that. Members just have to say who they are.

This morning I had my amendment on the floor and Senator WYDEN and Senator GRASSLEY showed me their amendment was essentially the same. I was very happy to fold mine in. I am happy to be part of this.

After a number of years now, this will become a reality. I applaud my fellow cosponsors for the fine work they have done.

Let me review how that means of obfuscation worked—this from the CONGRESSIONAL RECORD, page H1131, March 10, 1992:

A good example is the method Members from the House of Representatives used to hide their votes from the people concerning a balanced budget amendment to our Constitution. Shortly after it was discovered in a USA Today poll in 1987 that over 80 percent of the people in America want a balanced-budget amendment to the Constitution, House Joint Resolution 268 was introduced. House Joint Resolution 268 immediately gained 246 coauthors from over the Nation. I can just envision, at the town hall meetings back home, a liberal Democrat standing up and holding House Joint Resolution 268 in his hand saying, ''See here, ladies and gentlemen. This is my name as cosponsor of House Joint Resolution 268.'' What the Congressman didn't tell these people is that he has no intentions of allowing House Joint Resolution 268 to come up for a vote. How does this Congressman, who is trying to make the people back home believe that he is supporting a budget-balancing amendment to the Constitution, keep from having to vote on it?

It is very simple, the Speaker merely puts it in a committee and then makes a deal with the committee chairman not to bring it up for consideration. The only way that it can be brought up for consideration is for a discharge petition to be signed by 218 Members of Congress. The discharge petition is in the Speaker's desk and must be signed during the course of a legislative day. However, the names of those individuals who sign a discharge petition are kept secret and if a Member discloses the names of other Members who sign the discharge petition, he can be disciplined to the extent of expulsion from membership of the House of Representatives. So House Joint Resolution 268 had 240 cosponsors, but only 140 Members were willing to sign the discharge petition.

Pretty cozy, huh? The Congressman can falsely represent his position to the people at home and never have to vote on the issue. I might add that there is a happy ending to that House Joint Resolution 268 story. Several of us contacted a national publication. While the publication knew we couldn't divulge the names of those who signed the discharge petition, they agreed to print the names of the individuals who coauthored House Joint Resolution 268, but did not sign the discharge petition. We found a loophole in the corrupt institutional system that protects Congressmen from their electorate and as a result of that, we were able to immediately force it out onto the floor and we missed passing a balanced-budget amendment to the Constitution by only seven votes.

That situation disturbed me so much that in March of 1993 I 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.''

I had 87 cosponsors, and it passed by a vote of 384 to 40.

In an article about my initiative, Reader's Digest in November of 1994 wrote, ''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 passage of this one bill is an important first step in the right direction. And it took a little-known Representative form Oklahoma to point the way.''

I ask unanimous consent to have printed in the RECORD the full text of this article.

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

[From the Reader's Digest, Nov. 1994]

A STORY OF DEMOCRACY AND CAPITOL HILL: HOW THE TRIAL LAWYERS FINALLY MET DEFEAT

(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 plan 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 statue 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 Capital 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 re-election 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 Capitol 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 the 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 Democrats82–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 need 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 how 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 consumer, 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.

Mr. INHOFE. The situation is exactly the same here, Mr. President.

In fact, the very stated reason for this whole bill is to require Congress to do the people's business in the open.

A Senator may have a hold on a nomination or a bill or a unanimous consent agreement, and that hold is secret.

It is just as possible for a Senator to keep his constituents and Americans in general in the dark now about their holds as it was for House Members before I successfully led the charge for transparency in discharge petitions.

Indeed the Wall Street Journal was strongly in favor of my House efforts at that time.

Toward that end, I ask unanimous consent to have printed in the RECORD the Wall Street Journal's six editorials on the issue of discharge motions.

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

[From the Wall Street Journal, Sept. 30, 1993]

REAL HOUSE REFORM

On his first day in office in 1987, Rep. Jim Inhofe asked a fellow Oklahoma Member how he could be so liberal and keep getting elected in a conservative state. A third Congressman interrupted: ''It's easy. Vote liberal. Press release conservative.''

Rep. Inhofe took a big step toward ending such hypocrisy Tuesday, when Congress voted 384 to 40 for his proposal to end the secrecy of discharge petitions. Constituents will now know who's signed up for the procedures necessary to discharge a bill from committee and force a vote; Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators. Rep. Inhofe's overwhelming majority, after the difficulty he had signing up 218 Members to discharge his own proposal, is itself testimony to the difference between smoke-filled rooms and the light of day.

At least the 40 opponents, whose names appear below, were willing to stand up and be counted in favor of secrecy. ''I think the whole thing stinks,'' declared Rep. John Dingell, much-feared chairman of the House Energy and Commerce Committee. General Dingell warned that reform ''means you lay the basis for the entire bypassing of the committee system.'' House Rules Committee Chairman Joe Moakley railed against an ''aroused and enraged'' public that is ''virtually impossible to engage in reasonable and thoughtful debate.''

Watching Jim Wright's departure, the Keating Five scandals, the House Bank and Post Office, much of the public doubts that such debate is what goes on in Capitol corridors. Indeed, it thinks it has some right to be aroused and enraged. And when Congress routinely exempts itself from rules it imposes on the rest of society, much of the public thinks that something needs to be bypassed. So it's entirely appropriate that this major reform of House rules be forced on Congress by popular outcry.

The ideological bent of this outcry is also noteworthy. As the 40 holdouts show, the drive to make Members accountable was certainly not led by the liberals who have long thought themselves the font of ''reform.'' We on this page were glad to have played our part, and are equally glad to credit Rush Limbaugh's broadcasts and the efforts of Ross Perot, whose supporters held all-night vigils in front of Congressional offices.

We would also note, though, the lack of interest from a press that holds itself devoted to ''the public's right to know.'' For a month after Rep. Inhofe's August 4 announcement that he would publicize the names of Members who refused to end secret discharge petitions, no network or other major newspaper mentioned his crusade. Only after public agitation forced a House majority to back Mr. Inhofe did our colleagues at the New York Times and the Washington Post address the issue. The Post noted that ''in a democracy, where elected officials have an obligation to be candid and accountable, there is no reasonable argument against this change.'' We're grateful for the support, but wonder if they'd have joined the battle before it was won had it been led by, say, Ralph Nader.

It's also intriguing that secrecy was supported by Beltway ''academics.'' Thomas Mann and Norman Ornstein complained we had created ''a wildly inaccurate portrayal of Congress as a closed, secretive institution dominated by committees and party barons and unresponsive to popular sentiment.'' We refer them to the respected Members now departing in disgust. Rep. Tim Penny, the retiring Minnesota Democrat, says it took him ''only six months in Congress to realize this place doesn't operate on the level.'' In particular, he says, many Democrats are themselves upset that House leaders ''rig the rules to make sure they aren't challenged on the floor.''

To the Members, the academics and the press we say this: Welcome to the age of instant communications. We doubt that the discharge petition reform will be the last reform. In particular, some 75% of the American people support limitations on Congressional terms. Last week, after it became clear that discharge petitions would be made public, five Members signed the petition to discharge term limit legislation. While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members.

In 1867, the British Parliament passed the Second Reform Act, sponsored not so incidentally by Disraeli's conservatives. It gave the vote to the likes of rent-payers, and upon passage the Viscount Sherbrooke advised fellow parliamentarians to ''prevail on our future masters to learn their letters.'' In the popularized version this became, ''We must educate our masters.'' If the John Dingells and Joe Moakleys are really worried not about their own prerogatives but the future of the republic, they would be well-advised to adopt the constructive attitude affirmed by Viscount Sherbrooke.

The 40 House Members who on Sept. 28 voted in favor of secrecy on discharge petitions:

Neil Abercrombie (D., Hawaii) Sanford Bishop (D., Ga.) Jack Brooks (D., Texas) Corrine Brown (D., Fla.) Bill Clay (D., Mo.) Eva Clayton (D., N.C.) B.R. Collins (D., Mich.) Cardiss Collins (D., Ill.) Buddy Darden (D., Ga.) John Dingell (D., Mich.) Don Edwards (D., Ca.) Vic Fazio (D., Ca.) Floyd Flake (D., N.Y.) William Ford (D., Mich.) Henry Gonzalez (D., Texas) Earl Hillard (D., Ala.) Ron Kink (D., Pa.) John Lewis (D., Ga.) Ron Mazzoli (D., Ky.) Cynthia McKinney (D., Ga.) Carrie Meek (D., Fla.) Joe Moakley (D., Mass.) Alan Mollohan (D., W. Va.) John Murtha (D., Pa.) Donald Payne (D., N.J.) Nancy Pelosi (D., Ca.) J.J. Pickle (D., Texas) Charles Rangel (D., N.Y.) Lucille Roybal-Allard (D., Ca.) Bobby Rush (D., Ill.) Martin Olav Sabo (D., Minn.) Neal Smith (D., Iowa) Pete Stark (D., Ca.) Esteban Torres (D., Ca.) Jolene Unsoeld (D., Wash.) Nydia Velazquez (D., N.Y.) Peter Visclosky (D., Ind.) Craig Washington (D., Texas) Mel Watt (D., N.C.) Sidney Yates (D., Ill.)

[From the Wall Street Journal, Sept. 20, 1993]

HANDS OFF INHOFE!

When Rep. Jim Inhofe mobilized public opinion and forced House leaders to allow a September 27 floor vote on his bill to end secret discharge petitions, he knew they might try to undermine him. Sure enough, there are signs that the leadership hopes to placate the public by accepting Mr. Inhofe's secrecy bill but then sneak through House-Rule changes that would gut his reform. Should they try this stunt, Members better be ready to take some real heat from voters.

Only hours after Mr. Inhofe's first-round victory on September 8, House Rules Committee Chairman Joe Moakley said he planned an ''alternative'' to Mr. Inhofe's bill. No doubt it would pay lip service to reform while it retains the system that lets Congressional barons make certain that popular bills never see the light of day.

House leaders may try to require that two-thirds of the Members sign any discharge petition to bring a bill to the floor, rather than a simple majority. Since less than 10% of discharge petitions now reach the House floor, such a ''reform'' would kill any chance of freeing popular bills bottled up in committee. Exhibit A: Even though 75% of voters and more than 100 Members favor term limits, Speaker Tom Foley hasn't even allowed a committee hearing on the issue.

The Rules Committee met last week to discuss altering the Inhofe reform. It was suggested that successful discharge petitions merely require a committee to hold hearings on a bill. A floor vote would be mandated only if a committee refused to take any action. But, according to the newspaper Roll Call, House leaders rejected even that move. They fear they'll lose iron control of the legislative process if a majority of Members have a realistic way of bringing bills to the floor.

The hearings then became a platform for Members to vent their frustration with Mr. Inhofe's success at exposing the gag rule that kept names on a discharge petition secret. Rep. James Oberstar of Minnesota came to denounce Mr. Inhofe, but ended up scoring points for him. He called Mr. Inhofe's sunshine law a ''gimmick.'' However, he conceded that if Democrats ''were in the minority, we'd probably be doing the same.'' He also admitted that many Members introduce bills only to get ''special interests off their backs.''

Mr. Inhofe says Mr. Oberstar's admission proves that secret discharge petitions allow Members to say one thing at home and then do something else in Washington. ''Standing up to special interests is part of the job,'' he says. ''If you can't, step aside and let someone who can serve.''

Rep. Inhofe says his battle to end secrecy has also demonstrated the stranglehold that committee chairmen now exercise over legislation. Before the August recess, Mr. Inhofe's antisecrecy petition was only one signature short of the needed majority. Then Chairman Moakley ''convinced'' six Members to remove their names, forcing Rep. Inhofe to take his case to the American people.

Virginia Democrat James Moran candidly explained why he dropped off: ''When the chairman of the Rules Committee asks me to do something and it's not in conflict with my conscience, I think my ability to serve my district is enhanced when I say yes.'' Mr. Moran then noted how powerful Chairman Moakley is.

Thomas Mann, a Congressional scholar at the Brookings Institution, opposes the Inhofe reform, but he advised the Rules Committee not to amend it. ''That will only inflame the public further,'' he told us. He noted that if problems develop, the majority party will then have a good reason to push for modifications. In short, the House should have cleaned up its act years ago. Now the voters are going to do it for them.

[From the Wall Street Journal, Aug. 25, 1993]

ASIDES: DISCHARGE RUMBLES

Some House Members have complained that we listed their names among the 223 Members who haven't joined Rep. Jim Inhofe's effort to end secret discharge petitions. Speaking for the non-signers in today's letters column, Rules Committee

Chairman Joe Moakley claims that ending secrecy would mean more power for lobbyists and special interests (see related letter: ''Letters to the Editor: Why Make It Easier For Special Interests?''—WSJ Aug. 25, 1993). We'd have thought that taking a stand against such forces came with the job. We suspect that Mr. Moakley is fundamentally worried that his Rules panel would lose its hammerlock on bills. Some Members aren't listening to him. Democrats David Mann of Ohio and Barney Frank of Massachusetts have told constituents recently that they favor ending the secrecy rule. Rep. Frank says the issue is simply about whether House Members support open government. Three more Members will give Rep. Inhofe the majority that he needs to let some sunshine into Congress.

[From the Wall Street Journal, Aug. 19, 1993]

ASIDES: DISCHARGE CHARGE

Rep. Jim Inhofe's effort to end secret discharge petitions, which allow Members to publicly claim support for a bill while privately working for its defeat, is attracting some big-name boosters. Rush Limbaugh alerted his listeners to our publication this week of the list of 223 Members who refused to join Mr. Inhofe's effort. The 50 state directors of Ross Perot's organization have been asked to make discharge petition reform ''a high priority.'' Mr. Perot himself will discuss the subject on C–SPAN tonight at 8 p.m., EDT. Outraged voters are already making an impact. Rep. Karen Thurman, a first-term Florida Democrat, faxed Mr. Inhofe yesterday to say she will now sign up. By the way, through a production error Rep. Dave McCurdy of Oklahoma was omitted from the list we published. His office confirms he is not supporting Rep. Inhofe.

[From the Wall Street Journal, Aug. 9, 1993]

ASIDES: HOUSE ENFORCERS

House leaders could scarcely miss the danger Rep. Jim Inhofe posed to them with his effort to end secret discharge petitions, described in our editorial last week. Why, making public the now-secret list of members calling for floor votes on bills held by the Rules Committee would let constituents check up on members. Leaders couldn't bottle up popular bills.

On Friday, Rep. Inhofe had 208 of the 218 signatures needed on a discharge petition for his own proposal to end this hypocrisy. Then C–SPAN viewers saw House Committee Chairmen Joe Moakley and John Dingell park themselves near the desk where the petition is kept, where they ''persuaded'' several Members to remove their names. We still plan to publish the names of those Members who favor secrecy over open government, and maybe constituents can do a little persuading of their own.

[From the Wall Street Journal, Aug. 5, 1993]

CONGRESS'S SECRET DRAWER

The ongoing drama in the Capitol makes it clearer than ever that Congress can't control either itself or its budget. A large part of the problem is procedure, an arcane set of rules evolved over the years to let Congresspersons protect each other and keep constituents in the dark. Rep. Jim Inhofe has launched a campaign against the keystone of these rules, the veil of secrecy covering a device called the discharge petition.

It works like this: The House conspires to bottle up in committee all the bills that are popular in the country but unpopular on Capitol Hill—balancing the budget or limiting terms, for example. The Rules Committee is particularly crucial, as it was in shelving civil rights bills in the 1950s. The Rules Committee simply sits on a bill, allowing members to posture in public in support while never having to vote on it, much less enact it.

The discharge petition is supposed to serve as a protection; a bill can be forced onto the floor if a majority of Members sign a petition. But that rarely succeeds, because until the required number of 218 is reached, the list of signers is kept strictly secret. So Members can still posture in public and effectively vote the other way in secret, even co-sponsoring a bill but refusing to sign its discharge petition. Worse, only House leaders know who has signed, and when a petition nears 218 they can pressure the most pliable members to drop off.

Discharge petition procedures have the flavor of a covert brotherhood rather than a representative body. Petitions are kept locked in a drawer at the clerk's desk. The drawer can only be opened during a House session and only a signing Member can see a petition. Members cannot take any notes, and can't even bring their own pens to the desk. They must read a statement signed by the Speaker noting that disclosing any names on the petition is ''strictly prohibited under the precedents of the House,'' a prohibition imposed in 1931 by Speaker John Nance Garner, but never made part of House Rules. Violators face disciplinary action, up to and including expulsion.

Rep. Inhofe was granted floor time last night to dare House leaders to carry out this threat. Mr. Inhofe filed a bill to require that signatures on a discharge petition be made public, and it was promptly assigned to the Rules Committee for burial. So he started a discharge petition to bring it to the floor, and quietly asked each signer to memorize other names on the list; by now he's painstakingly assembled a list of 200 signers, only 18 short of a majority. He revealed last night that he will disclose the names of all Members who have not signed the petition, and is ready to face any disciplinary action against him.

As a public service, we've agreed to print his list as Congress leaves Washington to visit its home constituencies. Watch this space to learn if your Congressperson wants secrecy or openness in government. Of course, Members not on Mr. Inhofe's petition can sign up for openness before leaving town. As he advised his colleagues last night: ''It's just one short trip to the secret drawer to sign discharge petition No. 2. Take a friend.''

After all was said and done, the Wall Street Journal noted, ''Members will no longer be able to posture one way and act another on bills popular with the public but unpopular with fellow legislators . . . While defenders of Congressional secrecy predict untoward and chaotic results, we trust the public a lot more than we trust the Members.''

Mr. President, that is again exactly what I am talking about here in this parallel instance.

I want to very strongly note that the Wall Street Journal is in favor of eliminating the secrecy of Senate holds at this time.

Toward that end, I ask unanimous consent to have printed in the RECORD this Wall Street Journal editorial that endorses the concept of eliminating secret holds, assuming no one puts an anonymous hold on this unanimous consent request:

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

[From the Wall Street Journal, Apr. 29, 2005]

ADVISE AND CONSIGN—THE FILIBUSTER ISN'T THE ONLY PROCEDURE SENATORS ARE ABUSING

With a showdown looming over the filibuster of judicial nominees, now is the time to point out another abuse of the Senate's ''advise and consent'' power. It's called the ''hold,'' whereby an individual Senator can delay indefinitely a Presidential nomination, and it is seriously interfering with the operation of the executive branch.

Call it every Senator's personal ''nuclear option.'' If he doesn't like a nominee or, more likely, doesn't like a policy of the agency to which the nominee is headed, all he has to do is inform his party leader that he is placing a hold on the nomination. Oh—and he can do so secretly, without releasing his name or a reason.

Like the filibuster, the hold appears nowhere in the Constitution but has evolved as Senators accrete more power to themselves. Senate rules say nothing about holds, which started out as a courtesy for Members who couldn't be present at votes. Oregon Democrat Ron Wyden has said holds are ''a lot like the seventh-inning stretch in baseball. There is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.''

Also like the filibuster—which was never intended to block judicial nominees from getting a floor vote—the hold is being abused by a willful minority of Senators. This being a Republican Administration, Democrats in particular are using it now to hamstring or stop its ability to govern. There's no formal list of holds, but the current batch may well be unprecedented both in number and degree. Here's our unofficial list:

Rob Portman, U.S. Trade Representative. The Senate Finance Committee unanimously backed the former Congressman this week. But don't expect a floor vote soon. Indiana Democrat Evan Bayh has placed a hold on his nomination in hopes of forcing a vote on a protectionist bill he favors on trade with China. (Think AFL–CIO and the 2008 Presidential nomination.) Meanwhile, it looks like Mr. Portman will miss a high-level meeting next week in Paris to jump-start trade talks.

Stephen Johnson, head of the Environmental Protection Agency. Senator Tom Carper says Mr. Johnson ''is qualified to head the EPA and would serve the agency well.'' Yet the Delaware Democrat placed a hold on him over a dispute regarding the Administration's Clear Skies program, regulating pollutants in the air. Mr. Johnson dodged an earlier bullet when California Democrat Barbara Boxer threatened a hold unless the EPA canceled a study of infants' exposure to home pesticides. Mr. Johnson, who is acting EPA head, canceled the program.

Lester Crawford, Food and Drug Administration Commissioner. The sticking point here is Plan B, aka the morning-after pill. Democrats Hillary Clinton and Patty Murray want Plan B sold over the counter and say that the agency is stalling. They say they won't lift their hold until the FDA makes a decision.

Tim Adams, Undersecretary of the Treasury for International Affairs. The person in this position is responsible for, among other critical issues, the Chinese yuan and the World Bank. But Democrat Max Baucus has higher priorities—namely, trade with Cuba. He objects to a legal ruling by an obscure arm of the Treasury that requires advance payment by Havana for purchases of U.S. agricultural products such as grain from the Senator's home state of Montana. There are six more Treasury positions open—including those responsible for tax policy, Fannie Mae

and terrorist financing. Mr. Baucus promises holds on all of them. The Senator realizes he can't win a vote in Congress on his Cuba problem, so he's resorting to this nomination extortion.

Defense Department. Where to begin? With a war on, you'd think Senators would want to keep the Pentagon fully staffed. But John McCain, angry over the Air Force's tanker-leasing deal with Boeing, last year put holds on numerous Defense nominees, including two candidates for Army Secretary, the comptroller and the assistant secretary for public affairs, the long-serving Larry DiRita. Now that Mr. McCain's personal punching bag, Air Force Secretary Jim Roche, has left the Pentagon, the Arizona Republican has calmed down—though not enough to lift his hold on Michael Wynne as Undersecretary for Acquisition. President Bush gave Mr. Wynne a recess appointment last month.

Meanwhile, Democrat Carl Levin has a hold on Peter Flory, who was nominated almost a year ago as Assistant Secretary for International Security Policy. Mr. Flory has the misfortune to work for Undersecretary Douglas Feith, whom Senator Levin has pursued like Ahab chasing Moby Dick. So Mr. Flory gets harpooned, too.

Until Wednesday, John Paul Woodly was blocked as Assistant Secretary of the Army for Civil Works by Alabama's two Republican Senators. Jeff Sessions and Richard Shelby said Washington favored Georgia in a decade-long dispute over water rights. (We're not making this up.) And in March, Mississippi Republican Trent Lott placed a hold on the chairman of the Base Closing Commission, which he feared might shut a military facility in his home state. The President again had to use recess appointments to name all nine members in April.

Once upon a time in America, such policy disputes were settled in elections or with votes in Congress. But in today's permanent political combat, Senators wage guerrilla warfare against the executive. No wonder so few talented people want to work in Washington. Senator Wyden and Republican Charles Grassley plan to re-introduce legislation next month to kill holds that are secret. Better yet would be to get rid of all Senate holds.

Mr. INHOFE. As the Wall Street Journal mentions, neither the Constitution nor the Senate Rules mention holds. We need this legislation to correct the current situation.

One of the many times I personally have run into this problem of holds was in the case of the nomination of Governor Mike Leavitt of Utah to be administrator of the Environmental Protection Agency.

As chairman of the Senate Environment and Public Works Committee I was trying to shepherd the nomination of Governor Leavitt through my committee.

At that time in 2003, Governor Leavitt was being run through unprecedented hoops by the Democrats to obstruct his nomination even though we had an affirmative statement from my Ranking Member Senator JEFFORDS that he considered Governor Leavitt a friend and admission that he was going to receive the vote of Senator JEFFORDS.

