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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

God of constant newness, in You all renewal abides and all hope originates. Help us to honor You with both our words and deeds. Give us the courage to help the less fortunate and to address the needs of those on life's margins. Make us unafraid to confront prejudice and pride, as You attune our spirits to Your truth and light.

Bless our Senators. Energize them until their presence radiates a light that no darkness can overcome. Give them wisdom and courage, vision and discipline for the right living of these days. Empower them to be kind to one another, forgiving and affirming each other.

We pray this in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RUSSELL D. FEINGOLD led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. OBAMA). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, as soon as we resume S. 1 in a few minutes, there will be a limited period of debate on two amendments—the Kerry amendment No. 1 relating to congressional pensions and the Vitter amendment No. 10 regarding civil penalties. These two amendments will be debated concurrently until 9:50 a.m.

The first rollcall vote will start at 9:50. We will have two rollcall votes this morning. If Members are interested in offering amendments today, I would suggest they talk to the bill managers during these votes, or Senator MCCONNELL.

I remind everyone Monday is a holiday. We will have our first vote Tuesday at 5:30. It appears at this time there will be a series of votes at 5:30. So I hope we can move on down the road on this matter this morning. I am going to have some consultations with the Republican leader in a few minutes to see if we can figure out a way to end this matter as quickly as possible.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

ETHICS AND LOBBYING REFORM

Mr. MCCONNELL. Mr. President, let me say, I echo the comments of the majority leader. We look forward to wrapping up this bill next week and passing it with a large bipartisan majority.

I yield the floor.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform. (By 46 yeas to 51 nays (Vote No. 5), Senate earlier failed to table the amendment.)

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe modified amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

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

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Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days' notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 19 (to amendment No. 4), to include a reporting requirement.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29, to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Stevens amendment No. 40 (to amendment No. 4), to permit a limited flight exception for necessary State travel.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

AMENDMENTS NOS. 1 AND 10

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration en bloc of amendment No. 1 and amendment No. 10, and the time until 9:50 a.m. shall run concurrently on both amendments, with the time equally divided between the two leaders or their designees.

Who yields time?

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the quorum call be put in place with the time charged equally against each side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1, AS MODIFIED, TO AMENDMENT NO. 3

Mr. KERRY. Mr. President, I call up amendment No. 1, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SALAZAR, Mr. NELSON of Nebraska, and Mr. PRYOR, proposes an amendment numbered 1, as modified, to amendment No. 3.

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

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

The amendment, as modified, is as follows:

(Purpose: To amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes)

At the end, add the following:

TITLE—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Congressional Pension Accountability Act''.

SEC. ___2. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; or'', and by inserting after paragraph (2) the following:

''(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection.''; and

(2) by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; and'', and by inserting after subparagraph (B) the following:

''(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.''.

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

''(d) The offenses to which subsection (a)(3) applies are the following:

''(1) An offense within the purview of—

''(A) section 201 of title 18 (bribery of public officials and witnesses); or

''(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

''(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

''(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).''.

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking ''or'' at the end of subparagraph (A), by striking ''and'' at the end of subparagraph (B) and inserting ''or'', and by adding at the end the following:

''(C) for an offense described under subsection (d) of section 8312; and''.

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; or'', and by adding at the end the following:

''(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.''.

SEC. ___3. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascertain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. ___4. EFFECTIVE DATE.

This title, including the amendments made by this title, shall take effect on January 1, 2009 and shall apply with respect to convictions for offenses committed on or after the date of enactment of this Act.

Mr. KERRY. Mr. President, parliamentary inquiry: How much time is divided up now?

The PRESIDING OFFICER. There is 7 minutes on the Senator's side.

Mr. KERRY. I thank the Chair.

Mr. President, my amendment is cosponsored by Senator SALAZAR, Senator BEN NELSON, and Senator PRYOR, and it is based on a bill Senator SALAZAR and I introduced that we hope will go some further distance in this effort we are engaged in now with ethics reform to reestablish the trust of the American people in their Government in Washington.

We do this by an effort to prevent Members of Congress who betray that trust from receiving their pensions. This is plain deterrence. It is an effort to try to make it clear there are serious consequences to betraying that trust.

In a sense, the trust is larger than perhaps the day-to-day relationship of most citizens in this country to the law. We take a special oath of office to uphold the Constitution of the United States. But, more importantly, when people elect you to high Federal office, or any office, they are putting a special kind of trust in you to represent their lives, their interests, their values—indeed, the highest level of aspiration of values that we all share in this country.