Pursuant to this situation, Roll Call wrote the following piece that I ask unanimous consent to have printed in the RECORD.

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

[From Roll Call, Oct. 6, 2003]

INHOFE CONSIDERS RULES AMENDMENT

(By Mark Preston)

Environment and Public Works Chairman James Inhofe (R-Okla.) is considering asking his Senate colleagues to amend chamber rules to terminate the minority party's ability to block committees from reporting out legislation and nominations.

Such a measure would impose uniform guidelines on how the Senate's 19 standing committees and lone special panel operate.

''I am going to have to look to see what can be done, because the Democrats could effectively shut down the government altogether,'' Inhofe said.

The EPW chairman's contemplation of a new rule was sparked by committee Democrats' successful effort last week to delay a vote on Utah Gov. Mike Leavitt's (R) nomination to head the Environmental Protection Agency. Democrats charge that Leavitt has failed so far to adequately answer their written questions posed to him, and therefore boycotted the hearing.

Inhofe is likely to face stiff opposition if he pursues a change in the rules, which would require 67 votes on the Senate floor.

''I am not in favor of changing the rules much,'' said Sen. Robert Byrd (D-W.Va.), a staunch defender of Senate tradition. ''The rules have been here for a long time and they are the product of decades of experience.''

Currently, each committee adopts its own rules of procedure at the outset of every Congress. EPW rules require that at least two members from the minority party be present for a nominee to be reported out of committee. Democrats took advantage of that stipulation by not attending the Leavitt hearing and thereby preventing Inhofe from holding a vote on the nomination.

''I think we may have to change the rules in the Senate in terms of how committees operate because they say you can't conduct business unless you have members of both sides'' present, Inhofe said. ''What they did [Wednesday] is far worse than stopping a guy's confirmation. It goes to the whole heart of how the committee system works.''

Even though EPW requires at least two minority party representatives to be present to take action, other committees have less stringent rules. For example, the Finance Committee requires that a quorum include at least one member from each party to be present when the full committee votes on a bill or a nomination. And the Rules and Administration Committee requires that a majority of panel members be present to vote on legislation or a nominee, but does not stipulate that a member from either the majority or minority be present when such an action is taken.

Inhofe said he is also interested in amending the rule that allows committees to only meet for two hours after the Senate gavels into session unless both parties agree—on a daily basis—to waive it. In recent years, this unanimous consent agreement has been rejected by several Senators for various reasons.

''One party can stop government completely, and I don't think that was certainly the intent of those people who made the rules to start with,'' the Oklahoma Republican said.

Inhofe's proposals for adding to and altering the current rules are just two among a handful of reforms that Republicans have been championing since taking over the majority earlier this year.

''The Senate Republican majority is going to have to look at a number of them,'' Rules Chairman Trent Lott (R-Miss.) said of potential changes. ''I do think our rules have not been seriously considered in quite some time.

''We need to take a look at the way the Senate functions,'' Lott added.

One rules change is currently waiting action by the full Senate. Lott's panel approved a measure in June that would end the use of a filibuster to stop a nomination. All 10 Republicans on the panel voted to report the bill out of committee, but it still needs the backing of 67 Senators on the Senate floor for it to be enacted. Democrats on the Rules panel did not attend the June 24 hearing and have vowed to prevent the rule change from passing on the floor.

Republicans are seeking this change to stop Democrats from blocking President Bush's judicial nominees. Already, one of Bush's picks for a seat on the appellate court has withdrawn his name because Democrats refused to allow a vote on his nomination. Currently, Democrats are blocking two other judicial nominees and have pledged to block U.S. District Judge Charles Pickering's nomination to the appeals court.

The disagreement over judges has added to the partisanship in the traditionally collegial Senate.

''I think the judge issue is poisoning the well around here and it is unfortunate,'' said Sen. Judd Gregg (R–NH). ''It has never happened before this filibuster on the judges at this level, and that has created frustration.''

But Democrats contend Bush is to blame for the judicial filibusters, because he refuses to work with Democrats to pick candidates acceptable to both political parties.

''I would like to point out, when people are opposed to some of these nominees, don't look at the Senators, ask the guy who sent the nominees,'' said Judiciary ranking member Patrick Leahy (D–VT). ''That is part of the problem. The White House doesn't make an effort to really work with everybody.''

Another rules change advocated by several Senators is one ending the use of an anonymous ''hold.'' A hold is a tactic used by a Senator to stop a nomination or a bill the lawmaker opposes, or often to gain leverage on another issue.

It is a huge problem for the leaders,'' Lott said of the use of secret holds. And Lott, a former Majority Leader, warned that Majority Leader Bill Frist (R–TN) and Minority Leader Tom Daschle (D–SD) will experience the ''devastating'' consequences of this practice when the two leaders try to wrap up legislative business for the year.

They are fixing to find out the last week we are here they are going to say, 'The hold is a really bad creation,'" Lott said. ''I know it, but they have got to see it. That is when conferences are coming through, and that is when bills need to move.''

As for the Leavitt nomination, Inhofe has scheduled three consecutive meetings beginning Oct. 15 in which a vote on the Utah governor's nomination could occur. But it is unclear what action Democrats will take.

''He hasn't answered our questions,'' said Sen. Barbara Boxer (D–CA). ''So if we get the answers to our questions from Leavitt that is a different circumstance.''

''Let's see how he answers our questions,'' she added.

Inhofe could change his panel's rules to allow him to report Leavitt out of the committee, but he would still need two Democrats present to take a formal vote on the change.

Mr. INHOFE. You can see from rollcall's reporting that no matter what I achieved in my committee, an anonymous hold could always be placed on the President's nomination, and thus a

halt could be brought to operations of the Senate and in turn the administration.

The American people do not want obstruction; they want progress from us.

Obstruction was certainly practiced by Senator Daschle, and the people showed their lack of appreciation at the ballot box.

I ask that Members join me in this effort and do what our constituents want for the sake of transparency and honesty.

We ought to have the courage to stand up for our convictions, not hide in the shadows of darkness and anonymity.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is my intent at this point to wrap up.

I particularly thank the distinguished Senator from Oklahoma, who has had a longstanding interest in this subject, for working with Senator GRASSLEY and myself. We do have a bipartisan effort.

The Senator from Oklahoma has highlighted another problem with it, and a lot of Members who served in the other body bumped into this. A lot of these holds over the years have not even been placed by Senators themselves. They have been placed by staff, and Senators go up to each other and try to ask about a matter and it ends up a Senator may not even know about it.

I also see the Senator from Mississippi, the distinguished chairman of the Committee on Rules. He spent a lot of hours with me talking about this over the years. Senator LOTT, to show his commitment to the cause of openness, has tried repeatedly to get Senators to do this voluntarily. I recall on a number of instances Senator LOTT and Senator Daschle met with Senator GRASSLEY and me. We put together a variety of letters and directives to Senators. It still would not come together.

We think you have to make this a permanent change in the Senate procedures, put the burden on the objector rather than on the leadership, as we have done so often in the past, and the leaders would then have to make phone calls. Senator LOTT has a wonderful story that he has told me over the years about sitting in phone booths at airports calling Members, trying to figure out who in the world had a hold on something.

I say to colleagues, we have now reached that moment where the Senate has had it up to here with all of the secrecy and practice of doing business in the shadows.

To wrap this up, we are going to have a vote in a few minutes. The Intelligence Authorization bill, a bill that is vital to America's national security, is subject to a secret hold. I don't think anything could make the case for our bipartisan amendment more clearly than the need to move ahead with this country's vital business in intelligence. I have talked to Chairman ROBERTS about this. He wants that bill to move. It is a bipartisan bill. We have not had a situation since 1978 when we could not move forward on an intelligence bill.

I hope colleagues will finally bring the Senate into the sunshine. This enormous power that each Senator has is one that will continue, but if we can prevail on this vote, it will be one that will be exercised in the sunlight. Each Senator will be held accountable when they assert this particular power.

I urge my colleagues to vote yes on the Wyden-Grassley-Inhofe amendment.

I yield back the balance of my time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The Senator from Mississippi.

Mr. LOTT. Let me clear up one point. I am not sure we are ready to go to a recorded vote at this moment. I thought maybe we could set it aside and go to other amendments and have stacked votes later in the afternoon, allowing Senators to continue committee meetings. However, I have been notified that maybe someone would object to a unanimous consent to set it aside so I sent a message back to that Senator: if you want to object, you better come over here. That is a problem around here. We send our surrogates over to object, but they are not here. If he comes, he can object. That is fine. We will try to work with everyone to try to accommodate everyone. There may be a need for further discussion.

Let me take a moment to commend the Senator from Oregon and the Senator from Iowa and now the Senator from Oklahoma for your tenacity. You have been pecking away at this for years.

Typical of the leadership, there was a time when I was saying, do we need to go that far; there is a misunderstanding about holds. In fact, that is a misnomer. There is no such thing. A hold is a request to be notified when an issue or a nominee will be brought up so we can come over and speak. The fact is, it ties the leadership's hands because quite often they say, wait a minute, I can't delay the business of the Senate to have this Senator come over here and talk at length—which is his or her right—on a nominee or a Member.

The point I am trying to make, I have tried to work to deal with this issue of fairness. Senator Daschle and I did work with Senator BIDEN to further clarify, what is this thing, a hold? How do I have to comply with it? We requested that it be put in writing, which, by the way, was never locked into place. That is one of the reasons I am for this.

We need to make it clearer about how Members do this and what the requirements are. We do not want to stop the practice of a Senator being able to file notice that he would like to be able to come over and discuss an issue.

What I have had a problem with, I do think it has been abused. We have anonymous hold, we have rolling hold, and it is harder and harder and harder to try to do the business of the Senate. But the anonymous part of it is the part that bothers me the most. That is the thrust of the Rules bill and particularly the bill by the Committee on Homeland Security and Governmental Affairs. Let's open things, disclose things, have transparency, make sure the people know what we are up to.

This is, in my opinion, very sinister, where Members can hold up a nomination, hold up a bill, and not even acknowledge they are doing it.

I point out that all this amendment does is to say the holds must be in writing and they have to be published in the RECORD in 3 days.

Is that the thrust of the Senator's amendment?

Mr. WYDEN. The Senator is absolutely right.

Mr. LOTT. What is the threat here? I do think there is a good cause for late at night, 6 o'clock, you are wrapping up, and all of a sudden the leadership hits us with, we want to clear 10 bills and a Senator can say, wait a minute, I want to make sure, What is the cost of this bill—as the Senator from New Hampshire has been inclined to do. He has that right. It is appropriate he be able to have time to look at that. But he ought to then have to put in writing that notice to the leader so the leader, if nothing else, will not forget it, and then acknowledge who he is. That is all this does.

I don't know what the vote of the Senate is going to be because some Members may say they are giving up some of their senatorial prerogatives. No, you are not; you just can't hide. That is all.

In the spirit of this legislation of openness and honesty, let me say, this is also an area where some Senators—no one has gotten in trouble with these holds or used the holds for a response or for some benefit personally, but the day will come, if we do not watch it, someone will get in trouble ethically with this procedure.

The leaders may have a different view and I will be very responsive to their views, but for now, it is time we quit talking about making things more open and honest and we do it. This amendment would do that. I plan to support it.

I am advised we do not have an objection to setting aside this amendment, unless others wish to speak on this amendment.

Does the Senator from New York have a comment on this issue or another issue?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. Mr. President, I yield to the Senator from Oregon for a question.

Mr. WYDEN. Mr. President, I thank my colleague from Mississippi. I particularly thank him for his extraordinarily supportive statement and for

all the help he has given me over this decade. It probably would be my preference to have a recorded vote at this time, particularly since I have had the good fortune to have had such a supportive statement from the distinguished chairman of the Committee on Rules.

Is there a problem with having a recorded vote on the Wyden-Grassley-Inhofe amendment at this time?

Mr. LOTT. There would be a problem having the vote at this time, just out of convenience for a number of Senators on both sides who have other commitments. We would like to perhaps stack votes a little later in the afternoon. I want to collaborate with the chairman of Homeland Security and Senator DODD and Senator LIEBERMAN about exactly what time we would do that. We could get more work done without interfering with Senators' schedules.

So, yes, there would be an objection to it right now. But it has already been locked in and we will have a recorded vote. It will be first in the sequence whenever we set it up.

Mr. WYDEN. Mr. President, just to wrap this up, that is a very fair procedure that the Senator from Mississippi has outlined and we will be happy to accept that.

Mr. LOTT. I ask unanimous consent we set aside the Wyden-Grassley-Inhofe amendment and go to the next pending amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. SCHUMER. Reserving the right to object, could I speak, before we set it aside, on this amendment?

Mr. LOTT. I withhold my unanimous consent request at this time, Mr. President.

The PRESIDING OFFICER. The consent request is withdrawn without objection.

The Senator from New York is recognized.

Mr. SCHUMER. I commend my colleague from Oregon and my colleague from Oklahoma for their lone battle on this issue. It is an issue we all agree with and very much appreciate their hard work.

AMENDMENT NO. 2959 TO AMENDMENT NO. 2944

Second, I will say a word on another issue that is pending in the House of Representatives. At this point, I offer an amendment at the desk as a second degree to Mr. WYDEN's amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. LOTT. Mr. President, parliamentary inquiry: Does he have to have consent? He just calls it up and it would not——

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

The PRESIDING OFFICER. The Senator does not need consent to offer a second-degree amendment.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2959 to the Wyden amendment numbered 2944.

The amendment is as follows:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government 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 facilities at a United States port.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. My understanding was that the Santorum-Feingold-McCain-Lieberman amendment was by consent, next in line, is that not the case?

The PRESIDING OFFICER. Under the previous order, that is the next first-degree amendment that would be in order.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Is there objection?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

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

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, Jim 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 V. Voinovich, C.S. Bond.

MORNING BUSINESS

Mr. FRIST. 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.

LOBBYING REFORM

Mr. FRIST. Mr. President, both the Democratic leader and I will have a few comments, but what I have just done is filed a cloture motion, which I have done so reluctantly because I really have been very pleased over the past couple weeks as we addressed a very important issue on lobbying reform and ethics reform, an issue that is critical to restoring the faith the American people really deserve to have in their Government. We have been working together, as I said, in a bipartisan way. I thought until a few hours ago we had a very good chance of completing this bill this week.

At the leadership level, we worked together very well, and the four managers—we have four managers because we merged the two bills—have been working together effectively and lined up a number of amendments to vote on today and tomorrow as well. As I said, I thought we would be able to finish it.

Having said that, what happened today is an amendment came to the floor under circumstances that I am not going to go through right now, but it is such that it really would take us off the course of this bipartisan lobbying reform bill. We had discussions as to whether that amendment would be withdrawn, but it was made very clear after the discussions among us that the amendment would come back later tonight, tomorrow, or the next day.

Again, this amendment has nothing to do with lobbying reform or ethics reform of this body, something that is important, something that is the business of the Senate right now on the floor.

So what I have done is filed a cloture motion which will ensure we finish this bill. We have had reasonable time for people to offer amendments, and postcloture, once cloture is obtained, germane amendments can still be considered.

Let me also add that we still have the opportunity to get the bill done. What I would suggest is that with this cloture motion, since it will ripen on Friday unless we are able to work out some other agreement to have it ripen before that, we do have the opportunity tomorrow to work over the course of the morning, really through

the day, and address amendments—we have to do so by unanimous consent—but address amendments on the lobbying reform bill.

The managers were about to have us vote on some other amendments which we would be able to vote on. It will take unanimous consent. We could bring them up one at a time if that is the case.

Without going into all the details of what happened, that is where we are today. The cloture motion now has been filed, and it does give us a road to completing this bipartisan bill.

I will be happy to yield to the Democratic leader for a comment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the one thing that I will do is work very hard over the next few hours to see if we can have the cloture vote tomorrow, sometime tomorrow. I will see if we can get that done. I think it would be to everyone's advantage if we could resolve this part of the situation we have on the floor.

I would say that the Leader and I have had many discussions during the day and in the weeks prior to this matter coming to the floor in an effort to move this lobbying reform bill along. I think we can get a lobby reform bill; it is now a question of when we will do that.

But in the morning, cooler heads will prevail, and we will see what we can do to move the country along on these things that need to be done.

HOLD ON LAMBRIGHT NOMINATION

Mr. GRASSLEY. Mr. President, today I am placing a hold on the nomination of James Lambright to serve as President of the Export-Import Bank of the United States.

I am placing this hold on Mr. Lambright's nomination as I have major concerns regarding the issuance of taxpayer-guaranteed credit insurance by the Export-Import Bank for an ethanol project in Trinidad and Tobago. Specifically, the approval of this credit insurance by the Export-Import Bank appeared to violate the Bank's authorizing statute.

Let me explain.

In March 2004, the Export-Import Bank approved the issuance of $9.87 million in taxpayer-guaranteed credit insurance to help Angostura Holdings Limited, of Trinidad and Tobago, finance the construction of an ethanol dehydration plant in Trinidad. The purpose of this credit insurance was to enable Angostura to purchase equipment to be used to dehydrate up to 100 million gallons of Brazilian ethanol annually. Angostura would then reexport the resulting dehydrated ethanol to the United States duty-free under the current Caribbean Basin Initiative trade preference program.

But section 635(e) of the Export-Import Bank's authorizing statute—the Export-Import Bank Act of 1945—states that the bank is not to provide credit or financial guarantees to expand production of commodities for export to the United States if the resulting production capacity is expected to compete with U.S. production of the same commodity and that the extension of such credit will cause substantial injury to U.S. producers of the same commodity. The statute goes on to provide that ''the extension of any credit or guarantee by the Bank will cause substantial injury if the amount of the capacity for production established, or the amount of the increase in such capacity expanded, by such credit or guarantee equals or exceeds 1 percent of United States production.''

As of 2004, when the credit guarantees for Angostura were approved, the total 100 million gallon capacity of the Angostura facility was nearly 4 percent of U.S. production. This amount clearly exceeded the 1-percent threshold for causing substantial injury to the U.S. ethanol industry as spelled out in the Export-Import Bank's authorizing statute.

So it appeared to me that the approval of credit guarantees for Angostura by the Export-Import Bank violated the Export-Import Bank's authorizing statute.

Moreover, as the amount financed by the Export-Import Bank was less than $10 million, no detailed economic impact analysis was conducted by the bank. I note that the amount approved by the Export-Import Bank $9.87 million was conveniently just below this $10 million threshold amount.

In the Consolidated Appropriations Act of 2005, Congress asked the Export-Import Bank for an explanation of the credit guarantees for Angostura. Specifically, the 2005 act required the Export-Import Bank to submit a report to the Committees on Appropriations of the Senate and the House containing an analysis of the economic impact on U.S. ethanol producers of the extension of credit and financial guarantees for the development of the ethanol dehydration plant in Trinidad and Tobago. Congress also required that this report determine whether such an extension would cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945.

In January of last year, the Export-Import Bank provided its report. In its report, the Export-Import Bank avoided the issue of whether its credit guarantees for Angostura caused substantial injury to U.S. producers, and thus whether the approval of these guarantees was in compliance with the Export-Import Bank's authorizing statute. The Export-Import Bank avoided the issue by claiming that the Angostura plant will not ''produce'' dehydrated ethanol. Rather, the Export-Import Bank stated that this plant will merely ''process'' dehydrated ethanol by removing water from wet ethanol produced in Brazil, thus merely ''adding value'' to the wet ethanol from Brazil.

However, despite the semantics of the Export-Import Bank, the Angostura plant will clearly be producing dehydrated ethanol. This is common sense. An ethanol dehydration plant—of course—produces dehydrated ethanol.

Moreover, the Customs Service recognizes that ethanol dehydration plants in Caribbean Basin Initiative countries produce dehydrated ethanol.

While the Export-Import Bank currently does not have an inspector general, the conference report for the Foreign Operations appropriations bill for fiscal year 2006 directs the Export-Import Bank's inspector general—once appointed to look into this credit insurance approval. Specifically, the conference report provides that the inspector general shall provide a written analysis to the Finance Committee and the Committee on Appropriations, within 90 days of appointment, as to whether the loan guarantees provided to the ethanol dehydration plant in Trinidad and Tobago met the provisions of the Export-Import Bank's charter. The analysis shall include whether ''value added'' methodology is routinely used by the bank to determine whether a proposed loan guarantee or export credit meets the statutory test regarding the definition of substantial injury found in the bank's authorizing statute. The inspector general shall also make recommendations as to whether it is appropriate to use such methodology in making a determination of substantial injury.

As the Export-Import Bank currently does not have an inspector general, I am placing a hold on Mr. Lambert's nomination until such time that I receive assurances from him that, first, the Export-Import Bank will act quickly to appoint an inspector general, and second, that Mr. Lambert will see that the inspector general will indeed provide a written analysis on the credit insurance approval within 90 days of appointment.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate March 8, 2006, International Women's Day. It is an undeniable fact that as the world becomes more interconnected, societies which value women's rights and include them in the political, economic, and civic process have a greater chance of prospering and contributing to international peace and stability.

Nowhere is this more evident than in Iraq. We all know that in order for Iraq to succeed as a nation, women must play an integral role in the government and women's rights must be treated as fundamental human rights. While much work remains to be done in Iraq, I am pleased to see that women are playing a prominent and active role in the government.

As such, it is a great honor to not only commemorate, March 8, 2006, International Women's Day but also

welcome a distinguished guest, Dr. Jinan Jasim Ali Al Ubaidi, a newly elected member to Iraq's Council of Representatives, who will be my guest and accompany me throughout the day.

A member of the Supreme Council for Islamic Revolution party, Dr. Ubaidi is a graduate of Baghdad University and practiced medicine at Najaf Hospital prior to the fall of the Hussein regime.

Dr. Ubaidi and her female colleagues in the Council of Representatives are now confronting issues which will determine the future of women's rights in Iraq.

This is a critical juncture and one key question they face is. What will be the extent of sharia in Iraq and how will it affect women's rights in that country?

Article 14 of Iraq's Constitution states that ''Iraqis are equal before the law without discrimination based on gender.'' Article 2 of the Constitution maintains that ''no law that contradicts the established provisions of Islam may be established.''

Some people believe that it will be difficult to reconcile the two articles and still provide women with fundamental rights in Iraq. I, for one, believe that Islam and women's rights can go hand in hand and there is an opportunity to advance these rights in a new Iraq.

While the women in the Iraqi National Assembly will do their part, the United States and the international community need to play a vital role in advancing the role of women in Iraq.

Specifically, we should continue to promote democracy related training programs, female education programs, and assist with judicial reform and Islamic jurisprudence training so that women will become part of the social, political, and economic fabric of Iraq.

Gains for women's rights have been made in other Muslim countries such as Indonesia and Morocco, and we should look to them as examples.

In Morocco, successful efforts to raise the marriage age for women from 15 to 18, abolish polygamy, and equalize the right to divorce have been made. In Indonesia, Musdah Mulia, the chief researcher at the Ministry of Religious Affairs, has sparked considerable debate within that country by calling for changes in the areas of wearing a hijab and marriage based on Islamic jurisprudence. Although such rules have not been enacted, further debate on the issue is a positive step.

A nongovernmental organization in Indonesia, known as the Indonesian Society for Pesantren and Community Development, has also been using Islamic jurisprudence to promote women's reproductive rights and family planning education within religious schools there. These are all progressive steps toward promoting women's rights in the Islamic world.

In the near future, an Iraqi government will be formed that will make important decisions on the role of women and sharia. The United States must do everything within its power to ensure that women's rights are fully incorporated into every aspect of Iraqi life.

We must continue to support education and leadership initiatives, economic empowerment programs, and specifically judicial reform, all of which will seek to increase the role of women government and assist Iraq's transition to a stable and democratic state.

Let us also not forget about the women in Afghanistan. Under the Taliban regime, women were brutally oppressed and women's rights were virtually nonexistent.

Women in public were forced to cloak themselves head to toe while being accompanied by a male relative. If they failed to do so, they risked being beaten mercilessly.

Furthermore, most Afghan women were restricted by the Taliban from working, receiving an education, visiting doctors, or accepting humanitarian aid.

Now, women in Afghanistan have the opportunity to build a better life for themselves and their families. It is no longer illegal for women to work, and millions of Afghan girls now attend school.

The United States has provided grants to establish the Ministry of Women's Affairs, assisted Afghan nongovernmental organizations, created opportunities for income generation in the private sector, and supported opportunities for women in agriculture and rural environments.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, included a $50 million earmark for programs directly addressing the needs of Afghan women and girls.

However, many challenges remain for women in Afghanistan.

Although women may legally work, many still face serious challenges to finding job opportunities. For them, it is extremely difficult to find jobs close to home, with tolerable hours, and reasonable pay.

Additionally, although education is currently on the rise, most Afghan women have had little or no formal job training, which prevents them from gaining meaningful employment.

Finally, women still face conservative attitudes about their political participation in many rural areas of the country.

The United States must not forget about these women. We must continue to advance women's rights in Afghanistan because if we do not, our tireless efforts there will have been in vain.

Therefore, I urge my colleagues to stay the course and support additional assistance for education, health care, and democracy training for women and girls in Afghanistan during the years ahead.

There are a great many challenges that face women today, and there are a great many challenges that faced women in the past. Issues such as the role of women in Iraq and Afghanistan are no less daunting than women's suffrage seemed in 1920. As such, there is cause for optimism on International Women's Day.

Yet we must remain vigilant in our fight for justice and gender equality around the world.

The United States must remain a leader by proactively addressing these women's issues. I am confident that if we tirelessly continue to fight for gender equality, we can find workable solutions to address the problems that women face around the world.

Mrs. CLINTON. Mr. President, today is International Women's Day, a chance for us to reflect upon the status of women around the globe, recognize their achievements, and recommit ourselves to ensuring that women can fully realize the rights with which all humans are endowed.

There is much for women to celebrate this year. Women in Kuwait were granted the right to vote and run for office, while women in Afghanistan exercised their right to vote in November's elections. In Tanzania, and Burundi, among other countries, the number of women serving in elected office increased to record levels. In all parts of the world, women are seizing opportunities to weigh in with their governments on the issues of greatest importance to their lives. But there is still so much work to be done to help women achieve equal rights and equal protection.

The culture of corruption apparent in far too many countries has a disproportionate impact upon women. In Latin America, women have disappeared or been killed without proper criminal investigations. In other countries, women who have endured rape or sexual abuse experience further stigmatization and punishment, including forced detainment and death threats. All across the globe, women and girls are trafficked across borders, often with the knowledge of local officials who tolerate the presence of their captors. We need to devote more energy to making our communities safer for women, ensure that crimes against women are given fair and full consideration by law enforcement, and that bribery and cronyism do not dilute the rule of law.

Women, the caregivers in families and communities around the world, must also have the opportunity to seek and receive appropriate health care. More than 500,000 women each year die of largely preventable pregnancy-related complications, while millions more suffer injuries, like obstetric fistulas, for which they cannot get treatment. In many countries in sub-Saharan Africa, where AIDS has had the greatest impact, the majority of young women still do not have adequate knowledge of the ways in which HIV is transmitted. Girls and women account for 70 percent of the world's hungry, and malnutrition in pregnant women

leads to deficiencies in their children's development. We need to recognize the way that gender inequality contributes to disease and address these disparities through increased education and outreach and equal access to medical treatment and support services.

As international trade transforms economies around the world, we must ensure that women have equal access to these opportunities. In one-third of the world, women are the breadwinners for their families. Female farmers account for 80 percent of the agricultural workforce in Africa, and 60 percent in Asia. Yet despite their contributions to the economy, women make up 60 percent of the world's working poor, struggling to survive on less than one dollar a day. They are too often placed in situations of informal employment—temporary or part-time positions that do not offer a formal salary or benefits. We must ensure that all girls and women have access to educational opportunities that can lead to employment at an adequate wage, and that women receive fair compensation for labor performed outside a traditional workplace setting.

It has been more than a decade since I traveled to Beijing for the Fourth World Conference on Women. This week, the Commission on the Status of Women at the United Nations is convening to evaluate the progress we have made in achieving the goals we set at that time. We must work to ensure that the commitments we made then become reality now. I will continue to work with my colleagues in Congress and counterparts in other governments to create a world in which every woman is treated with respect and dignity, every boy and girl is loved and cared for equally, and every family has the hope of a strong and stable future.

IRANIAN WOMEN

Mr. SANTORUM. Mr. President, I rise today to speak on an issue that resonates with all Americans, especially today—a day when the entire world celebrates International Women's Day, It is important to raise the issue of the oppression of women, in hope that public awareness will change these practices and this prejudice.

I would like to specifically raise awareness of the plight of women in the Islamic Republic of Iran. In Iran, women are considered to be worth a half of a man and have extremely limited rights. It is the policy of the Government of Iran to deny women the opportunities that men are afforded.

The current Iranian Government has rescinded laws that were implemented prior to the revolution regarding women's legal rights. This initiative against women's rights was justified by an edict that laws in conflict with Sharia Law had to be abolished. The edict resulted in a new set of restrictive laws for women.

Women in Iran are severely oppressed, and their ability to speak out against current conditions is limited. While they can speak out, they face certain punishment for doing so. There are many examples of Iranian women, young and old, who have spoken out against the lack of opportunity for women in Iran. For example, Elham Afroutan is a 19-year-old Iranian journalist who was arrested a few months ago because of an op-ed she wrote in a newspaper. She is now imprisoned in Tehran, and it has been reported that she has been brutally raped and tortured. Elham's parents have only heard from her a couple of times, and the Iranian Government has refused to give any updates on her condition.

Also of importance is the case of Zahra Kazemi, the 54-year-old Iranian and Canadian journalist, who was arrested for photographing a demonstration outside Tehran's Evin prison. It is reported that while imprisoned, Zahra was tortured, raped, and later murdered. The Iranian Government later claimed that she committed suicide. The doctor who examined Zahra's body later determined that she died as a result of the beating and torture that she endured while imprisoned. After Zahra's family demanded an autopsy of her body, it was later discovered that the Iranian Government had injected Zahra's body with various chemicals so as to destroy her body and any evidence against her attackers.

This oppression of Iranian women, and all women around the world, must end. Never should a woman feel afraid to walk out of her home, speak up, or voice her opinion. Never should a woman have less of an opportunity than a man.

People around the world today, on International Women's Day, must unite behind one cause—equality, justice, and opportunity for all women.

THE FIVE-SEVEN PISTOL

Mr. LEVIN. Mr. President, the Five-Seven handgun, manufactured by the Belgian firearms company FN Herstal, was reportedly designed to provide military and law enforcement personnel with a small, lightweight, and accurate pistol that was powerful enough to kill or seriously injure enemies wearing body armor. A January 2000 cover article in the popular American Handgunner magazine profiled the handgun and predicted that, for obvious reasons, ''neither the gun nor the ammunition will ever be sold to civilians.'' Unfortunately, the American Handgunner article was wrong and FN Herstal made the Five-Seven pistol available to private buyers in 2004. These high-powered firearms clearly have no sporting purpose and pose a great threat to the lives of our law enforcement officers.

According to the FN Herstal website, the Five-Seven weighs less than 2 pounds fully loaded and measures only 8.2 inches in length, making it easily concealable. A statement which previously appeared on the website boasted ''Enemy personnel, even wearing body armor can be effectively engaged up to 200 meters. Kevlar helmets and vests as well as the CRISAT protection will be penetrated.'' This statement has since been removed.

Ballistics tests conducted by the American Handgunner for their January 2000 article provided evidence of the armor-piercing capabilities of the Five-Seven pistol. In the tests, ammunition fired by the Five-Seven successfully pierced level IIA Kevlar body armor and penetrated 6 inches into ballistics testing gelatin behind it. According to the Brady Campaign to Prevent Gun Violence, level IIA Kevlar body armor is the kind commonly worn by law enforcement officers.

The already lethal nature of the Five-Seven handgun was amplified when Congress failed to renew the 1994 Assault Weapons Ban, allowing it to expire on September 14, 2004. Among other things, Congress's inaction resulted in the legalization of previously banned high-capacity magazines, including the 20 round clip currently sold with the Five-Seven.

The law enforcement community is rightfully concerned about the Five-Seven's ability to kill law enforcement personnel, even while they are wearing protective body armor. Last year, a coalition of law enforcement groups including the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the National Organization of Black Law Enforcement Executives issued a warning to their members about the threat posed by Five-Seven handguns.

Bernard Thompson, director of the National Organization of Black Law Enforcement Executives, warned regarding the Five-Seven:

> No one is safe from a weapon like this. Police body armor won't offer protection if a criminal has this pistol.

In addition, the legislative director of the International Brotherhood of Police Officers, Steve Lenkhart, called the Five-Seven ''an assault rifle that fits in your pocket.''

In response to concerns raised by law enforcement officials and others, Senator LAUTENBERG, introduced the Protect Law Enforcement Armor Act on March 3, 2005. Among other things, this legislation would prohibit the sale of the Five-Seven pistol and its ammunition to private buyers in the U.S. Unfortunately, despite the continuing threat posed by this high-powered pistol to our law enforcement officers, Senator LAUTENBERG's legislation has yet to receive any consideration by the Senate Judiciary Committee in the year since it was introduced.

We should not ignore the concerns of our law enforcement officers with regard to the Five-Seven pistol and other military-style firearms. Congress should take up and pass commonsense legislation banning the sale of these dangerous weapons because of the threat they pose to the safety of our communities and those who work so hard each day to protect them.

REPEAL OF MEDICAID VERIFICATION REQUIREMENT

Mr. AKAKA. Mr. President, we must enact my legislation, S. 2305, to repeal a provision in the Deficit Reduction Act that will require people applying or reapplying for Medicaid to verify their citizenship with a U.S. passport or birth certificate. Congress must act to repeal this shortsighted policy before it goes into effect July 1, 2006, because it will create barriers to health care, is unnecessary, and will be an administrative burden to implement.

Mr. President, I ask unanimous consent that additional letters of support for S. 2305 from the California Immigrant Welfare Collaborative, the Coalition for Humane Immigrant Rights of Los Angeles, the National Health Law Program, Families USA, the Children's Defense Fund, the National Association for the Advancement of Colored People, and the American Public Health Association, be printed in the RECORD.

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

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE,
Sacramento, CA, February 16, 2006.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The California Immigrant Welfare Collaborative (CIWC) is a statewide partnership of four immigrant rights organizations: Asian Pacific American Legal Center of Southern California, Coalition for Humane Immigrant Rights of Los Angeles, National Immigration Law Center and Services, Immigrant Rights and Education Network of San Jose. We work directly in communities as well as with policy makers in order to respond to changes in health and welfare laws and to advocate for low-income immigrants.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; Senior citizens 65 or older: 7 percent; Adults without a high school diploma: 9 percent; Adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents, Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring. Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JEANETTE ZANIPATIN,
Statewide Policy Analyst/CIWC.

THE COALITION FOR HUMANE IMMIGRANT RIGHTS OF LOS ANGELES,
Los Angeles, CA.

Senator DANIEL KAHIKINA AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a multi-ethnic nonprofit coalition founded in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles; promotes harmonious multi-ethnic and multi-racial human relations; and through coalition-building, advocacy, community education and organizing, empower immigrants and their allies to build a more just society.

We are writing in support of your Senate bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program. This provision would apply to all current beneficiaries and future applicants, allowing no exceptions, even for those with serious mental or physical disabilities such as Alzheimer's disease or those who lack documents due to homelessness or a disaster such as Hurricane Katrina. About 49 million U.S.-born citizens (and two million naturalized citizens) who are covered by Medicaid over the course of a year would be required to submit these documents or forfeit their health insurance coverage. New Medicaid applicants also would have to meet this requirement.

According to a recent survey conducted by the Center on Budget and Policy Priorities and by the Opinion Research Corporation the new requirement could have large consequences on the health insurance coverage of millions of low-income U.S. citizens. Key findings from the survey include:

About one in every twelve (8 percent) U.S.-born adults age 18 or older who have incomes below $25,000 report they do not have a U.S. passport or U.S. birth certificate in their possession. Applying this percentage to the number of adult citizens covered by Medicaid over the course of a year indicates that approximately 1.7 million U.S.-born adults who are covered by Medicaid could lose their health insurance because of the new requirement or experience delays in obtaining coverage as they attempt to secure these documents.

More than one tenth of U.S.-born adults with children who have incomes below $25,000 reported they did not have a birth certificate or passport for at least one of their children. This indicates that between 1.4 and 2.9 million children enrolled in Medicaid appear not to have the paperwork required.

Taken together, the survey indicates that Medicaid coverage could be in jeopardy for 3.2 to 4.6 million U.S.-born citizens because they do not have a U.S. passport or birth certificate readily available.

Some types of citizens would shoulder a greater risk of losing Medicaid than others because they are less likely to have the required documents. While 5.7 percent of all adults in the survey (i.e., adults at all income levels) reported they lack these documents, the percentage was larger for certain groups: African American adults: 9 percent; senior citizens 65 or older: 7 percent; adults without a high school diploma: 9 percent; and adults living in rural areas: 9 percent.

These data and earlier research also suggest that elderly African Americans with low incomes may experience particular difficulties because a significant number of them were never issued birth certificates.

These results are conservative as many of those who would be most likely to experience difficulty in securing these documents—such as nursing-home residents,

Katrina survivors living in temporary facilities, and homeless people—were not represented in the survey. Had the survey included such people, the percentage of people likely to be harmed by the requirement would almost certainly have been found to be higher.

In California, birth certificates cost $17 and require a notarized application, or sworn statement under penalty of perjury. In addition to the added expense of notarizing, an additional $25-$50 depending on the ability of often-unscrupulous notaries to charge, making people swear under penalty of perjury is intimidating and will discourage people from applying. It takes four to six months to obtain birth certificates for newborns and if obtained in person, require travel to a different office than for duplicate copies that might be needed for adults or other children who need them. We see no flexibility in the amendments as passed to allow for families with no disposable income to obtain the birth certificates timely.

We understand that the new requirement for documentation in Medicaid is intended to prevent undocumented immigrants from declaring they are citizens and obtaining Medicaid benefits. The HHS Inspector General however found no substantial evidence that this is occurring.

Instead, the principal effect of the provision would likely be to endanger health-care coverage for millions of poor U.S. citizens, because substantial numbers of native-born citizens do not have a passport or birth certificate readily available. We also anticipate the provision will add yet another barrier and have a chilling effect on the many immigrants who are federally eligible for Medicaid but may get turned away due to confusion in the rules when this is implemented in all 50 states. We support your efforts to repeal this amendment as it could have terrible consequences for all Medicaid recipients.

Sincerely,

JOSEPH VILLELA,
State Policy Advocate.

NATIONAL HEALTH LAW PROGRAM,
Washington, DC, February 16, 2006.

Senator DANIEL K. AKAKA,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA, The National Health Law Program (NHeLP) supports the repeal of Section 6036 of the Deficit Reduction Act. This section requires documentation evidencing citizenship or nationality as a condition of receipt of Medicaid. The arbitrary and unnecessary documentation requirements embedded in Section 6036 will adversely and disproportionately deny medical care to elderly, minority, and rural U.S. citizens.

Currently, citizens are allowed to self-declare their citizenship under penalty of perjury when they apply for Medicaid. Proponents of Section 6036 suggest the provision will prevent immigrants from falsely obtaining Medicaid by claiming they are citizens. Yet the Office of the Inspector General of the Department of Health and Human Services conducted a comprehensive review of this subject and did not recommend new documentation requirements such as those contained in Section 3145, and the Centers for Medicare & Medicaid Services concurred in that judgment.

Rather, to the extent that Section 6036 would produce cost savings, it would do so by denying desperately needed health care coverage to many of this country's neediest native-born citizens, especially those who are African American, Native American, elderly and/or born in rural areas. For example, a study by the Center on Budget and Policy Priorities noted that approximately 1.7 million adult citizens and 1.4 to 2.9 million citizen children on Medicaid do not have a passport or birth certificate available at home. Some of these individuals cannot get a birth certificate because they were not born in hospitals. For example, a 1950 study found that one out of five African Americans lacked a birth registration. And the difficultly of obtaining the documentation, especially for those with mental disabilities, will effectively preclude eligible individuals from enrolling in Medicaid.

Even without its likely discriminatory impact, Section 6036 represents bad policy. Adding new paperwork requirements imposes unnecessary delays at a time when many need prompt medical coverage. Individuals could face long delays in getting birth certificates due to the high volume of requests that state vital statistics offices will need to field. Further, Section 6036 effectively creates an application fee for Medicaid—a passport currently costs $97.00; copies of a birth certificate can cost $5 to $23. As a result, native-born citizens poor enough to qualify for Medicaid will often be too poor to prove that they qualify because they cannot afford the required documentation.

We applaud your introduction of a bill to repeal Section 6036. Please feel free to contact Mara Youdelman at 202–289–7661 if you would like to discuss this or any other issue about which we may be of assistance.

Sincerely,

LAURENCE M. LAVIN,
Director.

Washington, DC, Feb. 21, 2006.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: Families USA thanks you for introducing S. 2305, a bill that would remove provisions requiring Medicaid recipients to prove their citizenship by producing a passport or birth certificate, and we hope to see your proposed bill enacted into law.

We are concerned that increasing documentation requirements to access Medicaid would wrongfully block many native-born American citizens and legal immigrants that qualify for Medicaid from enrolling. In fact, 5.7% of all adults at all income levels report that they lack birth certificates or passports, and that number is even higher for African-Americans, senior citizens, Americans residing in rural areas, and foster children. The Center on Budget and Policy Priorities estimates that more than 51 million individuals would be burdened by having to produce this additional documentation. If the documentation provisions are not repealed, then otherwise eligible beneficiaries would be unable to prove their own citizenship and therefore be forced to go without health care, adding to our nation's already burgeoning pool of 46 million uninsured.

The Office of the Inspector General of the Department of Health and Human Services concluded that no evidence exists that shows that immigrants are enrolling in Medicaid by claiming to be U.S. citizens. Since government officials investigating the matter concluded that there is no problem, and since enacting any provisions that would require beneficiaries to show more documents would cost millions of dollars in increased administrative expenses to a number of government agencies, Families USA believes policies calling for more documentation to be neither prudent nor responsible uses of taxpayers' dollars.

Denying Medicaid to some of our Nation's neediest citizens in order to chase the phantom problem of illegal immigrants dubiously enrolling in Medicaid is an unacceptable inefficiency that will increase the tax burden on hard-working Americans. We appreciate your insight in correcting such a deficient policy and support your proposed legislation.

Sincerely,

RONALD F. POLLACK,
Executive Director.

CHILDREN'S DEFENSE FUND,
March 3, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing to offer the support of the Children's Defense Fund for your bill, S. 2305, to repeal one of the harmful amendments made to Title XIX of the Social Security Act by the Deficit Reduction Act of 2005. We support the elimination of the new requirement that U.S. citizens eligible for Medicaid must confirm their citizenship by submitting a birth certificate or passport (or other naturalization papers) to receive Medicaid.

This harmful and unnecessary provision will deny health care to millions of children and adults who need it to address their health and mental health needs and who are legally entitled to it. A recent survey conducted by the Opinion Research Corporation indicates that between 1.4 and 2.9 million children could lose their Medicaid coverage because their U.S. born parents do not have birth certificates or passports for them. In California and Texas, just two of the states where CDF has offices, it is estimated that as many as 11 million individuals could be denied health care because of this requirement.

While this provision was intended to prevent immigrants who are not eligible for Medicaid from receiving it illegally, the Centers for Medicare and Medicaid Services and the Office of the Inspector General agree that there is no substantial evidence that immigrants are attempting to obtain Medicaid by falsely attesting to their citizenship.

S. 2305 will help spare children and adults, who need health and mental health care, from having to navigate through additional red tape to receive benefits from the Medicaid program. We applaud your effort to take a step forward in making affordable health care available to those who need it.

The Children's Defense Fund looks forward to working with you to ensure that all children receive health care without the unwanted burden of producing unnecessary documentation.

Sincerely,

MARIAN WRIGHT EDELMAN.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, March, 3, 2006.

Re NAACP support for S. 1580, the Healthcare Equality and Accountability Act

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA. On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to let you know that at our recent Annual Meeting we passed a resolution expressing our strong support of S. 1580, the Healthcare Equality and Accountability Act.

The fact of the matter is that huge discrepancies remain in health care in the United States today. The quality and quantity of health care services you receive depends greatly upon your racial or ethnic background, the make-up and location of the

community in which you live, and your economic status. Currently, one seventh of all Americans, 42 million people, lack insurance and suffer unnecessary illness and premature death; a disparate number of these people are racial or ethnic minority Americans.

Despite being first in spending, the World Health Organization has ranked the United States 37th among all nations in terms of meeting the health care needs of its people. Furthermore, despite the numerous advances that have been made in health care over the decades, racial and ethnic minority Americans continue to suffer disproportionately from many severe health problems and have higher mortality rates than whites for many treatable health conditions. Diabetes strikes African Americans 70% more often than Caucasian Americans; Hispanic Americans twice as often as whites; the diabetes rate for Native Americans is even higher. striking members of this community 180% more often than Caucasian Americans. African Americans are 40% more likely to die from coronary heart disease and 35% more likely to die from cancer than Caucasian Americans.

It is because of these glaring disparities, the NAACP strongly supports the efforts of the Congressional Black Caucus, the Congressional Hispanic Caucus and the Congressional Asian/Pacific Islander Caucus to address these problems with the introduction of comprehensive legislation which expands health care access, improves health care quality, strengthens key academic institutions and research centers, and bolsters the health care infrastructure in underserved communities.

Given the importance of this legislation, and the NAACP's historic mission to eliminate racial disparities wherever they exist and to promote affordable, adequate health care among racial and ethnic minorities it is our honor, as well as our duty as some might argue, to support this legislation in the strongest terms possible. Thus the NAACP is committed to using all of our available resources to see this bill's quick enactment.

Thank you for your leadership in this area: I look forward to working with you toward our common goal. Should you have any questions, please feel free to contact us.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 7, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the American Public Health Association (APHA), the oldest, largest and most diverse organization of public health professionals in the world, dedicated to protecting all Americans and their communities from preventable, serious health threats and assuring community-based health promotion and disease prevention activities and preventive health services are universally accessible in the United States, I write in support of S. 2305. This legislation would repeal the provision of the Deficit Reduction Act of 2005 that would require documentation evidencing citizenship or nationality as a condition for being enrolled in the Medicaid program.