So this is done because there is something that grates in the notion that you can put the public's trust and the public's business up for sale and then walk away and have the people whom you betrayed turn around and pay for you to be able to have for the rest of your life a fat pension because of the level of service you had reached at their trust.

Let me be very specific about this. A few years ago, Congressmen Randy ''Duke'' Cunningham sat down at a cozy meeting with some lobbyists and he proceeded to betray the public trust.

He used his official congressional stationary to draft a series of quid pro quo deals.

Let me show you this blowup of the stationary itself: Here is the congressional seal. Here is Randy ''Duke'' Cunningham's name. Here is a list of the amounts of millions of dollars: $16 million; ''BT''—that is ''boat''—''140''—that was $140,000—$17 million; an additional $50,000; $18 million, $50,000. Once they paid about $340,000. The price of this service went down, and he charged only $25,000 for each million dollars of contract that he would award.

He was convicted of collecting approximately $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls Royce—from defense contractors. This disgraceful conduct—which is beyond the comprehension of any Member of this institution—earned him 8 years and 4 months in a Federal prison, and it has required him to also pay the Government $1.8 million in penalties but also some back taxes.

But under today's rules, the American taxpayer is going to continue to pay a Federal pension that is out of the reach of any American taxpayer, and that is disgraceful. Right now, only a conviction for a crime against the United States, such as treason or espionage, would cost a Member of Congress their pension. So we set a standard for the pension being held accountable, but it is only for two things. Surely we ought to put this moral bar higher than that.

Most Americans do not get a $40,000 a year pension. Those who abuse the public trust should not be allowed to exploit the Federal system at taxpayers' expense. The American people cannot afford to spend millions on pensions for politicians who steal from them. More importantly, Congress cannot afford to have a standard where it is willing to forgive and forget and betray that trust.

I have shown what the ''bribe menu'' was, which is a pretty extraordinary menu. Unfortunately, Congressman Cunningham was not alone. Last November, Representative Bob Ney resigned from the House of Representatives after pleading guilty to conspiracy and making false statements. In a plea agreement, former Representative Ney acknowledged taking trips, tickets, meals, and campaign donations from Mr. Abramoff in return for taking official actions on behalf of Abramoff clients.

In March 2002, Representative Ney inserted an amendment in the Help America Vote Act to lift an existing Federal ban against commercial gaming by a Texas Native American tribal client of Abramoff. In return, Representative Ney received all-expenses-paid and reduced-price trips to Scotland to play golf, a trip to New Orleans to gamble, and a vacation in Lake George—all courtesy of Mr. Abramoff.

Another former Congressman, Jim Traficant, currently enjoys a lavish taxpayer-funded lifetime pension worth an estimated $1.2 million, despite being thrown out of Congress and sent to jail.

So these examples are just three of at least 20 former lawmakers who were convicted of serious crimes and are still receiving a taxpayer-funded pension, some as high as $125,000 a year.

As I said earlier, we should hold ourselves to the highest standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. This should serve, hopefully, as a bold deterrent that when any Member comes in here, they know they are putting their lives at greater risk than just the penalty they might pay on a short-term basis for their particular transgression.

This amendment denies Federal pensions—as soon as is legally possible—to Members of Congress who are convicted of white-collar crimes, such as bribery of public officials and witnesses, conspiracy to defraud the United States, perjury in falsely denying the commission of bribery or conspiracy, and subornation of perjury committed in connection with the false denial or false testimony of another individual.

It is my understanding there is some concern among a couple of Members about how this legislation might affect innocent spouses and children of Members of Congress who lose their pensions as a result of this legislation. Obviously, we are trying to set up an adequate deterrent to prevent people from that in the first place.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. KERRY. But after the legislation is enacted, the Member will still receive a refund of all of their personal contributions—those will not be taken away—into either the Federal Employees Retirement System or the Civil Service Retirement System, and they will retain all the benefits from the Thrift Savings Plan.

Also, the payment of spousal benefits is permitted in forfeiture cases when the Attorney General determines that the spouse cooperated with Federal authorities in the conduct of a criminal investigation.

This can significantly improve our Government by the way business is done. I hope my colleagues will join overwhelmingly in voting to prohibit sending pension checks to criminals. This amendment is a step in the right direction.