APHA strongly supports efforts to reverse the cuts and changes to the Medicaid program included in the Deficit Reduction Act of 2005 that jeopardize the health of our nation's most vulnerable, including Medicaid beneficiaries. Several Medicaid reforms included in the bill have unintended and severe consequences and will not result in the projected cost savings. Of note is the provision in the legislation that requires individuals to present citizenship or residency documentation in order to enroll in the Medicaid program. Although not its intent, this provision is expected to have a devastating impact on the health coverage and status of native-born citizens who are in every way eligible for the Medicaid program.

Citizenship and verification requirements in Medicaid and the State Children's Health Insurance Program have been proven to reduce enrollment in the programs among the eligible population. The provision included in the Deficit Reduction Act of 2005 that would require individuals to present documentation proving citizenship or nationality in order to enroll in the Medicaid program is expected to cause thousands of Medicaid beneficiaries who are native-born citizens but do not have a birth certificate or passport in their possession to join the country's uninsured ranks. This provision will likely exacerbate existing racial/ethnic and rural/urban health disparities, as it is expected to disproportionately affect elderly African Americans, individuals residing in rural areas and Katrina survivors, many of whom were not born in a hospital or lost such documentation during Hurricane Katrina or other life tragedies. Also, Medicaid beneficiaries and applicants with mental disorders will likely be adversely affected, as the provision did not include exceptions for any populations, including those with severe physical or mental impairments such as Alzheimer's disease.

Therefore, there is the need to now take a vital step to protect the public's health and repeal this harmful provision included in the Deficit Reduction Act of 2005. We thank you for taking a leadership role in doing so, and look forward to working with you as this legislation moves forward.

Sincerely,

GEORGES C. BENJAMIN,
Executive Director.

LIHEAP FUNDING

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has finally passed legislation to help hard-working families that have been grappling with skyrocketing energy costs for far too long. My colleagues from Maine and Rhode Island, Senators SNOWE and REED, have worked diligently to get LIHEAP legislation to the Senate floor and I thank them for their commitment. I must note, however, that the funding approved by the Senate yesterday is too little, too late. As we move forward with the appropriations process for fiscal year 2007, I will be urging my colleagues to fund the LIHEAP program at its fully authorized level so that next year my constituents don't again find themselves struggling to pay record heating bills while Congress turns a blind eye.

I would also like to respond to some of the concerns that I have heard a handful of my colleagues make during debate on whether we should increase the amount of LIHEAP funding available. A few members have spoken about the problem of earmarks and the need for responsible Government spending. I share concerns over earmarking and welcome the opportunity to work together on this issue so that we can look the public in the face and say that their tax dollars are being spent on the most meritorious projects. Increasing LIHEAP funding is not about earmarks—it is about helping our citizens with immediate and urgent needs.

AVIAN INFLUENZA IN AFRICA

Mr. FEINGOLD. Mr. President, the avian influenza, H5N1, virus has recently been detected for the first time in Nigeria. International health officials have long warned about the potential danger of avian flu spreading throughout the African continent, and it appears we are now one step closer to this danger becoming a reality.

While the threat of avian influenza is global, and needs to be addressed here in the United States, it is of particular concern in Africa. Many governments in Africa are unequipped to effectively deal with an outbreak, which requires early detection, quarantining, and culling of affected bird populations. And although there are no reports yet of humans contracting the disease in Nigeria, recent cases in Turkey and Iraq underscore the danger for people who live in close proximity to poultry, as is the case throughout much of Africa. In areas where birds, livestock, and people are in close contact, the risk of the virus mutating into a strain that can be transmitted between humans is increased. Additionally, immunocompromised individuals may be more susceptible to the disease, and it is unclear what effect avian influenza could have on populations already ravaged by HIV/AIDS, malaria, and other diseases. Finally, the already overburdened or underdeveloped health infrastructure in much of Africa may find itself unable to cope with a pandemic.

Avian flu is an international danger to which no country in the world is immune. While much attention has been paid to the problem in Asia, I am concerned that the international community has not prepared sufficiently for an outbreak in Africa. Particularly worrisome is the amount of time it apparently took for the outbreak in Nigeria—a member of the recently formed West African Network on Avian Influenza, and presumably better prepared than many other African nations to deal with the threat of avian influenza—to be reported to international health authorities.

It is essential that the administration develop a plan for managing a wide-scale outbreak of avian influenza in Africa, as well as developing contingency plans relating to the impact that an outbreak of avian influenza may have diplomatically, economically, and security-wise in each major region of the continent. I also urge the administration to develop plans to support organizations like the African Union to develop information-sharing mechanisms and a clearinghouse of information related to initial reporting, initial impact, mitigation efforts, and management mechanisms to prevent the spread of the virus, beyond the initial efforts that have been made through

the International Partnership on Avian and Pandemic Influenza.

Additionally, the administration should identify particularly vulnerable regions or countries, and provide detailed plans for how the international community can support efforts in these regions or countries through both bilateral and multilateral mechanisms to help mitigate or alleviate the potential impact of avian flu.

Assisting the countries of Africa in preventing more widespread transmission of the deadly H5N1 virus should be a critical priority. It is in the interest of millions of the world most vulnerable populations in some of the poorest countries, and it is also in our interest that we help prepare regions like Africa to head off a humanitarian tragedy that could easily spread to our own backyards.

CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

Mrs. CLINTON. Mr. President, I thank Chairman ENZI and Senator KENNEDY for placing S. 1902, the Children and Media Research Advancement Act CAMRA, on the calendar today. I appreciate their commitment to the health and welfare of children. I also want to thank the co-sponsors of this bill, Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN for being such leaders on this issue, and my fellow Senators on the HELP Committee for their support for this legislation. In addition, I thank two groups, Common Sense Media and Children Now, for raising awareness of the effect media has on children's development. And finally, I express thanks to two researchers, Dr. Michael Rich of the Center for Media and Child Health at Harvard University Medical School, and Dr. Sandy Calvert of the Children's Digital Media Center at Georgetown University. Both Dr. Rich and Dr. Calvert have been great advocates for CAMRA. I thank them for sharing their expertise and support.

Last year the Kaiser Family Foundation released a report showing dramatic changes in the way young people consume media, and confirming that children use electronic media an extraordinary amount. On average, children are spending 45 hours a week—more than a full-time job—with media.

Young people today are not just watching television or playing video games, they are increasingly ''media multi-tasking,'' using more than one medium at a time and packing a growing volume of media content into each day. According to Kaiser, a full quarter of the time children are using media, they are using more than one type at once.

This new pattern of media consumption presents twin challenges. Parents face new obstacles to monitoring their children's media consumption. And children are exposed to a media environment with an unknown impact.

That is why the CAMRA Act—the Children and the Media Research Advancement Act—is so important. This bill will create a single, coordinated research program at the Center for Disease Control. It will study the impact of electronic media on children's—including very young children and infants'—cognitive, social and physical development.

The CAMRA Act will help answer critical questions about the myriad effects media has on childhood development. One area we need to look at particularly is the effect of exposure to media on infants. Research tells us that the earliest years of a child's life are among the most significant for his or her brain development. But we need to know what forms of media—if any—contribute to healthy brain development for babies. Is it OK to put a baby down in front of the TV? Are videos helpful or harmful when it comes to children's cognitive and emotional development? Today we don't know.

In December the Kaiser Foundation published a report finding ''no published studies on cognitive outcomes from any of the educational videos, computer software programs, or video game systems currently on the market for children ages 0–6.'' These products are more and more popular. You can see them marketed to new parents everywhere. We should know what their effect is on young children and infants.

The CAMRA Act will also spur research on the effect of media on children's physical development. Since 1980, the proportion of overweight children has doubled and the rate for adolescents has tripled. During that same time period, the number of advertisements for unhealthy food that children see annually has exploded.

In the 1970s, children saw 20,000 commercials a year. Today, they see 40,000. Is this a coincidence or is there a direct link? We need answers to these questions. In December, the Institute of Medicine called for ''sustained, multidisciplinary work on how marketing influences the food and beverage choices of children and youth.'' CAMRA will help get us there.

The bill I introduced with Senators LIEBERMAN, BROWNBACK, SANTORUM, BAYH, and DURBIN included pilot projects to look at the effect of media on young children, and to look at food marketing and obesity. Although those projects were not included in this manager's package, I continue to be very pleased with the bill. It's a step forward for children. And I look forward to working with my colleagues in other venues to ensure that the pilot projects get done.

But CAMRA is just one step. We need to do more so children grow up in a safe media environment. In December Senators LIEBERMAN, BAYH, and I introduced S. 2126, the Family Entertainment Protection Act, which would prevent children from buying and renting ultra violent and pornographic video games.

There is enough research out there now to show conclusively that playing violent video games has a negative effect on youth. We know that these games are damaging to children. We need to take the decision to buy them out of the hands of children and put that decision back in the hands of parents. That is what S. 2126 would do, and I look forward to working with my colleagues in the Senate to move that bill.

I am so pleased that we are taking this step forward today with CAMRA, and I am hopeful that it will be speedily approved by the full Senate. It is one step to ensure that children in America grow up safely.

INTERNATIONAL EDUCATION AND FOREIGN LANGUAGE STUDIES

Mr. SARBANES. Mr. President, I take this time to draw to the attention of my colleagues a significant report, released on February 9, 2006 in Washington, DC, by the Committee for Economic Development, CED, a group of some 200 business leaders and several university presidents.

The CED statement, ''Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security'', asserts that the United States will be less competitive in the global economy because of a shortage of strong foreign language and international studies programs in our colleges and high schools and warns, too, that the lack of Americans educated in foreign languages and cultures is hampering efforts to counter terrorist threats.

The cochairs of the CED subcommittee that produced the report are Charles E.M. Kolb, President of CED; Alfred T. Mockett, CED trustee, former chairman and CEO, CGI–AMS, Inc.; and another CED trustee, Dr. John Brademas, president emeritus of New York University and former Member—1959–1981—of the U.S. House of Representatives from Indiana.

Dr. Brademas brought long and distinguished experience to his responsibilities as cochair of the CED subcommittee. A member of the House of Representatives from 1959 to 1981, he served throughout those years on the House Committee on Education and Labor and for 10 years chaired its Select Subcommittee on Education. He played a major role in writing the landmark education legislation of that period, including the Elementary and Secondary School Act and the Higher Education Act, and he was the author of the International Education Act of 1966.

The recommendations in the CED Report include teaching international content across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures; expanding the training pipeline at every level of education to address the paucity of Americans fluent in strategic languages, especially critical, less commonly taught languages; national leaders—political

leaders as well as the business and philanthropic communities and the media—should educate the public about the importance of improving education in languages other than English and in international studies.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of Dr. Brademas on the CED report, ''Education for Global Leadership.''

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

EDUCATION FOR GLOBAL LEADERSHIP: THE IMPORTANCE OF INTERNATIONAL STUDIES AND FOREIGN LANGUAGE EDUCATION FOR U.S. ECONOMIC AND NATIONAL SECURITY: OF CED, THE COMMITTEE FOR ECONOMIC DEVELOPMENT

The opportunity to serve as a co-chair of the Subcommittee of the Committee for Economic Development (CED) that produced a report entitled, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security, has enabled me to champion anew what has been a passion of mine from childhood.

Son of a Greek immigrant father and a Scots-English-Irish mother, I read a book in elementary school in Indiana about the Mayas, decided I wanted to become a Mayan archaeologist, started learning Spanish, as a highschooler hitchhiked to Mexico, as a Harvard undergraduate spent a summer working with Aztec Indians in rural Mexico, wrote my college honors essay on a Mexican peasant movement and, four years later, at Oxford University, my Ph.D. dissertation on the anarchist movement in Spain.

Although I studied anarchism, I did not practice it! In 1958 I was first elected to Congress, and then ten times reelected, serving, therefore, for twenty-two years.

In 1961, as a member of the House Committee on Education and Labor, I visited Argentina to study how colleges and universities in Latin America could contribute to President Kennedy's ''Alliance for Progress''.

I made other trips to Latin America—Cuba, Peru, Panama, Colombia, Venezuela—honing my Spanish and learning more about the Spanish-speaking Americas.

In 1981 I became president of New York University, where, two years later, I awarded an honorary degree to King Juan Carlos I of Spain, announced a professorship in his name and in 1997, in the presence of Their Majesties, the King and Queen Sofía, and of the then First Lady of the United States, now Senator Hillary Rodham Clinton, dedicated the King Juan Carlos I of Spain Center at NYU for the study of the economics, history and politics of modern Spain.

All this was the result of my having, in South Bend, Indiana, read a book about the Mayas when I was a schoolboy!

So I know what early exposure to another culture, another country, another language has meant in my own life.

INTERNATIONAL EDUCATION ACT OF 1966

Indeed, while in Congress, I wrote the International Education Act of 1966, to provide grants to colleges and universities in the United States for the study of other countries and cultures. President Lyndon Johnson signed the bill into law but Congress failed to appropriate the funds to implement it.

And I believe that among the reasons—I do not say the only one—the United States suffered such loss of lives and treasure in Vietnam and does now in Iraq is ignorance—ignorance of the cultures, histories and languages of those societies.

I add that the tragedies of 9/11, Madrid, London, Bali and Baghdad must bring home to us as Americans the imperative, as a matter of our national security, of learning more about the world of Islam.

Here I note that only one year ago, the US Department of Defense, recalling the launch by the Soviet Union of Sputnik in 1957, brought together leaders from government, the academy and language associations to produce a ''call to action for national foreign language capabilities''. There was then—and still is—particular concern about our lack of Arabic speakers.

But it is not only for reasons of national security that we must learn more about countries and cultures other than our own. Such knowledge is indispensable, too, to America's economic strength and competitive position in the world.

The marketplace has now become global. Modern technology—the Internet, for example—has made communication and travel possible on a worldwide basis. In the last few years, I myself have visited Spain, England, Greece, Jordan, Morocco, Cuba, Kazakhstan, Japan, Turkey and Vietnam.

New York Times columnist Tom Friedman has eloquently spelled out the impact of globalization on culture, politics, science and history in his book, The World Is Flat.

GLOBAL STUDIES AT NYU

Reflecting on my commitment to international education, during my presidency of NYU, my colleagues and I established a Center for Japan-U.S. Business & Economic Studies, a Casa Italiana Zerilli-Marimò, Onassis Center for Hellenic Studies, the Eric Maria Remarque Institute for European studies, Skirball Department of Hebrew and Judaic Studies, and King Juan Carlos I of Spain Center, and we are now planning a Center for Dialogue with the Islamic world.

I add that NYU also has campuses abroad—in London, Paris, Florence, Madrid, Prague and now, Ghana. The Institute of International Education reported a few weeks ago that in 2003–04, NYU sent more students to study abroad than any other American college or university. And next fall, NYU will offer a study abroad site in Shanghai, the first for a large American university there.

I call your attention in this respect to the report issued last year, Global Competence and National Needs: One Million Americans Studying Abroad. Produced by the Commission on the Abraham Lincoln Study Abroad Fellowship Program.

The report calls for sending one million students from the United States to study abroad annually in a decade.

I add that New York University ranks fifth on the list for hosting students from other countries.

I continue to be deeply dedicated to international education at the college and university level.

But I do not think we should wait until students go to college to begin learning about other countries and learning languages other than English.

We should start in grade school and, where possible, even at the pre-school level.

Now if as a Member of Congress and as president of New York University, I pressed for more study of other countries, cultures and languages, I continued—and continue—to do so wearing other hats.

Appointed, by President Clinton, chairman of the President's Committee on the Arts and the Humanities, which in 1997 produced a report, Creative America, with recommendations for generating more support, public and private, for these two fields in American life, I was pleased that our Committee recommended that our ''schools and colleges . . . place greater emphasis on international studies and the history, languages and cultures of other nations.''

President Clinton and then First Lady Hillary Rodham Clinton accepted our Committee's recommendation to hold a White House Conference on ''Culture and Diplomacy''.

NATIONAL ENDOWMENT FOR DEMOCRACY

As for seven years, chairman of the National Endowment for Democracy, the federally financed agency that makes grants to private groups struggling to build democracy in countries where it does not exist, I had another exposure to the imperative of knowing about other countries and cultures.

I continue that interest through service on the US-Japan Foundation, US-Spain Council, World Conference of Religions for Peace, Center for Democracy and Reconciliation in Southeast Europe, Council for a Community of Democracies as well as on the Advisory Councils of Transparency International, the organization that combats corruption in international business transactions, and by chairing the American Ditchley Foundation, which helps plan meetings on all manner of subjects at Ditchley Park, a conference center outside Oxford, England.

I'm also vice chair of the Advisory Council of Americans for UNESCO, an organization that shares our concerns today, led by its president, Richard T. Arndt, veteran of the United States Information Agency and author of a recent book, The First Resort of Kings: American Cultural Diplomacy in the Twentieth Century.

Last Fall I spoke in Ottawa on the fifteen anniversary of the Canada-U.S. Fulbright program, and I have been asked to take part this year in conferences in the Czech Republic, Guatemala, Greece, Japan, Turkey and Rwanda.

So you will, with these words of personal background, understand my enthusiasm for this CED report, and I want to congratulate the other co-chairs of the Subcommittee, Charlie Kolb and Alfred Mockett, as well as the CED staff who did such outstanding work in preparing it—Daniel Schecter, Donna Desrochers and Rachel Dunsmoor.

MAJOR RECOMMENDATIONS OF THE CED REPORT

Here I want only to reiterate the major recommendations of our CED report:

1. That ''international content be taught across the curriculum and at all levels of learning, to expand American students' knowledge of other countries and cultures.''

2. That we expand ''the training pipeline at every level of education to address the paucity of Americans fluent in foreign languages, especially critical, less commonly taught ones such as Arabic, Chinese, Japanese, Korean, Persian/Farsi, Russian and Turkish.

3. That ''national leaders—political leaders, as well as the business and philanthropic communities and the media—educate the public about the importance of improving education in foreign languages and international studies.''

The report we release today contains concrete proposals for action, especially for programs financed by the Federal Government, with specific recommendations for appropriations to implement our proposals.

Here I want to make a crucial point. We must put our money where our recommendations are!

I reiterate that the failure of Congress forty years ago to vote the funds to carry out the provisions of the International Education Act, a measure to achieve many of the purposes articulated in this CED report, meant a loss to the nation we should not repeat.

FUNDS FOR INTERNATIONAL EDUCATION, FOREIGN LANGUAGE STUDIES

Accordingly, we should examine with care the budget recommendations of President

Bush for Fiscal 2007 for programs to strengthen international education and foreign language studies even as we must follow tenaciously the response of Congress.

I was very pleased in this respect that last month President Bush told a group of U.S. university presidents of his proposal to strengthen foreign language study, particularly Arabic and other critical languages.

The President spoke of a ''National Security Language Initiative'' and asked for $114 million in Fiscal 2007 as ''seed money'' to establish critical language instruction in grade schools, support college-level language courses and create a national corps of ''reserve'' linguists who could serve in times of need.

Although an encouraging sign, as The New Republic said last month (January 23, 2006), ''[I]t remains to be seen whether the lightly funded initiative will be anything more than symbolic.''

Now we must be sure that Congress votes even this modest amount of money to carry out this promise and, indeed, do much better!

For as the final sentence of our CED report declares, ''Our national security and our economic prosperity ultimately depend on how well we educate today's students to become tomorrow's global leaders.''

Amen!

ADDITIONAL STATEMENTS

TRIBUTE TO ELIZABETH AMERICO

• Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Elizabeth Americo of Guilford has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor, is given to only one high school student and one junior high school student in each state as well as the District of Columbia. A quick look at Elizabeth's record of community service shows her to be truly deserving of such recognition.

Elizabeth, who is 17 years old and a junior at Guilford High School, is the founder and president of Students for Health and Social Justice, a club at her school that is dedicated to raising awareness and funds to assist needy people both in the United States and abroad.

Elizabeth was first inspired to become involved in volunteer work by her older brother's work with impoverished Haitians. Upon arriving at Guilford High School her freshman year, Elizabeth decided she wanted to share her passion for helping others with her fellow students. The result was Students for Health and Social Justice, which now boasts 21 members who meet regularly to discuss poverty and community health issues around the world and plan both awareness, and fundraising, events to address these issues. With hard work, creativity, and a deep commitment to helping others, the club has sponsored dances and other events to help raise money for health care programs in Haiti, relief aid for tsunami victims, UNICEF, and other causes. Elizabeth and her fellow club members have also not forgotten about the needy in their local community, organizing an impressive four-school-strong food drive for a local soup kitchen.

Elizabeth's extensive record of volunteer service, done at such a young age, serves as an inspiring example to all of us about the difference we can make in our communities if we are willing to put in the time and energy. It is young people such as Elizabeth that give me great hope for the future of our country.

In recognition of her achievements, Elizabeth will be invited to Washington in early May with the 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues, Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Elizabeth the best of luck, both with this award and in all her future endeavors. I would like to end my remarks, Mr. President, by taking the time to thank Elizabeth Americo for the good work she has done and the work I am sure she will continue to do in the future.•

HONORING ELEANOR L. RICHARDSON

• Mr. ISAKSON. Mr. President, today I mourn the passing and pay tribute to a wonderful Georgian, a great leader, and a personal friend of mine. The Honorable Eleanor Richardson passed away on February 21, 2006, leaving a tremendous void in the hearts of all who knew and loved this extraordinary woman.

A long-time resident of Decatur, GA, she was involved in Civic Organizations such as the League of Women Voters, serving as the president of the Dekalb League and then the Georgia League. It was during this time that a friend urged her to run for a vacant seat in the Georgia General Assembly, thus beginning her memorable political career.

From 1975 until 1991, she served with great distinction as one of the first female members in the Georgia House of Representatives, and I was privileged to serve with her for many of those years. She gained an impeccable reputation as a faithful advocate for her district and a determined voice of the voiceless. Eleanor's legislative priorities included issues related to the welfare of children, women, the elderly and the homeless. She had an unwavering commitment to justice and equality.

Eleanor was respected by her colleagues on both sides of the aisle for her determined leadership. She served on several key House committees, including the Appropriations Committee, the Health and Ecology Committee and the State Planning and Community Affairs Committee, where she served as chair of the local legislation subcommittee.

After retiring from public office, Eleanor was appointed to the newly founded Georgia Commission on Women in 1992 and served as its first vice chair. She remained a tireless servant to her community and to the State through her work on countless other boards and advocacy organizations. For over 45 years, she was a faithful and beloved member of Glenn Memorial United Methodist Church, highly active both in the local church and in her denomination.

Eleanor leaves behind a loving and devoted family, including her husband, Merlyn Eldon Richardson; her daughter, Merlyn Richardson Nolan; her two grandsons, Gaillard Ravenel Nolan, Jr., and Merlyn Richardson Nolan; and her two great-grandchildren, Hadley Jane Nolan and Parker Richardson Nolan.

This strong-willed and generous woman devoted her entire life to serving others, and she will always be remembered for her compassion, integrity, fairness and unshakable commitment to creating a fair and just society. She touched the lives of many Georgians, including this Senator, through her efforts on behalf of our community.

It was an honor to know and to serve in the Georgia House with Eleanor Richardson, and it is a privilege to be in this Senate and pay tribute to her great life.•

TRIBUTE TO JACK APPLEBAUM

• Mr. LIEBERMAN. Mr. President, I rise today to honor a truly extraordinary young student from Connecticut. Jack Applebaum of Greenwich has recently been selected as one of Connecticut's two honorees in the 2006 Prudential Spirit of Community Awards. This honor is given to only one high school student and one junior high school student from each state as well as the District of Columbia. A quick look at Jack's record of community service shows him to be truly deserving of such recognition.

Jack, who is 13 and an eighth-grader at Central Middle School in Greenwich, is a founding member of his school's chapter of Building with Books, a national organization that raises money to build schools in developing countries. Jack learned about the organization and its mission in class and, in his own words, ''I was hooked right away.'' After learning that four-fifths of the world is illiterate, Jack decided ''I wanted to make this number smaller.''

Instead of just talking about the problem, Jack decided to do something about it. He played a leading role in forming the Building with Books chapter at Central Middle School, helping to attract members to the club, setting goals, and putting together fundraisers. During its first year, the club hosted school parties and ran an after-school snack cart that helped to raise over $4,000 to help build a school in Mali. The club also performed other good works, such as making blankets

for children in Africa and visiting nursing home residents during the holidays.

It is really impressive, how much community service Jack has performed at such a young age. I attribute this to the remarkable attitude he has demonstrated with his work. When Jack learned about the problem of widespread illiteracy in the world, his immediate response was to do something about it. He rolled up his sleeves and went to work. His hard work and willingness to sacrifice his time and effort for others serves as an inspiration for people of all ages. It is young people such as Jack that give me such great hope in the future of our country.

In recognition of his achievements, Jack will be invited to Washington in early May with 101 other 2006 Spirit of Community honorees from across the country who were selected from a pool of several thousand nominees. While in Washington, 10 of the honorees will be selected as America's top youth volunteers of the year by a distinguished national selection committee cochaired by 2 of my distinguished colleagues, Senator TIM JOHNSON of South Dakota and Senator SAXBY CHAMBLISS of Georgia.

I wish Jack the best of luck, both with this award and in all his future endeavors. I would like to end my remarks, Mr. President, by thanking Jack Applebaum for the all of his volunteer service and all of the volunteer service I am sure he will continue to perform in the future.●

TRIBUTE TO RONALD H. FRANCIS OF COBB COUNTY, GEORGIA

● Mr. ISAKSON. Mr. President, I rise today to honor in the RECORD of the Senate my friend Ron Francis, who is a great Georgian, a great American, and a great citizen of Cobb County. I honor Ron upon his retirement from the Bank of North Georgia after 37 remarkable years in the banking industry and for his many contributions to the quality of life in Cobb County, Georgia.

Ron received a bachelor of arts degree in sociology from Eckerd College and an MBA in finance from Georgia State University. He entered the field of banking in 1969 with Trust Company bank of Atlanta, now SunTrust. Following 5 years at SunTrust, he joined the former First Bank & Trust Co. as executive vice president, where he served for 9 years. In 1983, Ron was an organizing director, president and CEO of The Chattahoochee Bank, serving there for 6 years. In 1989, he joined Charter Bank & Trust Co. during its inaugural year and served as its president and CEO for 15 years. Charter Bank, along with Mountain National Bank, joined Bank of North Georgia in July 2004, where Ron now serves as vice chairman.

In addition to his impressive career in community banking, Ron has a long history of community involvement in my hometown of Marietta, GA, where he is a well-respected and dedicated leader. He currently serves on the board of directors of the Marietta Redevelopment Corporation and the Marietta Country Club. He is a trustee of the Kennesaw State University Foundation and an executive committee member of the Georgia Council on Economic Education. Ron is also a member of the Chairman's Club of the Cobb Chamber of Commerce and the Governor's Board of Leadership Cobb.

In 2004, Ron was named ''Marietta Citizen of the Year'' by the Cobb Chamber of Commerce, and in 1997–1998 he served his professional peers and industry as chairman of the Georgia Bankers Association. As a businessman, Ron Francis personifies the values of honesty and hard work.

Retirement may not be the appropriate announcement because Ron has not ''retired'' from his commitment to his community, and he hopefully never will. He also will continue to serve the Bank of North Georgia as a consultant.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Ronald H. Francis to the city of Marietta, Cobb County, and the State of Georgia.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 32) to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks''.

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

The message also announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of December 18, 2005, the Speaker appoints the following member of the House of Representatives to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon: Mr. Kline of Minnesota.

ENROLLED BILLS SIGNED

At 4:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''.

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the ''Robert T. Ferguson Post Office Building''.

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the ''John F. Whiteside Joliet Post Office Building''.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel Post Office Building''.

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the ''Lillian McKay Post Office Building''.

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the ''J.M. Dietrich Northeast Annex''.

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the ''Abraham Lincoln Birthplace Post Office Building''.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the ''Ava Gardner Post Office''.

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr. Post Office Building''.

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building'' .

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''.

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building''.

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the ''U.S. Cleveland Post Office Building''.

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the ''Albert H. Quie Post Office''.

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office''.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''.

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the ''Raymond J. Salmon Post Office''.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the ''Mont and Mark Stephensen Veterans Memorial Post Office Building''.

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the ''Corporal Jason L. Dunham Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4054. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1053. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 8, 2006, she had presented to the President of the United States the following enrolled bill:

S. 2271. An act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, 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–5953. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to funding an additional project (enhanced blast tandem warhead) for the Foreign Comparative Testing (FCT) Program for Fiscal Year 2006; to the Committee on Armed Services.

EC–5954. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill; to the Committee on Armed Services.

EC–5955. A communication from the Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), transmitting, pursuant to law, a report relative to the open detonation of six munitions that were suspected of containing a chemical agent by Explosive Ordnance Disposal personnel assigned to the 22d Chemical Support Battalion; to the Committee on Armed Services.

EC–5956. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report on the quality of health care provided by the health care programs of the Department of Defense during Fiscal Year 2004; to the Committee on Armed Services.

EC–5957. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), transmitting, pursuant to law, the report of advanced billing $197 million against customer orders commencing January 26, 2006; to the Committee on Armed Services.

EC–5958. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Warranty Claims Recovery Pilot Program—January 2006''; to the Committee on Armed Services.

EC–5959. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program'' (RIN0720–AA92) received on March 7, 2006; to the Committee on Armed Services.

EC–5960. 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 ''Minimum Blowout Prevention System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place'' (RIN1010–AC96) received on March 7, 2006; to the Committee on Energy and Natural Resources.

EC–5961. A communication from the Secretary of Energy, transmitting, pursuant to law, the U.S. Department of Energy Fleet Alternative Fuel Vehicle Acquisition Report, Compliance with EPAct and E.O. 13149 in Fiscal Year 2005; to the Committee on Energy and Natural Resources.

EC–5962. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the benefits of enhanced demand response in electricity markets; to the Committee on Energy and Natural Resources.

EC–5963. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled ''The President's Emergency Plan for AIDS Relief: Report on Refugees and Internally Displaced Persons''; to the Committee on Foreign Relations.

EC–5964. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an annual review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC–5965. 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; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea'' (I.D. No. 020606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5966. 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; Sablefish Managed Under the Individual Fishing Quota Program'' (I.D. No. 020606B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5967. 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 ''Temporary Rule; Yellowtail Flounder Landing Limit'' (I.D. No. 010606A) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5968. 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 ''Temporary Rule; Closure (Closure of Quarter IV Fishery for Loligo Squid'' (I.D. No . 020306B) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5969. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Continuation of the Current Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5970. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the 2006 and 2007 Fishing Quotas for Ocean Quahogs'' (RIN0648–AT85) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5971. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the 2006 Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries and to Amend the Black Sea Bass Regulations'' (RIN0648–AT27) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5972. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification to the Export Administration Regulations; General Order to Implement the Syria Accountability and Lebanese Sovereignty Act'' (RIN0694–AD68) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC – 5973. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Change in Definition of Head of the Contracting Activity'' (RIN2700–AD21) received on March 7, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

*Michell C. Clark, of Virginia, to be Assistant Secretary for Management, Department of Education.

*Edwin G. Foulke, Jr., of South Carolina, to be an Assistant Secretary of Labor.

*Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

*Jean B. Elshtain, of Tennessee, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

*Allen C. Guelzo, of Pennsylvania, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

*Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010.

*George Perdue, of Georgia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2006.

*Anne-Imelda Radice, of Vermont, to be Director of the Institute of Museum and Library Services.

*Craig T. Ramey, of West Virginia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Sarah M. Singleton, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008.

*Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

Mr. ENZI. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

*Public Health Service nomination of Leah Hill to be Senior Assistant Surgeon.

*Public Health Service nominations beginning with Gregory A. Abbott and ending with Carl A. Huffman III, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LOTT (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. VITTER, Mr. SESSIONS, and Mr. SHELBY):

S. 2384. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing and provide a portion of the revenues from that leasing to producing States and coastal political subdivisions; to the Committee on Energy and Natural Resources.

By Mr. REID:

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; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2386. A bill to suspend temporarily the duty on 1-Flouro-2-nitrobenzene; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2387. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pikes Peak Region of Colorado; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself, Mr. CARPER, and Mrs. CLINTON):

S. 2388. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. KERRY, Mr. DEWINE, Mr. ALLEN, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. CHAMBLISS, and Mrs. CLINTON):

S. 2390. A bill to provide a national innovation initiative; to the Committee on Commerce, Science, and Transportation.

By Mr. Nelson of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR

S. Res. 392. A resolution deisgnating March 8, 2006, as ''International Women's Day''; to the Committee on the Judiciary.

By Mr. BIDEN:

S. Res. 393. A resolution designating March 8, 2006, as ''International Women's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 239

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 239, a bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 654

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1860

At the request of Mr. DOMENICI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2302

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2338

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2338, a bill to extend the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S.J. RES. 28

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

AMENDMENT NO. 2932

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 2932 proposed to S. 2349, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

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; to the Committee on Armed Services.

Mr. REID. Mr. President, along with many of my colleagues, I have been fighting for sometime to end the ban on Concurrent Receipt, so disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have work to do.

Let's remember what Concurrent Receipt is. It is an unfair and outdated policy that prevents disabled veterans from collecting both their military retirement pay and disability compensation. It requires a retired disabled veteran to deduct from his retirement pay, dollar for dollar, the amount of any disability compensation he receives.

Our veterans have given so much to our country. We owe it to them to get rid of this policy, and to make sure they get the full benefits they have earned and deserve.

I'm proud to say we have been able to chip away at this unfair practice in recent years.

In 2003, we passed my bill to allow—after a ten year waiting period—concurrent receipt for veterans with at least a 50 percent disability rating.

In 2004, I proposed legislation to eliminate that ten-year period and also to provide full concurrent receipt of military and disability pay to veterans with 100 percent service-related disability.

In November, 2005, we passed another amendment to expand concurrent receipt to cover America's most severely disabled veterans, and to implement the new policy immediately instead of phasing it in over a decade.

I was pleased with the passage of that amendment last year, but disappointed that the conference committee chose not to enact this valuable legislation for veterans rated as ''unemployable'' until 2009.

Today, concurrent receipt remains one of my highest priorities. We need to continue to chip away at this policy, and I am committed to that goal 100 percent.

With that in mind, today I am introducing the Combat-Related Special Compensation Act of 2006. This legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Right now, these soldiers receive combat-related disability benefits, but are not eligible to get retirement benefits because they cannot serve out the required 20 years. That is unfair, and this legislation will make sure they can get both.

This is the right thing to do. These veterans have been forced into retirement, and we need to take care of them.

I would note this legislation is especially important given the injuries we are seeing in Iraq. Improvised Explosive Devices have created numerous amputees and therefore, an increase in medically discharged veterans.

I have visited military hospitals on several occasions and have seen first hand the injuries sustained by military personnel. Many of the members have reached the 10, 12, 14-year marks of their military careers and have been forced to retire medically before the 20 year retirement norm. They'll get medical benefits, but they won't receive legitimate retirement compensation because they have been injured and are unable to serve until retirement, as they had planned.

That's wrong.

We shouldn't penalize veterans because they were injured serving their country. My legislation will fix this problem, and get them their prorated retirement pay, along with their disability pay.

Taking care of our veterans is the right thing to do. We must never forget the sacrifices they made to protect our freedom. Taking care of our veterans is also key to winning the war on terror. In our all-volunteer military, it is critical to attract and retain professional, dedicated soldiers.

These people serve because they love America. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending the ban on concurrent receipt, we have an opportunity to show our gratitude to our veterans. While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

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

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

S. 2385

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 ''Combat-Related Special Compensation Act of 2006''.

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2006, and shall apply to payments for months beginning on or after that date.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BURNS, Mr. WARNER, Mr. SANTORUM, Mr. DORGAN, Mr. NELSON of Florida, Mr. VITTER, Mr. PRYOR, Mr. COLEMAN, Mr. TALENT, Mr. MARTINEZ, and Mr. THUNE):

S. 2389. A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise to introduce and present to my colleagues the Protecting Consumers Phone Records Act. I am pleased to be the lead sponsor of this legislation and I want to thank my colleagues, including Senators STEVENS and INOUYE, for working with me on this important issue.

In recent months, a number of Web sites have been selling consumers' confidential phone records to anyone willing to pay a small fee. According to experts, these records are usually obtained by unscrupulous individuals who fraudulently pose as customers requesting their own records. This common fraud is no less harmful, and in some cases even more disconcerting, than when a third-party uses false pretenses to obtain an innocent person's confidential financial records. In some cases, even physical harm can result from one's private phone records becoming public. We cannot allow these reprehensible practices to continue.

The goal of the Protecting Consumers Phone Records Act is to prevent the unauthorized and intrusive third party access of American consumers' phone records. Specifically, our legislation makes it illegal to solicit, acquire or sell a person's confidential phone records without that person's consent. It also specifically prohibits the practice commonly referred to as ''pretexting,'' where individuals obtain records by fraudulently misrepresenting that they have the authorization to obtain the records.

Fully combating this problem requires a team effort. That is why our legislation requires telephone companies to comply with minimum security requirements, similar to those required of financial institutions. Companies must do their part to protect their customers' records.

In order to deter this bad behavior, our legislation increases the penalties for violators. Should someone fraudulently solicit, obtain or sell an individual's phone records, they will be subject to an $11,000 penalty for each record, up to $11 million. Phone companies are subject to a $30,000 penalty, up to $3 million if they do not sufficiently protect their customers' phone records.

Finally, the Protecting Consumers Phone Records Act recognizes the importance of enforcement. The legislation provides the Federal Communications Commission, the Federal Trade Commission and State Attorneys General with strengthened enforcement authority. Additionally, telephone companies are given the authority to take legal action against those entities or individuals who have illegally acquired confidential phone records.

This legislation will send a clear message to the unscrupulous individuals profiting from the invasion of an innocent individual's privacy, that this fraudulent and deceptive behavior will not be tolerated. We are prepared to use all of the appropriate tools to eliminate this harmful practice.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 2389

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Consumer Phone Records Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Unauthorized acquisition, use, or sale of confidential customer proprietary network telephone information.
Sec. 3. Enhanced confidentiality procedures.
Sec. 4. Penalties; extension of confidentiality requirements to other entities.
Sec. 5. Enforcement by Federal Trade Commission.
Sec. 6. Concurrent enforcement by Federal Communications Commission.
Sec. 7. Enforcement by States.
Sec. 8. Preemption of State law.
Sec. 9. Consumer outreach and education.

SEC. 2. UNAUTHORIZED ACQUISITION, USE, OR SALE OF CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK TELEPHONE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person—

(1) to acquire or use the customer proprietary network information of another person without that person's affirmative written consent;

(2) to misrepresent that another person has consented to the acquisition or use of such other person's customer proprietary network information in order to acquire such information;

(3) to obtain unauthorized access to the data processing system or records of a telecommunications carrier or an IP-enabled voice service provider in order to acquire the customer proprietary network information of 1 or more other persons;

(4) to sell, or offer for sale, customer proprietary network information; or

(5) to request that another person obtain customer proprietary network information from a telecommunications carrier or IP-enabled voice service provider, knowing that the other person will obtain the information from such carrier or provider in any manner that is unlawful under subsection (a).

(b) EXCEPTIONS.—

(1) EXISTING PRACTICES PERMITTED.—Nothing in subsection (a) prohibits any practice permitted by section 222 of the Communications Act of 1934 (47 U.S.C. 222), or otherwise authorized by law, as of the date of enactment of this Act.

(2) CALLER ID.—Nothing in subsection (a) prohibits the use of caller identification services by any person to identify the originator of telephone calls received by that person.

(c) PRIVATE RIGHT OF ACTION FOR PROVIDERS.—

(1) IN GENERAL.—A telecommunications carrier or IP-enabled voice service provider may bring a civil action in an appropriate State court, or in any United States district court that meets applicable requirements relating to venue under section 1391 of title 28, United States Code—

(A) based on a violation of this section or the regulations prescribed under this section to enjoin such violation;

(B) to recover for actual monetary loss from such a violation, or to receive $11,000 in damages for each such violation, whichever is greater; or

(C) both.

(2) TREBLE DAMAGES.—If the court finds that the defendant willfully or knowingly violated this section or the regulations prescribed under this section, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph (1) of this subsection.

(3) INFLATION ADJUSTMENT.—The $11,000 amount in paragraph (1)(B) shall be adjusted for inflation as if it were a civil monetary penalty, as defined in section 3(2) of the Federal Civil Penalties Inflation Adjustment Act of 1996 (28 U.S.C. 2461 note).

(d) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who violates this section shall be subject to a civil penalty of not more than $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $11,000,000 for any single act or failure to act.

(2) SEPARATE VIOLATIONS.—A violation of this section with respect to the customer proprietary network information of 1 person shall be treated as a separate violation from a violation with respect to the customer proprietary network information of any other person.

(e) LIMITATION.—Nothing in this Act or section 222 of the Communications Act of 1934 (47 U.S.C. 222) authorizes a subscriber to bring a civil action against a telecommunications carrier or an IP-enabled voice service provider.

(f) DEFINITIONS.—In this section:

(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term ''customer proprietary network information'' has the meaning given that term by section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1)).

(2) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' has the meaning given that term by section 222(i)(8) of the Communications Act of 1934 (47 U.S.C. 222(i)(8)).

(3) TELECOMMUNICATIONS CARRIER.—The term ''telecommunications carrier'' has the meaning given it by section 3(44) of the Communications Act of 1934 (47 U.S.C. 3(44)).

SEC. 3. ENHANCED CONFIDENTIALITY PROCEDURES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall—

(1) revise or supplement its regulations, to the extent the Commission determines it is necessary, to require a telecommunications carrier or IP-enabled voice service provider—

(A) to ensure the security and confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))), and

(B) to protect such customer proprietary network information against threats or hazards to its security or confidentiality; and

(C) to protect customer proprietary network information from unauthorized access or use that could result in substantial harm or inconvenience to its customers, and

(2) ensure that any revised or supplemental regulations are similar in scope and structure to the Federal Trade Commission's regulations in part 314 of title 16, Code of Federal Regulations, taking into consideration the differences between financial information and customer proprietary network information.

(b) COMPLIANCE CERTIFICATION.—Each telecommunications carrier and IP-enabled voice service provider to which the regulations under subsection (a) and section 222 of the Communications Act of 1934 (47 U.S.C. 222) apply shall file with the Commission annually a certification that, for the period covered by the filing, it has been in compliance with those requirements.

SEC. 4. PENALTIES; EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO OTHER ENTITIES.

(a) PENALTIES.—Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by inserting after section 508 the following:

''SEC. 509. PENALTIES FOR CONFIDENTIAL CUSTOMER PROPRIETARY NETWORK INFORMATION VIOLATIONS.

''(a) CIVIL FORFEITURE.—

''(1) IN GENERAL.—Any telecommunications carrier or IP-enabled voice service provider that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated section 222 of this Act shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this subsection shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this subsection shall not exceed $30,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act.

''(2) RECOVERY.—Any forfeiture penalty determined under paragraph (1) shall be recoverable pursuant to section 504(a) of this Act.

''(3) PROCEDURE.—No forfeiture liability shall be determined under paragraph (1) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4) of this Act.

''(4) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under paragraph (1) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(b) CRIMINAL FINE.—Any person who willfully and knowingly violates section 222 of this Act shall upon conviction thereof be fined not more than $30,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subsection does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.''.

(b) EXTENSION OF CONFIDENTIALITY REQUIREMENTS TO IP-ENABLED VOICE SERVICE PROVIDERS.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting ''or IP-enabled voice service provider'' after ''telecommunications carrier'' each place it appears except in subsections (e) and (g);

(2) by inserting ''or IP-enabled voice service provider'' after ''exchange service'' in subsection (g);

(3) by striking ''telecommunication carriers'' each place it appears in subsection (a) and inserting ''telecommunications carriers or IP-enabled voice service providers'';

(4) by inserting ''or provider'' after ''carrier'' in subsection (d)(2), paragraphs (1)(A) and (B) and (3)(A) and (B) of subsection (i) (as redesignated),

(5) by inserting ''or providers'' after ''carriers'' in subsection (d)(2); and

(6) by inserting ''AND IP-ENABLED VOICE SERVICE PROVIDER'' after ''CARRIER'' in the caption of subsection (c).

(c) DEFINITION.—Section 222(h) of the Communications Act of 1934 (47 U.S.C. 222(h)) is amended by adding at the end the following:

''(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.''.

(d) TELECOMMUNICATIONS CARRIER AND IP-ENABLED VOICE SERVICE PROVIDER NOTIFICATION REQUIREMENT.—Section 222 of the Communications Act of 1934 (47 U.S.C. 222), is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) NOTICE OF VIOLATIONS.—The Commission shall by regulation require each telecommunications carrier or IP-enabled voice service provider to notify a customer within 14 calendar days of any incident of which such telecommunications carrier or IP-enabled voice service provider becomes or is made aware in which customer proprietary network information relating to such customer is disclosed to someone other than the customer in violation of this section or section 2 of the Protecting Consumer Phone Records Act.''.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Except as provided in sections 6 and 7 of this Act, section 2 of this Act shall be enforced by the Federal Trade Commission.

(b) VIOLATION TREATED AS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Violation of section 2 shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person that violates section 2 is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. CONCURRENT ENFORCEMENT BY FEDERAL COMMUNICATIONS COMMISSION.

(a) IN GENERAL.—The Federal Communications Commission shall have concurrent jurisdiction to enforce section 2.

(b) PENALTY; PROCEDURE.—For purposes of enforcement of that section by the Commission—

(1) a violation of section 2 of this Act is deemed to be a violation of a provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) rather than a violation of the Federal Trade Commission Act; and

(2) the provisions of section 509(a)(2), (3), and (4) of the Communications Act of 1934 shall apply to the imposition and collection of the civil penalty imposed by section 2 of this Act as if it were the civil penalty imposed by section 509(a)(1) of that Act.

SEC. 7. ENFORCEMENT BY STATES.

(a) IN GENERAL.—The chief legal officer of a State may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce section 2 or to impose the civil penalties for violation of that section, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this Act or a regulation under this Act.

(b) NOTICE.—The chief legal officer of a State shall serve written notice on the Federal Trade Commission and the Federal Communications Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), either Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—An action brought under subsection (a) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a)—

(A) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(B) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If either Commission has instituted an enforcement action or proceeding for violation of section 2 of this Act, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

SEC. 8. PREEMPTION OF STATE LAW.