Mr. NELSON of Nebraska. Mr. President, I rise today as a cosponsor of the amendment introduced by Mr. KERRY and Mr. SALAZAR. I strongly encourage my colleagues to support this amendment.

When the ethics reform process began last year, I was quick to point out that, for the most part, our laws had worked the way we intended. Today, Jack Abramoff, Bob Ney, and Duke Cunningham have all been found guilty of the crimes they committed and have been punished accordingly. Last year, when we held our hearing in the Rules Committee, I remarked that Capitol Hill must be the only place in the world where, if someone breaks the law, we rush to change the law.

Well in this case, we have an opportunity to add to the law to correct a significant shortcoming. We take away the retirement benefits of those Members of Congress who violate the public trust by committing crimes while in office.

It is often said, ''If you do the crime, you do the time.'' Well, it seems that if you are a former Congressman or Senator, you do the crime, do the time, and continue to collect Federal retirement benefits paid for by the American taxpayer. That just doesn't seem right to me.

This amendment, the Congressional Pension Accountability Act, will bar Members of Congress from receiving taxpayer-funded retirement benefits after they have been convicted of bribery, conspiracy, perjury, or other serious ethics offenses. If we are serious about cleaning up Congress, we should approve this amendment and put our money where our mouth is—by saying that the public, who are the primary victims of crimes committed by elected officials, should not be required to pay benefits for those who are convicted of a breach of the public's trust.

I strongly believe that all Members of Congress must be held to the highest ethical standards and those who violate the public trust must be held accountable for their actions. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senate from California.

Mrs. FEINSTEIN. Mr. President, I commend the Senator from Massachusetts. I think this is an excellent amendment. I think it is long overdue. I am very hopeful it will pass the Senate this morning.

I yield the floor.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up four amendments to the pending substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 31, 32, 33, AND 34

Mr. FEINGOLD. Mr. President, the four amendments—Nos. 31, 32, 33, and 34—are at the desk and I call them up at this time.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments, en bloc, numbered 31, 32, 33, and 34 to amendment No. 3.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 31

(Purpose: To prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''1995.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.''.

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 32

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 17, line 15, strike ''1 year'' and insert ''2 years''.

On page 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''1995.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

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(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 33

(Purpose: To prohibit former members who are lobbyists from using gym and parking privileges made available to Members and former Members)

On page 10, line 9, strike ''Leader.''.'' and insert the following: ''Leader.

''3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.''.

AMENDMENT NO. 34

(Purpose: To require Senate campaigns to file their FEC reports electronically)

At the end of subtitle A of title II insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(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 the Federal Election Campaign Act of 1971 (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 the Federal Election Campaign Act of 1971 (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.

Mr. FEINGOLD. Mr. President, I want to very briefly discuss the amendments I have offered. I will be happy to debate them more fully at the appropriate time if necessary. All of these amendments are drawn from the bill I introduced this week with Senators OBAMA, LIEBERMAN, and TESTER, S. 230. I believe that several of the amendments have the support of the majority leader, but for a variety of reasons, they were not included in the substitute that is now before the body. I again thank him for his support of strong lobbying and ethics reform, and I look forward to the Senate's consideration of these amendments.

My first amendment, amendment 31, changes the universe of activities that former Members of Congress can engage in during their cooling off period after they serve in this body. Currently, they cannot personally lobby their former colleagues. This amendment states in addition they may not engage in lobbying activities, which is a defined term in the Lobbying Disclosure Act. They must refrain from running the show behind the scenes. They won't be able to strategize with and coordinate the lobbying activities of others who are trying to influence the Congress. Members who have just left Congress should not be capitalizing on the clout, access, and experience they gained here to lobby their colleagues, whether they are doing the lobbying themselves or instructing others.

My next amendment, amendment 32, is the same as the revolving-door amendment that I just described but also extends the ''cooling-off period'' for senior staff from one to two years. Under the bill, the ''cooling off period'' for Members of Congress is increased from 1 to 2 years. I believe that just as one year is not an adequate ''cooling off period'' for Senators, and the bill reflects that, it is not adequate for senior staff. Staff, of course, can lobby the other body after they leave, and my amendment would not subject them to the same lobbying activities prohibition that it seeks to apply to former Members. It simply will make them wait 2 years to lobby this body after they leave the Senate.

My next amendment, No. 33, ends Senate gym and parking privileges for former Members of Congress who are lobbyists. The underlying bill terminates floor privileges for Members turned lobbyists, and we should finish the job by making sure that other special privileges aren't available to these lobbyists just because they used to serve here.

My next amendment, No. 34, will finally bring Senate campaigns into the 21st century by requiring Senate candidates to file their FEC disclosure reports electronically. This amendment mirrors a bill that I, along with Senators COCHRAN, MCCAIN, and 20 of our colleagues from both sides of the aisle, introduced on Tuesday.

These amendments, along with amendments that have been offered by my partners on S. 230, Senators LIEBERMAN and OBAMA, and another to be offered by the junior Senator from Pennsylvania, will get us closer to completing the job of improving this bill and making it a product that we can be proud of. More importantly, we can make this a product that the American people will accept as real change. We are headed in the right direction on this bill, with the substitute

and the Reid amendment on gifts, travel, and corporate jets. But we need to keep pressing for the best reform possible. These amendments are offered for that purpose, and I urge the Senate to adopt them.

The PRESIDING OFFICER. Who yields time?

The majority leader.

AMENDMENT NO. 1, AS MODIFIED

Mr. REID. Mr. President, the hour of 9:50 having arrived, I ask unanimous consent that voting commence.

The PRESIDING OFFICER. Is there objection to yielding back the time?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1, as modified, offered by the Senator from Massachusetts.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

Further, if present and voting, the Senator from Colorado (Mr. ALLARD) and the Senator from Minnesota (Mr. COLEMAN) would have voted ''aye.''

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

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—87

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

NOT VOTING—13

Allard	Clinton	Harkin
Bayh	Coleman	Inouye
Biden	Dodd	Johnson
Boxer	Domenici	
Brownback	Hagel	

The amendment (No. 1), as modified, was agreed to.

AMENDMENT NO. 10

Mr. REID. Madam President, we yield back our time.

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply raises penalties with regard to lobbyists not following the lobbyist disclosure law. The maximum penalty would be $200,000. No. 1, that is the maximum. No. 2, they have an opportunity to cure the problem, so that would only be achieved in very serious, very egregious cases. No. 3, we raise the penalties on public officials. I think it is very appropriate that we set these new penalties, particularly considering the money made in lobbying. I commend it to your attention. Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment by myself and the distinguished Senator from Arkansas, Mr. PRYOR, No. 2, be called up and passed by voice vote at this time. There will be no speeches.

I call up amendment No. 2.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Reserving the right to object, and I shall not object, but there is a Senator who wants to check in on this amendment, and so I am protecting his rights. I ask that we voice vote this amendment after the next vote.

Mr. LEAHY. Madam President, that is fine with the Senator from Vermont.

Mr. BENNETT. I do not object, but there is a Senator who wants to take a look at this amendment and has asked that I preserve his rights.

Mr. LEAHY. Madam President, I ask for the regular order.

Mr. BENNETT. It is the pending amendment after this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana, amendment No. 10.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators were necessarily absent. The Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Nebraska (Mr. HAGEL).

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

The result was announced—yeas 81, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—81

Akaka	Enzi	Nelson (FL)
Alexander	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bennett	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown	Isakson	Rockefeller
Bunning	Kennedy	Salazar
Burr	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Kyl	Shelby
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Chambliss	Leahy	Specter
Cochran	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Cornyn	Martinez	Thomas
Craig	McCain	Thune
Crapo	McCaskill	Vitter
DeMint	McConnell	Voinovich
Dole	Menendez	Warner
Dorgan	Mikulski	Webb
Durbin	Murkowski	Whitehouse
Ensign	Murray	Wyden

NAYS—6

Coburn	Hutchison	Lott
Hatch	Inhofe	Roberts

NOT VOTING—13

Allard	Clinton	Harkin
Bayh	Coleman	Inouye
Biden	Dodd	Johnson
Boxer	Domenici	
Brownback	Hagel	

The amendment (No. 10) was agreed to.

Mr. REID. Madam President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I call for the regular order with respect to amendment No. 4.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 4, AS MODIFIED

Mr. REID. I send the amendment to the desk for a modification, incorporating the language of the McCain amendment No. 19.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4), as modified, is as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting ''(A)'' after ''(2)''; and

(2) adding at the end the following:

''(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).''.