(a) PREEMPTION.—Section 2 and the regulations prescribed pursuant to section 3 of this Act and section 222 of the Communications Act of 1934 (47 U.S.C. 222) and the regulations prescribed thereunder preempt any—

(1) statute, regulation, or rule of any State or political subdivision thereof that requires a telecommunications carrier or provider of IP-enabled voice service to develop, implement, or maintain procedures for protecting the confidentiality of customer proprietary network information (as defined in section 222(i)(1) of the Communications Act of 1934 (47 U.S.C. 222(i)(1))) held by that telecommunications carrier or provider of IP-enabled voice service, or that restricts or regulates a carrier's or provider's ability to use, disclose, or permit access to such information; and

(2) any such statute, regulation, or rule, or judicial precedent of any State court under which liability is imposed on a telecommunications carrier or provider of IP-enabled voice service for failure to comply with any statute, regulation, or rule described in paragraph (1) or with the requirements of section 2 or the regulations prescribed pursuant to section 3 of this Act or with section 222 of the Communications Act of 1934 or the regulations prescribed thereunder.

(b) LIMITATION ON PREEMPTION.—This Act shall not be construed to preempt the applicability of—

(1) State laws that are not specific to the matters described in subsection (a), including State contract or tort law; or

(2) other State laws to the extent those laws relate to acts of fraud or computer crime.

SEC. 9. CONSUMER OUTREACH AND EDUCATION.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Trade Commission and Federal Communications Commission shall jointly establish and implement a media and distribution campaign to teach the public about the protection afforded customer proprietary network information under this Act, the Federal Trade Commission Act and the Communications Act of 1934.

(b) CAMPAIGN REQUIREMENTS.—The campaign shall—

(1) promote understanding of—

(A) the problem concerning the theft and misuse of customer proprietary network information;

(B) available methods for consumers to protect their customer proprietary network information; and

(C) efforts undertaken by the Federal Trade Commission and the Federal Communications Commission to prevent the problem and seek redress where a breach of security involving customer proprietary network information has occurred; and

(2) explore various distribution platforms to accomplish the goal set forth in paragraph (1).

By Mr. NELSON of Florida:

S. 2391. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a critically important bill for our national security and our immigration system. My bill is called the Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006—otherwise known as the BORDERS Act. Getting control over our Nation's borders is an indispensable part of comprehensive immigration reform.

The Government of the United States has the obligation to protect its citizens and to provide for homeland security by having control of its international borders. Yet, as we all know, our borders with Mexico and Canada are broken. Recognizing the dangerous situation that this presents, the bipartisan 9/11 Commission strongly recommended that the United States get operational control of its borders.

Because our Government has not succeeded in adequately securing our borders, millions of undocumented aliens have crossed into our country without our Government's permission. Despite our best efforts to have an orderly system of immigration and to control who enters the United States, it's simply not working.

Comprehensive immigration reform demands that we find aggressive, practical, and cost-effective methods to quickly secure our borders. The BORDERS Act of 2006 does exactly that, building on recent reports by the Inspector General of the Department of Homeland Security, as well as the Government Accountability Office.

Let me briefly summarize the BORDERS Act of 2006 and explain why this bill is so important to our national security.

First, and most importantly, this bill requires the Department of Homeland Security to implement state-of-the-art surveillance technology programs to build an integrated ''virtual fence'' at our borders. These programs would use unmanned aerial vehicles—like the type already used by our military in combat zones—to monitor remote border locations.

These surveillance programs also would use a host of other technologies—like cameras, sensors, satellites, and radar—to patrol every inch of our United States borders. Right now, our Government has the capability to use these technologies and has tried to build a virtual fence. But the one major problem is that the current surveillance program uses components that are not fully integrated and automated.

For example, as the Inspector General of the Department of Homeland Security recently recommended, a virtual fence must use sensors that automatically activate a corresponding camera to focus itself on the direction of the triggered sensor. If someone if sneaking across our border and trips a sensor, I want the closest camera to automatically focus on the person sneaking in. And then I want the camera to send images to multiple border personnel at different locations, who can immediately dispatch the closest Border Patrol agents to capture the person. That's what my bill does: provides for an integrated, automated virtual fence that will allow our Border Patrol agents to apprehend anyone trying to sneak into the United States.

The BORDERS Act also requires the Department of Homeland Security to greatly increase its detention facilities. Right now, the border patrol is sometimes able to capture illegal aliens sneaking into the country, but we simply lack enough facilities to detain them. In some border areas, up to 90 percent of captured aliens are released, and only 10 percent of them show up for their immigration court hearing. Does that make sense?

If our Government cannot detain illegal aliens who are caught, we lose our

ability to make them report to their immigration proceedings. We never hear from them again. Thus, this bill instructs the Department of Homeland Security to increase its detention space by 20,000 beds for the next 5 years. The bill also instructs the Department to devise other ways to monitor illegal aliens who are captured, such as using ankle bracelets that can remotely track aliens.

Moreover, the BORDERS Act recognizes that our Government simply lacks the personnel manpower to effectively enforce our immigration laws and secure our borders. Therefore, the bill authorizes the addition of thousands of critical Federal jobs, ranging from Border Patrol agents to investigators to detention officers. And the bill requires that these personnel receive crucial training in matters like detecting fraudulent documents.

Another important section of this bill recognizes that in order for our detention mechanisms to function effectively, we need uniform detention standards. The BORDERS Act requires the Department of Homeland Security to implement standard operating rules so that costs are minimized and all detained aliens are treated fairly and humanely. I want to note that this bill contains a section specifically designed to ensure that detained alien children are treated properly while in U.S. custody. Children are the most vulnerable of illegal aliens, and especially when they are separated from their parents, we must ensure their safety.

Finally, the BORDERS Act of 2006 authorizes the Federal Government to reimburse States that incur the financial burden of detaining illegal aliens. It is unfair of us to expect the States to shoulder this huge cost by themselves.

Again, let me stress that border security is just one aspect of comprehensive immigration reform. I also will support legislation to address the status of undocumented aliens currently in the United States, if—and only if—such legislation is fair, humane, and recognizes the role that undocumented workers currently play in our nation's economy.

But border security is a policy area that should find wide agreement—across both parties. By setting up a cutting-edge, integrated ''virtual fence,'' and by building more detention centers, I believe that the United States can take a giant step forward in its quest to get control of our borders. In this post–9/11 world, our national security simply demands it.

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. 2391

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Operations Reform and Development of Electronic Remote Surveillance Act of 2006'' or as the ''BORDERS Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Surveillance technologies programs.
Sec. 5. Secure communication.
Sec. 6. Expansion of detention capacity.
Sec. 7. Detention standards.
Sec. 8. Personnel of the Department of Homeland Security.
Sec. 9. Personnel of the Department of Justice and other attorneys.
Sec. 10. State Criminal Alien Assistance Program authorization of appropriations.
Sec. 11. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 12. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
Sec. 13. Criminal gang activity.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has the duty to protect its citizens and to provide for homeland security by securing its international borders.

(2) The Government of the United States has failed to adequately secure its international borders, which has facilitated the illegal entry of millions of undocumented aliens into the United States.

(3) Illegal immigration poses national security concerns, burdens all levels of Government with extra costs, including imposing hundreds of millions of dollars on States and localities in uncompensated expenses for law enforcement, health care, and other essential services, allows some aliens to gain access to the United States before other aliens who have lawfully waited in line, creates an underclass of workers, and facilitates human trafficking, smuggling, and document fraud.

(4) One critical aspect of comprehensive immigration reform is to find aggressive, practical, and cost-effective methods to quickly secure the international borders of the United States. As the bipartisan National Commission on Terrorist Attacks Upon the United States concluded, ''the United States must be able to monitor and respond to entrances between our borders''.

(5) The Government of the United States should make full use of integrated and automated surveillance technology, including the use of unmanned aerial vehicles, to create a ''virtual fence'' around the Nation, which could be constructed much more quickly than a physical fence. The Inspector General of the Department recently suggested numerous ways to use integrated surveillance technologies to achieve this critical security goal.

(6) The Government of the United States should also increase detention facilities to detain aliens who are apprehended sneaking into the United States, as opposed to catching and releasing such aliens and trusting that they will report for immigration proceedings.

(7) In order to reduce costs of detention and to facilitate the process of removing aliens from the United States fairly, the Secretary should establish uniform detention standards and rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(3) STATE.—Except as otherwise provided, the term ''State'' has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 4. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to

achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall set develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 5. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure 2-way communication capabilities, including the specific use of satellite communications—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 6. EXPANSION OF DETENTION CAPACITY.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''8,000'' and inserting ''20,000''.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(c) SECURE ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. DETENTION STANDARDS.

(a) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 8. PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) CUSTOMS AND BORDER PROTECTION OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,500 the number of positions for full-time active duty officers of the Bureau of Customs and Border Protection of the Department for such fiscal year.

(b) BORDER PATROL AGENTS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 4,000 the number of border patrol agents for such fiscal year.

(c) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1600''.

(d) DETENTION AND REMOVAL OFFICERS.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility compliance with the standards and regulations set forth in section 7.

(e) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subsection (c), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for

such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department to investigate alien smuggling and immigration status violations for such fiscal year.

(f) LEGAL PERSONNEL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters for such fiscal year.

(g) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(h) TRAINING.—The Secretary shall provide appropriate training for the agents, officers, inspectors, and associated support staff of the Department on an ongoing basis to utilize new technologies and techniques, to identify and detect fraudulent travel documents, and to ensure that the proficiency levels of such personnel are acceptable to protect the international borders of the United States. Training to detect fraudulent travel documents shall be developed in consultation with the Forensic Document Laboratory of Immigration and Customs Enforcement.

(i) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 9. PERSONNEL OF THE DEPARTMENT OF JUSTICE AND OTHER ATTORNEYS.

(a) LITIGATION ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice for such fiscal year.

(b) UNITED STATES ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of United States Attorneys to litigate immigration cases in the Federal courts for such fiscal year.

(c) UNITED STATES MARSHALS.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of Deputy United States Marshals to investigate criminal immigration matters.

(d) IMMIGRATION JUDGES.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges for such fiscal year.

(e) DEFENSE ATTORNEYS.—During each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of attorneys in the Federal Defenders Program for such fiscal year. The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 10. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $950,000,000 for each of the fiscal years 2007 through 2011.

''(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 11. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (d) through (e) and inserting the following:

''(d) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(e) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 12. REIMBURSEMENT OF STATES FOR PRECONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a)) is amended by inserting ''charged with or'' before ''convicted.''

SEC. 13. CRIMINAL GANG ACTIVITY.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) CRIMINAL GANG ACTIVITY.—

''(i) IN GENERAL.—Any alien who a consular officer or the Attorney General knows, or has reasonable grounds to believe, seeks to enter the United States to engage, solely, principally, or incidentally in a criminal street gang located in the United States is inadmissible.

''(ii) DEFINITION.—In this subparagraph, the term 'criminal street gang' means an ongoing group, club, organization, or association of 5 or more individuals that commits a violation of Federal or State law that is punishable by imprisonment of 1 year or more.''.

By Mrs. BOXER:

S. 2392. A bill to promote the empowerment of women in Afghanistan; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today—as we celebrate international Women's Day—to strengthen and empower the women and girls of Afghanistan.

International Women's Day is an event celebrated world-wide to inspire women to achieve their full potential. But in so many places around the world, women continue to suffer from persecution and abuse, and many lack resources to become fully integrated

and equal members of society. Despite international intervention, Afghanistan is one such example. More than four years after the invasion of Afghanistan and the fall of the Taliban government, the women of Afghanistan still face significant hurdles as they seek to realize their full potential.

The maternal death rate for Afghan women remains tragically high—with an estimated 1,600 deaths for every 100,000 live births. The illiteracy rate for women continues to hover around 80 percent.

And perhaps most troubling, the security situation for women is getting worse—threatening to slow or even reverse the gains that Afghan women have made over the past four years.

Lieutenant General Michael D. Maples, director of the Defense Intelligence Agency, recently testified that violence by the Taliban and other insurgents in Afghanistan in 2005 increased by 20 percent 2004 levels, specifically noting that the insurgency in Afghanistan ''appears emboldened.''

Women and girls have felt the impact particularly hard. In recent months, attacks against schools in Afghanistan that educate girls have increased substantially. According to media reports, teachers and principals are being threatened and killed—the headmaster at a coed school was even beheaded in January—and eight schools have been burned in the Kandahar province during the current school year alone.

Just today, the President of Afghanistan, Hamid Karzai admitted that Afghan women and girls have much to overcome. ''We have achieved successes in various dimensions during the past four years,'' Karzai said. ''But this journey has not ended . . . women especially are being oppressed, there are still women and young girls who are being married to settle disputes in Afghanistan, young girls are married against their will.''

The legislation I am introducing today, the Afghan Women Empowerment Act of 2006, will provide resources where they are needed most in Afghanistan—to Afghan women-led nongovernmental organizations, empowering those who will continue to provide for the needs of the Afghan people long after the international community has left.

The legislation will provide $30 million to these women-led NGOs to specifically focus on providing direct services to Afghan women such as adult literacy education, technical and vocational training, and health care services, including mental health treatment. It also provides assistance to especially vulnerable populations, including widows and orphans.

In addition, the Afghan Women Empowerment Act authorizes the President to appropriate $5 million to the Afghan Ministry of Women's Affairs and $10 million to the Afghan Independent Human Rights Commission—two vitally important entities dedicated to advancing the cause of women and human rights within Afghanistan.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 392—DESIGNATING MARCH 8, 2006, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 392

Whereas there continues to be discrimination against women and women are still denied full political and economic equality;

Whereas discrimination is often the basis for violating the basic human rights of women;

Whereas, worldwide, the lives and health of women and girls are endangered by violence that is directed at women and girls simply because they are female;

Whereas women bear a disproportionate burden of the poverty in the world and constitute an estimated 75 percent of the world's poor;

Whereas, of the estimated 600,000 to 800,000 people trafficked across international borders each year for forced labor, domestic servitude, and sexual exploitation, 80 percent of the victims are women and girls;

Whereas violence against women is one of the most widespread violations of human rights and it is estimated that 1 in 3 women will suffer some form of violence;

Whereas the majority of the estimated 121,000,000 children in the world who are denied a primary education are girls;

Whereas two-thirds of the estimated 875,000,000 illiterate adults in the world are women;

Whereas, worldwide, women now account for half of all HIV and AIDS cases, and in sub-Saharan Africa, young girls ages 15 to 24 are 3 times more likely to be infected with HIV than young men;

Whereas gender inequality and sexual violence are significant factors causing the rapid spread of HIV/AIDS among women and girls;

Whereas HIV/AIDS is having a devastating effect on women in the United States, and it is the leading cause of death among African American women ages 25 to 34;

Whereas two-thirds of the estimated 19,200,000 refugees in the world are women and children;

Whereas, in armed conflict, women are targets of rape when it is used as a tactic of war to humiliate the enemy and terrorize the population;

Whereas it is estimated that 515,000 women die every year as a result of pregnancy and childbirth, and more than 99 percent of these deaths occur in the developing world;

Whereas countries should take steps to ensure the full participation and representation of women in political processes, conflict prevention, and peacekeeping efforts;

Whereas, over the last century, March 8 has become known as ''International Women's Day'', a day on which people come together to recognize the accomplishments of women and to reaffirm their commitment to continue the struggle for equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''International Women's Day'';

(2) reaffirms its commitment to—

(A) end discrimination and increase the participation of women in decision-making positions in government and in the private sector;

(B) end and prevent violence against women;

(C) pursue policies that guarantee the basic rights of women both in the United States and around the world;

(D) improve access to quality health care for women;

(E) protect the human rights of women and girls during and after conflict and to support the integration of gender perspectives in peacekeeping missions and post conflict processes; and

(F) end the trafficking of women and girls; and

(3) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. LUGAR. Mr. President, I rise to submit a resolution declaring today International Women's Day 2006.

International Women's Day is a day on which we celebrate the progress of women and rededicate ourselves to overcoming the inequities that they face around the globe. Almost one hundred years ago, when the first International Women's Day was celebrated, women in this country and in Europe were fighting for the right to vote and to participate fully in the political process.

Today, nearly one hundred years later, we can celebrate the fact that, in the United States and Europe, many of these barriers have been broken down, and that women now not only vote, but participate in our government at its highest levels. In the past year, we have seen historic elections in Afghanistan and Iraq, where women were voters and candidates. In Kuwait, women are now able to vote and run for parliament. Voters in Liberia have elected the first female head of state in Africa, Ellen Johnson-Sirleaf, and Chile is just days away from the inauguration of Michele Bachelet, the country's first female president.

Despite these accomplishments, in many places around the world, women are still fighting for their basic rights. Often, especially in developing countries, women and girls lack full political, academic, and economic equality. Two-thirds of the estimated 875 million illiterate adults in the world are women. Girls frequently continue to be denied access to primary education, and constitute the majority of the estimated 121 million children around the globe who do not attend school.

The lives and health of women and girls continue to be particularly vulnerable to violence. Women are trafficked across international borders for forced labor, domestic servitude, and sexual exploitation. In armed conflict situations and other humanitarian emergencies, women and children risk a range of abuses including sexual exploitation, trafficking and gender-based violence.

The HIV/AIDS crisis is particularly devastating to women and girls. Women now account for one-half of all

HIV and AIDS cases, and in sub-Saharan Africa, young girls aged 15 through 24 are three times more likely to be infected with HIV than young men. Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of caring for sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Often, widows and orphans have difficulties asserting their inheritance rights, even when those rights are spelled out in law. This often leaves the most vulnerable women and children impoverished and homeless.

The inequality that is devastating the lives of women around the world requires our commitment to ending it. Last year, I co-sponsored with Senator BIDEN the Protection of Vulnerable Populations During Humanitarian Emergencies Act of 2005, which the Committee on Foreign Relations supported as an amendment to our Foreign Affairs Authorization Act for Fiscal Years 2006 and 2007. Our bill seeks to ensure that U.S. foreign assistance programs are a force for protecting women, children, and other vulnerable populations in the wake of military conflict and natural disasters.

In addition, last year the President signed into law the Orphans and Vulnerable Children Act, which I authored and introduced in 2004. This law requires the Administration to develop a comprehensive strategy to assist the millions of orphans left behind by the AIDS pandemic. The strategy must include programs to remove barriers to education, such as school fees, that keep orphans, and especially girls, out of the classroom. The law also requires the Administration to support programs that protect the inheritance rights of orphans and widows with children, and to support programs that assist village-based organizations, the main infrastructure for the care of orphans and the millions of women taking care of them.

International Women's Day is a day for each of us to reflect upon the remarkable progress that women around the world have made, and to remember that much remains to be done. I am hopeful that Senators will join me in recognizing this important day.

SENATE RESOLUTION 393—DESIGNATING MARCH 8, 2006, AS ''INTERNATIONAL WOMEN'S DAY''

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas all over the world women are contributing to the growth of economies, participating in the fields of diplomacy and politics, and improving the quality of the lives of their families, communities, and nations;

Whereas discrimination continues to deny women full political and economic equality and is often the basis for violations of basic human rights against women;

Whereas the health and life of women and girls worldwide continues to be endangered by violence that is directed at them simply because they are women;

Whereas worldwide violence against women includes rape, genital mutilation, sexual assault, domestic violence, dating violence, honor killings, human trafficking, dowry-related violence, female infanticide, sex selection abortion, forced pregnancy, forced sterilization, and forced abortion;

Whereas at least 1 in 3 females worldwide has been beaten or sexually abused in her lifetime;

Whereas 1 in 4 women in the United States has been raped or physically assaulted by an intimate partner at some point in her life;

Whereas 20 percent to 50 percent of women worldwide experience some degree of domestic violence during marriage;

Whereas, on average, 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas it is estimated that 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas an estimated 135,000,000 women and girls of the world have undergone genital mutilation, and 2,000,000 girls are at risk of mutilation each year;

Whereas worldwide, women account for ½ of all cases of the human immunodeficiency virus and acquired immune deficiency syndrome (referred to in this preamble as ''HIV/AIDS'');

Whereas young women in Africa are 3 times more likely to contract HIV/AIDS than men;

Whereas worldwide sexual violence, including marital rape, has been cited as a major cause of the rapid spread of HIV/AIDS among women;

Whereas between 75 percent and 80 percent of the 27,000,000 refugees and internally displaced persons of the world are women and children;

Whereas illegal trafficking for forced labor, domestic servitude, or sexual exploitation victimizes 2,000,000 to 4,000,000 women and girls throughout the world each year;

Whereas ⅔ of the nearly 1,000,000,000 illiterate individuals of the world are women;

Whereas ⅔ of children worldwide who are denied primary education are girls;

Whereas throughout the world, girls are less likely to complete school than boys;

Whereas that educational failure has real consequences for the global economy and the security of the United States, and especially for the millions of girls with limitless potential who continue to lose the chance to discover their worth and importance as global citizens;

Whereas girls who are educated are more likely to enjoy healthy and stable families, lower mortality rates, higher nutrition levels, delayed sexual activity, less chance of contracting HIV/AIDS, and less chance of having unwanted pregnancies;

Whereas it is estimated that women and girls make up more than 70 percent of the poorest people in the world;

Whereas in most nations, women work approximately twice the amount of unpaid time that men do;

Whereas women work ⅔ of the working hours of the world, and produce ½ of the food in the world, yet earn only 10 percent of the income in the world, and own less than 1 percent of the property in the world;

Whereas rural women produce more than 55 percent of all food grown in developing countries;

Whereas women worldwide still earn less, own less property, and have less access to education, employment, and health care than do men;

Whereas there are 82,500,000 mothers of all ages in the United States;

Whereas approximately 3 in 10 United States households are maintained by women with no husband present;

Whereas women comprise almost 15 percent of the active duty, reserve, and guard units of the Armed Forces;

Whereas it is not enough to say women deserve a voice in politics;

Whereas nations should take steps to ensure the full participation and representation of women in their conferences and committees, plenaries, and parliaments;

Whereas social investment, particularly investments in women and girls, should be an integral part of foreign policy;

Whereas the dedication and success of those working all over the world to end violence against women and girls and fighting for equality should be recognized;

Whereas special recognition is owed to 10 women fighting to make a difference in their communities and around the globe, including the following: Brigadier General Sheila R. Baxter, Commander, Madigan Army Medical Center, Western Regional Medical Command; Sheryl Cates, Executive Director of the National Domestic Violence Hotline and the Texas Council on Family Violence; Lora Jo Foo, Civil rights, labor activist, and Managing Attorney at the Asian Law Caucus; Salma Hayek, Actress and Domestic Violence Advocate; Asma Jehangir, Pakistani human rights activist, author, and lawyer; Liz Lerman, Founder and leader of the Liz Lerman Dance Exchange; Wangari Maathai, Nobel Peace Prize-winning environmentalist and founder of the Green Belt Movement; Kavita N. Ramdas, President and Chief Executive Officer of Global Women's Fund; Bernice Johnson Reagon, singer, scholar, activist, and founder of Sweet Honey in the Rock; and Ellen Johnson Sirleaf, newly-elected President of Liberia;

Whereas March 8 became known as ''International Women's Day'' during the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for equality, justice, and peace for women; and

Whereas the people of the United States should be encouraged to participate in ''International Women's Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''International Women's Day'';

(2) reaffirms the commitment of the Senate to—

(A) improve access to quality health care;

(B) end and prevent violence against women, including the trafficking of women and girls worldwide, and ensure that the criminals who engage in those activities are brought to justice;

(C) end discrimination and increase participation of women in decision-making positions in the government and private sectors;

(D) extend full economic opportunities to women, including access to microfinance and microenterprise; and

(E) strengthen the role of women as agents of peace, because women are among the best emissaries when it comes to easing religious, racial, and ethnic tensions, crossing cultural divides, and reducing violence in areas of war and conflict; and

(3) encourages the people of the United States to observe ''International Women's Day'' with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution honoring 10

extraordinary women in celebration of International Women's Day.