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after ''foreign principal'' the following: ''or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal'';

(B) striking the dash and inserting ''complies with the requirements of this paragraph.''; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

''(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.'';

(3) in subparagraph (a)(3), as redesignated, by striking ''clause (1)'' and inserting ''clauses (1) and (2)'';

(4) in subparagraph (b), by inserting before ''Each'' the following: ''Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.'';

(5) in subparagraph (c)—

(A) by inserting before ''Each'' the following: ''Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.'';

(B) by striking ''subparagraph (a)(1)'' and inserting ''this subparagraph'';

(C) in clause (5), by striking ''and'' after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

''(6) a description of meetings and events attended; and'';

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

''(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

''(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

''(1) provide to the Select Committee on Ethics a written certification from such person that—

''(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

''(B) the source either—

''(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

''(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

''(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

''(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

''(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.'';

(8) by striking subparagraph (g), as redesignated, and inserting the following:

''(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.''; and

(9) by adding at the end the following:

''(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

''(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

''(i) a connection between a trip and official duties;

''(ii) the reasonableness of an amount spent by a sponsor;

''(iii) a relationship between an event and an officially connected purpose; and

''(iv) a direct and immediate relationship between a source of funding and an event; and

''(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

''(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

''(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.

''(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

''(1) the date of such flight;

''(2) the destination of such flight;

''(3) the owner or lessee of the aircraft;

''(4) the purpose of such travel;

''(5) the persons on such flight (except for any person flying the aircraft); and

''(6) the charter rate paid for such flight.''.

(b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: ''Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity or by a Member of Congress or a Member's spouse (including an aircraft owned by an entity that is not a public corporation in which the Member or Member's spouse has an ownership interest, provided that the Member does not use the aircraft anymore than the Member's or spouse's proportionate share of ownership allows), shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).''.

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).''.

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking ''and'' at the end;

(B) in clause (xiv), striking the period and inserting ''; and''; and

(C) by adding at the end the following :

''(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or

hire, but only if the candidate, the candidate's authorized committee, or other political committee pays—

''(I) to the owner, lessee, or other person 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 of candidates on the flight) by not later than 7 days after the date on which the flight is taken; and

''(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

''(aa) the date of such flight;

''(bb) the destination of such flight;

''(cc) the owner or lessee of the aircraft;

''(dd) the purpose of such travel;

''(ee) the persons on such flight (except for any person flying the aircraft); and

''(ff) the charter rate paid for such flight.''.

(4) RULES COMMITTEE REVIEW OF TRAVEL ALLOWANCES.—Not later than 90 days after the enactment of this Act, the Senate Committee on Appropriations, Subcommittee on the Legislative Branch, in consultation with the Committee on Rules and Administration of the Senate, shall consider and propose, as necessary in the discretion of the subcommittee, any adjustment to the Senator's Official Personnel and Office Expense Account needed in light of the revised standards for reimbursement for private air travel required by this subsection, and any modifications of Federal statutes or appropriations measures needed to accomplish such adjustments.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

Mr. REID. Madam President, I think I have just revised my amendment to the substitute in a number of significant ways. This bill started bipartisanly by introduction. The minority leader and I jointly offered a substitute amendment as well. I want to keep this process bipartisan, so I am adopting a number of changes that reflect input and ideas from the Republicans and Democrats, and that is what is in this modification.

First, I have adopted an idea from the Senator from Oklahoma, Mr. INHOFE, to make sure it is clear that the new rules on private jets do not apply to Members who fly their own planes. Senator INHOFE has flown a one-engine plane all around the world, literally, and he flies back and forth to Oklahoma on a frequent basis. I think this is an important amendment and a fair amendment.

Second, I have adopted an idea from the Senator from Arizona, the senior Senator from Arizona, Mr. MCCAIN, to add a reporting requirement when Senators fly on private jets. Now, when people pay the charter rate, they will have to file that. I think that was the law before, but it really doesn't matter. It is something that I think will make things more clear.

Third, I have adopted an idea from a bipartisan amendment suggested by Senator FEINGOLD that instructs the Legislative Branch Appropriations Subcommittee to review the impact on the new rule on private jets on Members' travel spending. I think that is extremely important because the subcommittee is going to have to take a look at how this impacts States differently. If you are from the State of Rhode Island or Delaware, you don't have much of a problem flying around because you can drive around. But if you are from the State of Alaska, the State of Montana, the State of Nevada, Colorado, some of these very large area Western States, it is a problem. So I commend Senator FEINGOLD for being thoughtful in this regard.