There is no doubt that women have made tremendous strides towards equality and justice in the last century. International Women's Day provides an important moment to acknowledge the role that women have played in pioneering change and paving the way for millions of women and girls to access equal education, employment and opportunity.

The resolution I submit highlights the achievements of women from all over the world who have made strides as stateswomen, activists and advocates.

They are women who have overcome discrimination, abuse and political oppression to make a difference in the communities in which they live. Women like Kavita Ramdas, the President and Chief Executive Officer of the Global Women's Fund, the largest foundation in the world that exclusively centers on advocating women's rights. Her work has helped to improve women's economic independence and increased girls' access to education.

Salma Hayek plays a leading role in helping battered women in the United States and her native country, Mexico. Serving as chief spokeswoman for the Avon Foundations ''Speak Out Against Domestic Violence'' campaign, she continues to stay committed to helping educate and empower women to bring an end to this type of violence. She has donated her time and money to overcoming the horrifying statistic that one in three women worldwide has been raped, sexually abused or beaten in their lifetime, inspiring others to help spread awareness concerning domestic violence.

As Executive Director of the Texas Council on Family Violence and National Domestic Violence Hotline, Sheryl Cates is leading our country in empowering women by offering information and referrals to victims of domestic violence. Since the Hotline started 10 years ago, it has taken over 1.6 million calls in 140 languages and provide support for women across the United States, Puerto Rico and the U.S. Virgin Islands. Domestic violence is often unseen and unreported because the victims are often too scared to seek help. The Hotline provides a place for victims to turn for assistance, providing individualized support to ensure these women that they are not alone.

At age 11, Lora Jo Foo was a garment worker in San Francisco, California. She is now an accomplished civil rights and labor activist. Having dedicated her life to improving sweatshop conditions, she represents and advocates for low wage industry workers throughout the world. Many garment industry workers are denied public benefits because they do not speak English and government agencies fail to provide them with interpreters or translated documents. A large number of Asian women are pushed into dead-end workfare jobs where they learn no skills and are denied the option of English-language training. The result has been an increase in hunger and illness among Asian immigrant women and their families. Lora Jo Foo represents those women, giving them a voice to advocate for change.

Women like these are why we celebrate International Women's Day, commemorating their selfless achievements in advocating for equal rights and educating others. This past year, the global community has taken significant strides forward towards gender equality and the pursuit of human rights. On January 16, 2006, Ellen Johnson Sirleaf was elected as Prime Minister of Liberia, becoming the first elected female head of state in Africa. Germany elected its first female Chancellor, Angela Merkel. Chancellor Merkel overcame her childhood in North Berlin under communism and triumphed in her role as a leader. This past spring, Kuwait transformed the very structure of their country by amending their electoral laws and allowing women both to vote and to run in parliamentary elections. In Afghanistan, women are gaining equality in representation, overcoming years of severe gender discrimination and gender-based violence. There are now 68 female parliamentarians in the lower house of parliament, making up 27 percent of the representatives; women make up 15 percent of the representatives in the upper house.

Despite the achievements in women's rights during the past year, there is still more to be done, both domestically and internationally. In our own country, the wage gap between genders still exists. Although it has slightly decreased, women make an average of 76.5 percent as much as men do for identical jobs. Internationally, young women are three times more likely to be infected with HIV/AIDS than men because they know less about how to prevent infection and how to protect themselves from violence and discrimination. And while the laws of some countries in the Middle East have been changed to allow women the right to vote and hold office, much remains to be done to ensure they have equal access and opportunity to freely express their political will.

We value the progress that has been made in ending discrimination and advocating gender equality. On International Women's Day, we thank all those who have contributed to our successes. I urge my colleagues to support the immediate passage of the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2933. Mr. INHOFE 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 2934. Mr. INHOFE (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2935. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2936. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2937. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2938. Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2939. Mr. SANTORUM (for himself 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 2940. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2941. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2942. Mr. DODD (for himself, Mr. SANTORUM, Mr. OBAMA, Mr. MCCAIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2943. Mrs. BOXER (for herself, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2944. Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2349, supra.

SA 2945. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2946. Mr. MCCAIN (for himself, Mr. COBURN, Mr. ENSIGN, Mr. FEINGOLD, Mr. KYL, Mr. DEMINT, Mr. SUNUNU, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2947. Mr. NELSON of Florida (for himself and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2948. Mr. DORGAN (for himself, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2949. 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 2950. 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.

SA 2951. 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.

SA 2952. 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.

SA 2953. Mr. KYL (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2954. Mr. BAUCUS submitted an amendment intended to be proposed by him to the

bill S. 2349, supra; which was ordered to lie on the table.

SA 2955. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2957. Mr. MCCAIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, 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.

SA 2958. 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 2959. Mr. SCHUMER 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 2960. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2961. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2962. 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 2963. 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 2964. 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 2965. Mr. OBAMA (for himself and 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 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2967. Mr. DAYTON 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

SA 2933. Mr. INHOFE 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. ____. MAKING SENATE HOLDS PUBLIC.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. Intent to object to (to hold) a motion or matter, including Legislative and Executive Calendar items and unanimous consent agreements, shall be printed in a distinct section of the Congressional Record not later than 2 session days after such intent has been communicated to party leadership.''.

SA 2934. Mr. INHOFE (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION''.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

SA 2935. Mr. INHOFE 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 221, strike line 7 and insert the following:

SEC. 221. CRIMINAL PENALTIES.

Section 18 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 16(1)) is amended by—

(1) striking ''An organization'' and inserting the following:

''(a) IN GENERAL.—An organization''; and

(2) adding at the end the following:

''(b) CRIMINAL PENALTY.—An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by this section shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.''.

SEC. 222. EFFECTIVE DATE.

SA 2936. Mr. INHOFE 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 40, after line 2, insert the following:

(c) SENIOR EXECUTIVE PERSONNEL GENERALLY.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

''(4) ONE-YEAR RESTRICTIONS ON CERTAIN EMPLOYEES OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level 14 position in the General Schedule (GS–14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.''.

SA 2937. Mr. INHOFE 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 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; and'';

(3) by adding at the end the following:

''(6) any other employee of the executive branch.''.

SEC. 222. EFFECTIVE DATE.

SA 2938. Mr. SANTORUM (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) 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:

Beginning on page 10, strike line 19 and all that follows through page 12, line 14, and insert the following:

(b) DISCLOSURE AND PAYMENT OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—

(A) DISCLOSURE AND PAYMENT.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee;

''(2) reimburse the owner or lessee of the aircraft for the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of members, officers, or employees of the Congress on the flight);

''(3) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(B) FAIR MARKET VALUE OF NONCOMMERCIAL AIR TRAVEL.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended—

(i) by inserting (A) after (1); and

(ii) by adding at the end the following:

''(B) Fair market value for a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size.''.

(C) REIMBURSEMENT.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''(c) Use of an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire shall be valued for purposes of reimbursement under this rule as provided in paragraph 2(g)(2) of rule XXXV.''.

(2) FECA.—

(A) DISCLOSURE.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking ''and'' at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking ''and'' at the end;

(ii) in clause (xiv), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(xv) any travel expense for a flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided,* That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.''.

SA 2939. Mr. SANTORUM (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 8, strike lines 6 through 16 and insert the following:

''(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.''.

SA 2940. Mr. SANTORUM 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 40, after line 24, insert the following:

SEC. 252. CONTACTS WITH REPRESENTATIVES, OFFICIALS, AND FOREIGN AGENTS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''SEC. 26. NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

''(a) NOTIFICATION OF CONTACTS WITH REPRESENTATIVES AND OFFICIALS OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.—

''(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of State any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

''(2) SUBMISSION.—A report required by paragraph (1) shall be submitted to the Secretary of State, or a person that the Secretary designates as an appropriate recipient.

''(3) REPORT TO CONGRESSIONAL COMMITTEE.—The Secretary of State shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).

''(b) CONGRESSIONAL DISCLOSURE.—

''(1) IN GENERAL.—A Member of Congress and any legislative branch employee shall, on a quarterly basis, disclose and report to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, any contact with a representative, official, or foreign agent of a government that has been designated as a state sponsor of terrorism by the Department of State.

''(2) REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary of the Senate and Clerk of the House of Representatives shall provide, on a quarterly basis, the Committee on Foreign Relations of the Senate, the Committee on International Affairs of the House of Representatives, the Appropriations Subcommittee on State, Foreign Operations, and Related Programs of the Senate, and the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs of the House of Representatives with a report listing the names of those individuals who have notified the Secretary of contacts described in paragraph (1).''.

SA 2941. Mr. SANTORUM 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 25, line 11, strike ''$100,000'' and insert ''$200,000''.

SA 2942. Mr. DODD (for himself, Mr. SANTORUM, Mr. OBAMA, Mr. MCCAIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 8, strike lines 8 through 16.

SA 2943. Mrs. BOXER (for herself, Mr. KERRY, and Mr. LAUTENBERG) 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:

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF WHITE HOUSE CONTACTS WITH JACK ABRAMOFF.

(a) FINDINGS.—The Senate finds the following:

(1) Public confidence in Government has been undermined by widespread reports of public corruption involving Jack Abramoff, including indictments and plea agreements that cite alleged wrongdoing by senior public officials.

(2) Public perception of a culture of corruption undermines the people's faith in their Government representatives and our system of Government.

(3) Due to the serious nature of Jack Abramoff's crimes and continuing allegations of corruption involving him, public confidence in the Government can be restored only if there is full disclosure of his contacts with the President, White House staff, and senior executive branch officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the White House should immediately and publicly disclose each visit and meeting between Jack Abramoff and the President, White House staff, or senior executive branch officials, which should include the date, list of attendees, purpose of the visit or meeting, any documentation associated with the visit or meeting, including any photographs, and any action taken or withheld by the Government as a result of the contact.

SA 2944. Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

At the end of title I, add the following:

SEC. ___. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—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 ___, intend to object to proceeding to ___, dated ___.''.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Object to Proceeding''.

Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) REMOVAL.—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 ___, do not object to proceeding to ___, dated ___.''.

SA 2945. Mr. BURNS 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. ___. ESTABLISHMENT OF SENATE ETHICS AUDIT OFFICE.

(a) ESTABLISHMENT.—There is established in the Senate an independent, nonpartisan office to be known as the ''Senate Ethics Audit Office'' (referred to in this resolution as the ''Office'') which shall be an independent, investigative arm of the Select Committee on Ethics authorized to conduct audits each Member's personal offices as provided in this resolution.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Senate Ethics Audit Office Director (referred to in this resolution as the ''Director''). The Director shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in ethics law and audit process, a member of the bar of a State or the District of Columbia or a certified public accountant, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) TERMS OF SERVICE.—Any appointment made under paragraph (1) shall become effective upon approval by resolution of the Senate. The Director shall be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Director is appointed except that the Senate may, by resolution, remove the Director prior to the termination of any term of service. The Director may be reappointed at the termination of any term of service.

(3) COMPENSATION.—The Director shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of Title 5.

(4) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including other attorneys, investigators, and accountants.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall conduct annual audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines as provided in paragraph (2).

(2) AUDITS AND TRAINING.—The Office shall—

(A) conduct unannounced, random audits of each Senator and his or her immediate family, each Senator's personal office, and the Senator's staff to ensure compliance with the rules of the Select Committee on Ethics and other related rules and guidelines;

(B) audit the appropriate filing, archiving, and retention of documents related to the compliance of established ethics rules and other related rules and guidelines for each Senator's personal office, including the mailing of 499's, the use of the Frank, gifts, any and all travel, and other such matters;

(C) examine, if applicable, any campaign related work as it relates to Senate ethics rules that has been performed in compliance with established guidelines (such as political fund designees, de minimis use of government equipment for non-related government work, and other appropriate guidelines);

(D) examine any contributions made to a Senator's office by any outside entity (foreign government, lobbyist, or otherwise) to ensure—

(i) proper compliance with established gift laws; and

(ii) that those gifts are properly documented in accordance with established ethics rules and guidelines;

(E) examine the Senator and the Senator's office to ensure proper financial disclosures regarding payroll, gifts, reimbursements, and other necessary financial disclosures with established ethics rules and guidelines;

(F) require that each Senator's office make available the report of findings of the Office to the public in appropriate venues for examination, including a publicly available website;

(G) ensure that no conflict of interest exists between the execution of the Senator's duties, the Senator's staff's duties, and any previous employment;

(H) require each Senator's office to detail on a proper form all current outside employment and submit the form every 6 months to the Office;

(I)(i) ensure that any travel and necessarily associated expenses are performed and reported appropriately under established rules and guidelines; and

(ii) require a new RE-4 for travel paid for by tribal entities and sovereign nations/foreign governments and an RE–5 for CODEL travel for filing and for compliance;

(J) examine any potential impropriety in payments, or other gifts to a Senator and his or her immediate family, each Senator's personal office, the Senator's senior staff, and the immediate family members of senior staff, with the Senator's senior staff being listed and disclosed with the independent audit report to avoid any confusion;

(K) provide training opportunities and work closely with relevant personnel inside the Senator's personal office to recognize and rectify any violations, enabling each office the ability to internally recognize and eliminate potential violations of established ethics rules and guidelines; and

(L) make recommendations to Senators concerning office ethics policy or practice improvement.

SA 2946. MR. MCCAIN (for himself, Mr. COBURN, Mr. ENSIGN, Mr. FEINGOLD, Mr. KYL, Mr. DEMINT, Mr. SUNUNU, and Mr. GRAHAM) 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, line 21, strike ''24 hours'' and insert ''48 hours''.

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Paragraph 1 of Rule XVI of the Standing Rules of the Senate is amended to read as follows:

''1. (a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No new or general legislation nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

''(4) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill is sustained, then—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d) If the point of order against a conference report under subparagraph (a)(3) is sustained, then—

''(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

''(2) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

''(3) when all other points of order under this paragraph 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 (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

''(B) the question shall be debatable; and

''(C) no further amendment shall be in order; and

''(4) 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.

''(e)(1) If a point of order under subparagraph (a)(4) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(4) against a House amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(f) The disposition of a point of order made under any other paragraph of this Rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(g) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

''(h) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill, a conference report on a general appropriation bill, or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

''(i) Notwithstanding any provision of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), no point of order provided for under that Act shall lie against the striking of any matter, the modification of total amounts to reflect the deletion of matter struck, or the reduction of an allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) to reflect the deletion of matter struck (or to the bill, amendment, or conference report as affected by such striking, modification, or reduction) pursuant to a point of order under this paragraph.

''(j) For purposes of this paragraph:

''(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—

''(i) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or

''(ii) 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 this Rule.

''(3) The terms 'new matter' and 'nongermane matter' have the same meaning as when those terms are used in Rule XXVIII.''.

(b) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes a grant, loan, loan guarantee, or contract.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality, but does not include any Federal agency.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

(c) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

SA 2947. Mr. NELSON (for himself and Mr. DAYTON) 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 end, add the following:

TITLE III—MEDICARE

SEC. 301. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w–21(e)(3)(B)) is amended—

(1) in clause (iii), by striking ''May 15, 2006'' and inserting ''December 31, 2006''; and

(2) by adding at the end the following new sentence:

''An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).''.

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking ''FOR FIRST 6 MONTHS'';

(ii) in clause (i), by striking ''the first 6 months of 2006,'' and all that follows through ''is a Medicare+Choice eligible individual,'' and inserting ''2006,''; and

(iii) in clause (ii), by inserting ''(other than during 2006)'' after ''paragraph (3)''; and

(B) in paragraph (4), by striking ''2006'' and inserting ''2007'' each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking ''subparagraphs (B) and (C) of paragraph (2)'' and inserting ''paragraph (2)(C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare

Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2948. Mr. DORGAN (for himself, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2349, to provided greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—HONEST LEADERSHIP AND ACCOUNTABILITY IN CONTRACTING

SEC. 301. SHORT TITLE.

This title may be cited as the ''Honest Leadership and Accountability in Contracting Act of 2006''.

Subtitle A—Elimination of Fraud and Abuse

SEC. 311. PROHIBITION OF WAR PROFITEERING AND FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. War profiteering and fraud

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war or military action knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States or the entity having jurisdiction over the area in which such activities occur;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from the war or military action;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) TREATMENT UNDER MONEY LAUNDERING OFFENSE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud)'' after ''liquidating agent of financial institution),''.

SEC. 312. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that no prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

(1) has exhibited a pattern of overcharging the Government under Federal contracts; or

(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws.

(b) EFFECTIVE DATE.—The revised regulation required by this section shall apply with respect to all contracts for which solicitations are issued after the date that is 90 days after the date of the enactment of this Act.

SEC. 313. DISCLOSURE OF AUDIT REPORTS.

(a) DISCLOSURE OF INFORMATION TO CONGRESS.—

(1) IN GENERAL.—The head of each executive agency shall maintain a list of audit reports issued by the agency during the current and previous calendar years that—

(A) describe significant contractor costs that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract; or

(B) identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each executive agency shall provide, within 14 days of a request in writing by the chairman or ranking member of a committee of jurisdiction, a full and unredacted copy of—

(A) the current version of the list maintained pursuant to paragraph (1); or

(B) any audit or other report identified on such list.

(b) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Procurement Data System shall be modified to include—

(A) information on instances in which any major contractor has been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against it in connection with allegations of improper conduct; and

(B) information on all sole source contract awards in excess of $2,000,000 entered into by an executive agency.

(2) PUBLICLY AVAILABLE WEBSITE.—The information required by paragraph (1) shall be made available through the publicly available website of the Federal Procurement Data System.

Subtitle B—Contract Matters

PART I—COMPETITION IN CONTRACTING

SEC. 321. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).''.

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).''.

SEC. 322. COMPETITION IN MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $1,000,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) applies to such individual purchase; or

(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

(A) offers were received from at least three qualified contractors; or

(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3));

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act, and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(e) CONFORMING AMENDMENTS TO DEFENSE CONTRACT PROVISION.—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2304 note) is amended as follows:

(1) GOODS COVERED.—(A) The section heading is amended by inserting ''**GOODS OR**'' before ''**SERVICES**''.

(B) Subsection (a) is amended by inserting ''goods and'' before ''services''.

(C) The following provisions are amended by inserting ''goods or'' before ''services'' each place it appears:

(i) Paragraphs (1), (2), and (3) of subsection (b).

(ii) Subsection (d).

(D) Such section is amended by adding at the end the following new subsection:

''(e) APPLICABILITY TO GOODS.—The Secretary shall revise the regulations promulgated pursuant to subsection (a) to cover purchases of goods by the Department of Defense pursuant to multiple award contracts. The revised regulations shall take effect in final form not later than 180 days after the date of the enactment of this subsection and shall apply to all individual purchases of goods that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.''.

(f) PROTEST RIGHTS FOR CERTAIN AWARDS.—

(1) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act (41 U.S.C. 253j(d)) is amended by inserting ''with a value of less than $500,000'' after ''task or delivery order''.

(2) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code, is amended by inserting ''with a value of less than $500,000'' after ''task or delivery order''.

PART II—CONTRACT PERSONNEL MATTERS

SEC. 331. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term ''inherently governmental functions'' has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(2) The term ''functions closely associated with governmental functions'' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(3) The term ''organizational conflict of interest'' has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SEC. 332. ELIMINATION OF REVOLVING DOOR BETWEEN FEDERAL PERSONNEL AND CONTRACTORS.

(a) ELIMINATION OF LOOPHOLES ALLOWING FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) IN GENERAL.—Paragraph (1) of subsection (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by striking ''or consultant'' and inserting ''consultant, lawyer, or lobbyist'';

(B) by striking ''one year'' and inserting ''two years''; and

(C) in subparagraph (C), by striking ''personally made for the Federal agency—'' and inserting ''participated personally and substantially in—''.

(2) DEFINITION.—Paragraph (2) of such subsection is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of a contractor.''.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Such section is further amended by adding at the end the following new subsection:

''(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal Government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor unless the designated agency ethics officer for the agency determines in writing that the government's interest in the former employee's participation in a particular procurement outweighs any appearance of impropriety.''.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Subsection (c)(1) of such section is amended by inserting after ''that official'' the following: '', or for a relative of that official (as defined in section 3110 of title 5, United States Code),''.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

''(A) subsection (a) or (b) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

''(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years, fined as provided under title 18, Untied States Code, or both.''.

(e) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

''(1) promulgate regulations to carry out and ensure the enforcement of this section; and

''(2) monitor and investigate individual and agency compliance with this section.''.

Subtitle C—Other Personnel Matters

SEC. 341. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC CONTRACTING AND SAFETY POSITIONS.

(a) IN GENERAL.—A position specified in subsection (b) may not be held by any political appointee who does not meet the requirements of subsection (c).

(b) SPECIFIED POSITIONS.—A position specified in this subsection is any position as follows:

(1) A public contracting position.

(2) A public safety position.

(c) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position; and

(3) has training and expertise in one or more areas relevant to such position.

(d) POLITICAL APPOINTEE.—For purposes of this section, the term ''political appointee'' means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(e) PUBLIC CONTRACTING POSITION.—For purposes of this section, the term ''public contracting position'' means the following:

(1) The Administrator for Federal Procurement Policy.

(2) The Administrator of the General Services Administration.

(3) The Chief Acquisition Officer of any executive agency, as appointed or designated pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414).

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves government procurement and procurement policy, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(f) PUBLIC SAFETY POSITION.—For purposes of this section, the term ''public safety position'' means the following:

(1) The Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

(2) The Director of the Federal Emergency Management Agency, Department of Homeland Security.

(3) Each regional director of the Federal Emergency Management Agency, Department of Homeland Security.

(4) The Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security.

(5) The Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security.

(6) The Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services.

(7) The Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.

(8) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(g) PUBLICATION OF POSITIONS.—Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public contracting positions and public safety positions within such agency.

(h) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (c) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(i) DEFINITIONS.—In this section:

(1) The term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code).

(2) The terms ''limited term appointee'', ''limited emergency appointee'', and ''noncareer appointee'' have the meanings given such terms in section 3132 of title 5, United States Code.

(3) The term ''Senior Executive Service'' has the meaning given such term by section 2101a of title 5, United States Code.

(4) The term ''competitive service'' has the meaning given such term by section 2102 of title 5, United States Code.

(5) The terms ''lobbyist'' and ''client'' have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(j) CONFORMING AMENDMENT.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)) is amended by striking ''non-career employee as''.

SEC. 342. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress;

''(II) any other Member of Congress; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(b) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee would reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 (governing disclosures to Congress); section 1034 of title 10 (governing disclosure to Congress by members of the military); section 2302(b)(8) (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18 and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by

such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(g) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(h) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 77 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of this subsection, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of this subsection, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(j) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50

U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(k) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(l) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(m) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(n) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect 30 days after the date of the enactment of this Act.

SA 2949. 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. ___. PROHIBITION ON NAMING FEDERAL BUILDINGS OR PROPERTIES AFTER LIVING SERVING OR FORMER MEMBERS OF CONGRESS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or resolution, or conference report thereon, or amendment that names a Federal building, property, program, project, or entity funded, in whole or in part, by the Federal Government after a living Member of Congress or a living former Member of Congress.

(b) 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.

SA 2950. 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, or an amendment 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).

SA 2951. 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. ___. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) any lobbying activities engaged in by the recipient and the costs to the recipient of such activities; and

''(2)(A) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(B) the amount of money paid as described in subparagraph (A).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

SA 2952. 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 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 that funding by agency and program source;

(4) the location of the entity including the city, State, and country; and

(5) a unique identifier for each such entity.

(b) DEFINITION OF ENTITY.—For purposes of this section, the term ''entity''—

(1) includes—

(A) a corporation;

(B) an association;

(C) a partnership;

(D) a limited liability company;

(E) a limited liability partnership;

(F) any other legal business entity;

(G) grantees, contractors, and, on and after October 1, 2007, subgrantees; and

(H) any State or locality; and

(2) does not include—

(A) an individual recipient of Federal assistance;

(B) a Federal employee; or

(C) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

SA 2953. Mr. KYL (for himself and Mr. PRYOR) 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:

TITLE _____—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

SEC. _____. SHORT TITLE.

This title may be cited as the ''Unlawful Internet Gambling Enforcement Act of 2006''.

SEC. _____. PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''§ 5361. Congressional findings and purpose

''(a) FINDINGS.—Congress finds the following:

''(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

''(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers

to Internet gambling sites or the banks which represent such sites.

''(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

''(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

''(b) RULE OF CONSTRUCTION.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

''§ 5362. Definitions

''In this subchapter, the following definitions shall apply:

''(1) BET OR WAGER.—The term 'bet or wager'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28;

''(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

''(E) does not include—

''(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act);

''(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

''(iii) any over-the-counter derivative instrument;

''(iv) any other transaction that—

''(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

''(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

''(v) any contract of indemnity or guarantee;

''(vi) any contract for insurance;

''(vii) any deposit or other transaction with an insured depository institution; or

''(viii) any participation in a fantasy or simulation sports game, an educational game, or a contest, that—

''(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

''(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a fantasy or simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of—

''(aa) sporting events; or

''(bb) nonparticipants' individual performances in sporting events; and

''(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

''(2) BUSINESS OF BETTING OR WAGERING.—The term 'business of betting or wagering' does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service.

''(3) DESIGNATED PAYMENT SYSTEM.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

''(4) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

''(5) INTERNET.—The term 'Internet' means the international computer network of interoperable packet switched data networks.

''(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

''(7) RESTRICTED TRANSACTION.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

''(10) UNLAWFUL INTERNET GAMBLING.—

''(A) IN GENERAL.—The term 'unlawful Internet gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

''(B) INTRASTATE TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

''(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's law or regulations; and

''(iii) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act of 1978;

''(II) Professional and Amateur Sports Protection Act;

''(III) Gambling Devices Transportation Act; or

''(IV) Indian Gaming Regulatory Act.

''(C) INTRATRIBAL TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively—

''(I) within the Indian lands of a single Indian tribe (as those terms are defined by the Indian Gaming Regulatory Act); or

''(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

''(ii) the bet or wager, and the method by which the bet or wager is initiated and received or otherwise made, is expressly authorized by and complies with the requirements of—

''(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

''(II) with respect to class III gaming, the applicable Tribal-State Compact;

''(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

''(iv) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act of 1978;

''(II) the Professional and Amateur Sports Protection Act;

''(III) the Gambling Devices Transportation Act; or

''(IV) the Indian Gaming Regulatory Act.

''(D) INTERSTATE HORSERACING.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager that is governed by and complies with the Interstate Horseracing Act of 1978.

''(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

''(11) OTHER TERMS.—

''(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

''(B) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

''(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

''(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

''(C) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

''(D) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

''(i) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

''(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

''(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

''§ 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

''No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

''(1) credit, or the proceeds of credit, extended to, or on behalf of, such other person (including credit extended through the use of a credit card);

''(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

''(3) any check, draft, or similar instrument which is drawn by, or on behalf of, such other person and is drawn on or payable at or through any financial institution; or

''(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of, or for the benefit of, such other person.

''§ 5364. Policies and procedures to identify and prevent restricted transactions

''(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

''(1) The establishment of policies and procedures that—

''(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

''(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

''(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

''(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

''(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction;

''(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

''(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

''(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

''(1) such person relies on, and complies with, the policies and procedures of a designated payment system of which it is a member or participant to—

''(A) identify and block restricted transactions; or

''(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

''(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

''(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person shall not be liable to any party if such person —

''(1) is subject to a regulation prescribed or order issued under this subchapter; and

''(2) blocks, or otherwise refuses to honor a transaction—

''(A) that is a restricted transaction;

''(B) that such person reasonably believes to be a restricted transaction; or

''(C) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a).

''(e) REGULATORY ENFORCEMENT.—The requirements of this section shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

''§ 5365. Circumventions prohibited

''Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

''(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

''(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''5361. Congressional findings and purpose
''5362. Definitions
''5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling
''5364. Policies and procedures to identify and prevent restricted transactions
''5365. Circumventions prohibited''.

SEC. _____. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 2954. Mr. BAUCUS 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 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—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 use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization,

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

SA 2955. Mr. FRIST 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 end of title II, insert the following:

SEC. ___. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) SHORT TITLE.—This section may be cited as the ''Online Freedom of Speech Act''.

(b) AMENDMENT.—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following: ''Such term shall not include communications over the Internet.''.

SA 2956. Mr. LAUTENBERG 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 15, after line 24, insert the following:

SEC. 112A. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 226. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS BY A MEMBER OF CONGRESS.

''(a) IN GENERAL.—Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

''(b) OFFICIAL ACT.—In this section, the term 'official act' shall have the same meaning as in section 201(a) of this title.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

SA 2957. Mr. MCCAIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, 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 end of the bill, add the following:

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 311. 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. 312. 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. 313. 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. 314. 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. 315. 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. 316. 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. 317. 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 2958. 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:

At the appropriate place, insert the following:

TITLE ____—REFORM OF SECTION 527 ORGANIZATIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''527 Reform Act of 2005''.

SEC. ____02. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(2) by adding at the end the following:

''(D) any applicable 527 organization.''.

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) APPLICABLE 527 ORGANIZATION.—

''(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

''(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

''(ii) is not described in subparagraph (B).

''(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

''(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

''(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

''(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

''(iv) an organization described in subparagraph (C).

''(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

''(i) elections where no candidate for Federal office appears on the ballot; or

''(ii) one or more of the following purposes:

''(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

''(II) Influencing one or more applicable State or local issues.

''(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

''(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

''(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

''(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

''(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

''(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to any Federal candidate or any political party in any of its voter drive activities;

''(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

''(IV) makes no contributions to Federal candidates.

''(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II),

a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

''(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

''(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

''(i) a reference for the purpose of identifying a non-Federal candidate;

''(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.''.

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

''(A) Voter registration activity.

''(B) Voter identification.

''(C) Get-out-the-vote activity.

''(D) Generic campaign activity.

''(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).''.

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. ___03. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

''(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

''(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

''(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

''(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

''(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

''(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

''(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

''(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

''(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

''(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

''(A) a reference for the purpose of identifying a non-Federal candidate;

''(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(c) QUALIFIED NON-FEDERAL ACCOUNT.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

''(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

''(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

''(2) LIMITATION ON INDIVIDUAL DONATIONS.—

''(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

''(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

''(3) FUNDRAISING LIMITATION.—

''(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

''(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

''(d) DEFINITIONS.—

''(1) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

''(2) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.

''(3) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' has the meaning given such term in section 301(28).''.

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).''.

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. ___04. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) REPEAL OF LIMIT.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee'' and inserting ''Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee'',

(B) by striking ''the general'' and inserting ''any'', and

(C) by striking ''Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection'' and inserting ''Federal office in any amount''; and

(2) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking ''(d),''; and

(B) in paragraph (2)(B)(i), by striking ''subsections (b) and (d)'' and inserting ''subsection (b)''.

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)(C)(iii)—

(i) by adding ''and'' at the end of subclause (I),

(ii) in subclause (II), by striking ''; and'' and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking '', and a party committee shall not make any expenditure,'';

(C) in paragraph (2)(A)(ii), by striking ''and party expenditures previously made''; and

(D) in paragraph (2)(B), by striking ''and a party shall not make any expenditure''.

(3) INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—

(A) in paragraph (1)—

(i) by adding ''and'' at the end of subparagraph (A),

(ii) in subparagraph (B), by striking ''; and'' and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking '', and a party committee shall not make any expenditure,'';

(C) in paragraph (3)(A)(ii), by striking ''and party expenditures previously made''; and

(D) in paragraph (3)(B), by striking ''and a party shall not make any expenditure''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 2006.

SEC. ___05. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. ___06. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. ___07. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2959. Mr. SCHUMER 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:

At the end of the amendment insert the following:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government 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 facilities at a United States port.

SA 2960. Mr. LEVIN 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 in the bill, add the following:

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

SA 2961. Mr. CORNYN 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 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.''.

SA 2962. 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:

On page 8, after line 16, insert the following:

''(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.''.

SA 2963. 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:

On page 9, after line 10, insert the following:

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

''(iv) registered lobbyists will not participate in or attend the trip;''.

SA 2964. 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 end of title I, add the following:

SEC. __. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

''(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement or report, respectively, which—

''(i) is required by this Act to be filed with the Commission, or

''(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting ''or 1 working day in the case of a designation, statement, or report filed electronically'' after ''2 working days''.

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 2965. Mr. OBAMA (for himself and 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. ___. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—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.''.

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

''(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

''(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216.''.

SA 2966. Mr. DAYTON submitted an amendment intended to be proposed to amendment SA 2938 submitted by Mr. SANTORUM) (for himself, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LIEBERMAN) and intended to be proposed to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike all after page 4, line 5, and insert the following:

''(9) in the case of a principal campaign committee of a candidate, any flight taken by the candidate during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(B) EXCLUSION OF PAID FLIGHT FROM DEFINITION OF CONTRIBUTION.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(i) in clause (xiii), by striking ''and'' at the end;

(ii) in clause (xiv), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(xv) any travel expense for a flight taken by the candidate or on behalf of the candidate on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire: *Provided*, That the candidate (or the authorized committee of the candidate) pays to the owner, lessee, or other individual who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number candidates on the flight) by not later than 7 days after the date on which the flight is taken.''.

(3) REIMBURSEMENT OF TRANSPORTATION PROVIDED BY FEDERAL GOVERNMENT.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SEC. 325. PROHIBITION ON UNREIMBURSED TRANSPORTATION PROVIDED BY THE FEDERAL GOVERNMENT.

''(a) IN GENERAL.—A candidate, any person performing services on behalf of a candidate or an authorized committee of a candidate, or any person performing services on behalf of a political committee established and maintained by a national political party, shall not use any property of the Federal government as a means of transportation for any purpose related (in whole or in part) to influencing the election of a candidate for Federal office unless such person reimburses the Federal government for the cost of such transportation.

''(b) COST OF TRANSPORTATION BY AIRPLANE.—For purposes of subsection (a), in the case of any transportation consisting of a flight on an aircraft, the cost of such transportation shall be the fair market value of such flight (as determined by dividing the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of people on board, not including any person flying the aircraft).''.

SA 2967. Mr. DAYTON 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. ___. RESTRICTIONS ON MEMBERS, OFFICERS, AND EMPLOYEES OF CONGRESS AND THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.

(a) DISCLOSURE.—A Member of Congress and an elected officer and senior employee of either House of Congress shall disclose to the appropriate ethics committee of the House of Representatives or the Senate their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(b) CONFLICT OF INTEREST IN THE SENATE.—Paragraph 4 of rule XXXVII of the Standing Rules of the Senate is amended to read as follows:

''4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further—

''(1) only his pecuniary interest;

''(2) only the pecuniary interest of his immediate family;

''(3) only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class;

''(4) only the pecuniary interest of a person with whom the Member, officer, or senior employee personally has or seeks a business,

contractual, or other financial relationship that involves other than a routine consumer transaction; or

''(5) only the pecuniary interest of any person for whom the Member, officer, or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent attorney, consultant, or contractor.''.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the House of Representatives should adopt rules relating to conflict of interest identical to the rule adopted in subsection (b).

(d) RESTRICTIONS ON OFFICERS AND SENIOR EMPLOYEES OF THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—

(1) CRIMINAL PROHIBITION.—

(A) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding after section 207 the following:

''§ 207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties

''(a) IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—No person who is officer or senior employee of the executive branch of the United States shall knowingly participate personally and substantially in an official capacity in any particular matter that directly and particularly benefits a person with whom the officer or senior employee has had a covered relationship.

''(b) PENALTY.—Violation of this section shall be subject to punishment as provided in section 216 of this title.

''(c) DEFINITIONS.—In this section:

''(1) ACTIVE PARTICIPANT.—The term 'active participant'—

''(A) means devoting significant time to promoting specific programs of the organization, including—

''(i) coordination of fundraising efforts;

''(ii) service as an official of the organization or in a capacity similar to that of a chairman of a committee or subcommittee or a spokesman; and

''(iii) participation in directing the activities of the organization; and

''(B) does not include the payment of dues or the donation or solicitation of financial support, without other participation.

''(2) COVERED RELATIONS.—The term 'covered relationship'—

''(A) means—

''(i) a person with whom the officer or senior employee personally has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction;

''(ii) a person who is a member of the household of the officer or senior employee, or who is a relative with whom the officer or senior employee has a close personal relationship;

''(iii) a person for whom the spouse, parent or dependent child of the officer or senior employee is, to the knowledge of the officer or senior employee, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

''(iv) any person for whom the officer or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent, attorney, consultant, contractor, or employee; or

''(v) an organization, other than a political party described in section 527(e) of the Internal Revenue Code of 1986, in which the officer or senior employee is an active participant; and

''(3) SENIOR EMPLOYEE.—The term 'senior employee' means an employee paid at a rate of Executive Schedule V or higher.''.

(B) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 207 the following:

''207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties.''.

(2) PRIVATE-SECTOR EMPLOYMENT.—An officer and a senior employee of the executive branch of the United States shall disclose to the Office of Government Ethics, their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(3) REPORTING OF THE OFFICE OF GOVERNMENT ETHICS.—The Office of Government Ethics shall make available to the public, on the internet and in a public reading room, any waiver granted by an individual agency ethics officer designee under paragraph (c)(2) or (d) of section 2635.502 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2006, at 2:30 p.m., to receive testimony on the Department of Defense Quadrennial Defense Review.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, March 8 at 10:00 a.m. to consider pending calender business.

Agenda

Agenda Item 3: S. 476—To authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

Agenda Item 8: S. 1131—To authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

Agenda Item 9: S. 1288—To authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

Agenda Item 10: S. 1346—To direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

Agenda Item 11: S. 1378—To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Agenda Item 13: S. 1913—To authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

Agenda Item 14: S. 1970—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Agenda Item 15: S. 2197—To improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

Agenda Item 16: S. 2253—To require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

Agenda Item 17: S. Con. Res. 60—Designating the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum.

Agenda Item 18: S.J. Res. 28—Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

Agenda Item 19: H.R. 318—To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Agenda Item 20: H.R. 326 (S. 505)—To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area.

Agenda Item 21: H.R. 409 (S. 179)—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 23: H.R. 1129 (S. 100)—To authorize the exchange of certain land in the State of Colorado.

Agenda Item 24: H.R. 1728 (S. 323)—To authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

Agenda Item 25: H.R. 2107—To amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Agenda Item 26: H.R. 3443 (S. 1498)—To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on

Finance be authorized to meet during the session on Wednesday, March 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Taking a checkup on the nation's health care tax policy: a prognosis''.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. to hold a hearing on Nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 2:30 p.m. to hold a hearing on The Impact on Latin America of the American Servicemembers' Protection Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. for a hearing titled, ''Hurricane Katrina: Recommendations for Reform.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 8, 2006, at 9:30 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark to be Director of the United States Marshals Service; Donald J. DeGabrielle, Jr. to be U.S. Attorney for the Southern District of Texas; John Charles Richter to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. , Comprehensive Immigration Reform [Chairman's Mark]; S. 1768, a bill to permit the televising of Supreme Court proceedings; SPECTER, LEAHY, CORNYN, GRASSLEY, SCHUMER, FEINGOLD, DURBIN; S. 829, Sunshine in the Courtroom Act of 2005; GRASSLEY, SCHUMER, CORNYN, LEAHY, FEINGOLD, DURBIN, GRAHAM, DEWINE, SPECTER; S. 489, Federal Consent Decree Fairness Act; ALEXANDER, KYL, CORNYN, GRAHAM, HATCH; S. 2039, Prosecutors and Defenders Incentive Act of 2005; DURBIN, SPECTER, DEWINE, LEAHY, KENNEDY, FEINSTEIN, FEINGOLD; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; SPECTER, LEAHY, CORNYN, FEINSTEIN, BIDEN.

III. Matters: S.J. Res. 1, Marriage Protection Amendment; ALLARD, SESSIONS, KYL, HATCH, CORNYN, COBURN, BROWNBACK.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2006 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m. for a hearing regarding ''Crime Victims Fund Rescission: Real Savings or Budget Gimmick?''

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on March 8, 2006, at 10 a.m., to conduct a hearing on ''Reauthorization of the Export-Import Bank of the United States.''

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

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m., on the ''Impact of Piracy and Counterfeiting of American Goods and Intellectual Property in China.''

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

TRADEMARK DILUTION REVISION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 683.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 683

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

[SECTION 1. SHORT TITLE.

[(a) SHORT TITLE.—This Act may be cited as the ''Trademark Dilution Revision Act of 2005''.

[(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

[SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

[Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

[(1) by striking subsection (c) and inserting the following:

[''(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

[''(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

[''(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

[''(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

[''(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

[''(iii) The extent of actual recognition of the mark.

[''(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is

likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

[''(i) The degree of similarity between the mark or trade name and the famous mark.

[''(ii) The degree of inherent or acquired distinctiveness of the famous mark.

[''(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

[''(iv) The degree of recognition of the famous mark.

[''(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

[''(vi) Any actual association between the mark or trade name and the famous mark.

[''(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

[''(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

[''(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

[''(B) Fair use of a famous mark by another person, other than as a designation of source for the person's goods or services, including for purposes of identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

[''(C) All forms of news reporting and news commentary.

[''(4) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief as set forth in section 34, except that, if—

[''(A) the person against whom the injunction is sought did not use in commerce, prior to the date of the enactment of the Trademark Dilution Revision Act of 2005, the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment, and

[''(B) in a claim arising under this subsection—

[''(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark, or

[''(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark,

the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

[''(5) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution by blurring or dilution by tarnishment, or that asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.''; and

[(2) in subsection (d)(1)(B)(i)(IX), by striking ''(c)(1) of section 43'' and inserting ''(c)''.

[SEC. 3. CONFORMING AMENDMENTS.

[(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

[(1) by striking the last two sentences; and

[(2) by adding at the end the following: ''A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.''.

[(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking ''as a result of dilution'' and inserting ''the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment''.

[(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1)—

[(1) by striking '', including as a result of dilution under section 43(c),''; and

[(2) by inserting ''(A) for which the constructive use date is after the date on which the petitioner's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or (B) on grounds other than dilution by blurring or dilution by tarnishment'' after ''February 20, 1905''.

[(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows: ''Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

[''(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), or

[''(2) on grounds other than dilution by blurring or dilution by tarnishment,

such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.''.

[(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to ''dilution''.]

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Trademark Dilution Revision Act of 2006''.

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

''(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

''(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

''(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

''(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

''(iii) The extent of actual recognition of the mark.

''(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

''(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

''(i) The degree of similarity between the mark or trade name and the famous mark.

''(ii) The degree of inherent or acquired distinctiveness of the famous mark.

''(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

''(iv) The degree of recognition of the famous mark.

''(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

''(vi) Any actual association between the mark or trade name and the famous mark.

''(C) For purposes of paragraph (1), 'dilution by tarnishment' is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

''(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

''(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person's own goods or services, including use in connection with—

''(i) advertising or promotion that permits consumers to compare goods or services; or

''(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

''(B) All forms of news reporting and news commentary.

''(C) Any noncommercial use of a mark.

''(4) BURDEN OF PROOF.—In a civil action for trade dress dilution under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

''(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

''(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

''(5) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 34. The owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the

discretion of the court and the principles of equity if—

''(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after the date of enactment of the Trademark Dilution Revision Act of 2006; and

''(B) in a claim arising under this subsection—

''(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark; or

''(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

''(6) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that—

''(A)(i) is brought by another person under the common law or a statute of a State; and

''(ii) seeks to prevent dilution by blurring or dilution by tarnishment; or

''(B) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

''(7) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States.''; and

(2) in subsection (d)(1)(B)(i)(IX), by striking ''(c)(1) of section 43'' and inserting ''(c)''.

SEC. 3. CONFORMING AMENDMENTS.

(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: ''A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.''.

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking ''as a result of dilution'' and inserting ''the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment''.

(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1) by striking '', including as a result of dilution under section 43(c),'' and inserting '', including as a result of a likelihood of dilution by blurring or dilution by tarnishment under section 43(c),''.

(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows:

''Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

''(1) for which the effective filing date is after the date on which such person's mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c); or

''(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.''.

(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to the term ''dilution''.

Mr. LEAHY. Mr. President, I am pleased that today the Senate is going to pass an important piece of legislation, the Trademark Dilution Revision Act, HR 683. The principal purpose of this law is to clarify Congress's intentions when it first passed the Federal Trademark Dilution Act over a decade ago.

In 2003, the Supreme Court decided the case of Moseley v. V Secret Catalogue, Inc. The Court held that trademark holders had to show actual harm, not the likelihood of harm, from dilution before they could seek injunctions. As an original author and sponsor of the act, I know firsthand that this is contrary to what Congress intended when it passed the dilution statue. What we did intend was to stop diluting before actual harm could be realized and the value of any reputable trademark debased.

H. R. 683 makes clear Congress's intent and corrects the law to provide that owners of famous trademarks can seek injunctions against anyone who attempts to use a mark that is likely to cause dilution. It also affords the court the ability to consider ''all relevant factors'' when determining whether a mark is ''famous.'' However, this legislation not intended to provide for injunctive or other relief against legitimate, third party trade in products manufactured under authority of the U.S. trademark owner of the distinctive, famous mark.

Furthermore, Senator HATCH and I were successful in including language that definitively shelters important constitutionally protected first amendment freedoms from being caught up in the liability net.

I thank Senators HATCH and SPECTER for their support in creating and passing this important bipartisan legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, 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 committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 683), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, MARCH 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 9. I further ask consent 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 then proceed to a period for the transaction of morning business with Senators being permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, as we just heard, we were forced to file cloture on the lobbying reform bill. Under regular order that vote will occur on Friday morning unless and we intend to work out some other agreement.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Thursday, March 9, 2006, at 9:30 a.m.