Madam President, on another issue, I also want to say that I have spoken to Senator DEMINT on his earmarking proposal. We had a number of good conversations. I have spoken to the Republican leader. We prepared—and I have given a copy of the amendment to Senator DEMINT—a second-degree amendment which would strengthen the DeMint amendment that we talked about on the Senate floor yesterday. What our second degree would do would strengthen the definition of targeted tax benefits. Certainly, we want to make it one that is understandable, not rigid and narrow, and I have talked to the Senator from South Carolina about this.

Also, on the same piece of paper I gave the Senator from South Carolina, I have explained to my friend, Senator DEMINT, that we want to make sure the Duke Cunningham exception is in place. What Congressman Cunningham did is, he had earmarks in that bill, but he never mentioned the entity that got the money. What we would do is, in this amendment, you can't write your way around it. We think our suggestion to Senator DEMINT to strengthen his amendment is certainly something we need to do. You can't write your way around giving money to corporation X. If it limits that, it has to be listed.

Also, importantly, we have added a strengthening provision in the proposed second-degree amendment to list earmarks on the Internet 48 hours before. Now, I have told Senator DEMINT if he wants to make this part of his amendment, fine. If he wants us to offer the second degree, we will do that. I told him if he has any suggestions that he feels would improve what we are trying to do, we are agreeable to take a look at that. He has suggested that he wants a vote on that. We also want a recorded vote. I think that is important. So I hope we can work something out.

What I would like to do is have a number of votes set for Tuesday evening. After these agreed-upon votes on amendments, then we would move to invoke cloture on the airplane amendment and then, after that, on the substitute. I hope we can work on a bipartisan basis in the next hour or so to set up some votes that would occur before cloture on those matters about which I have spoken.

Yesterday was a rather difficult day, as some days are. There was a lot of confusion as to what people were trying to accomplish. I think that perhaps we should have given a little more time for explanations. We tend to get in a hurry sometimes when we shouldn't be. We tend to spend a lot of time doing things that accomplish nothing, and a lot of times limit time on things that do matter. So, personally, for the majority, we probably could have done a little better job of giving opportunities for people to speak. No one came forward wanting to speak, so that is a pretty good sign that people are ready to vote. But I think realistically maybe they were not.

But regardless of that, we are where we are, and we are going to try to move forward in a reasonable manner in the next 2 hours and complete this bill some time next week, we hope.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. I ask unanimous consent to proceed as in morning business.

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

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

Mr. MCCONNELL. 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. VITTER. 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. VITTER. Madam President, I ask for the regular order with regard to a Vitter amendment, amendment No. 9. I send a modification to the desk.

The PRESIDING OFFICER. It is not possible to call for the regular order for that amendment at this time because under the regular order the majority leader has called for the regular order for another amendment.

Mr. VITTER. I ask unanimous consent to go to regular order for amendment No. 9 for the exclusive purpose of sending a modification to the desk.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, reserving the right to object, I will not object, but I ask unanimous consent that after the Senator finishes his amendment, I be given unanimous consent to return to amendment No. 11.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, and I will not, I will simply slightly expand my unanimous consent request to ask for up to 5 minutes to speak, and I offer that unanimous consent request. I certainly have no objection to the other business.

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

AMENDMENT NO. 9 TO AMENDMENT NO 3, AS FURTHER MODIFIED

Mr. VITTER. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 9), as further modified, is as follows:

On page 19, line 19, strike ''(b) In this'' and insert the following:

''(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist.

''(c) The prohibition in subparagraph (a) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the election of that Member to office or at least 1 year prior to their marriage to that member.

''(d) In this''.

Mr. VITTER. I want to spend a few minutes regarding this general debate to say I hope that we have, in the rest of this debate, an adequate opportunity to debate and address and vote on some of the key issues that are and should be at the center of this discussion. I think there is now a rush to cloture, quite frankly—specifically to cut off the opportunity to vote on some amendments. I hope we do not do that.

I commend the majority leader for the suggestion that we are going to have votes on many significant amendments on Tuesday. I ask him that that list be very inclusive, to include all significant amendments in which either side of the aisle is interested. I specifically highlight three.

One is the DeMint amendment, and I appreciate the words of the majority leader regarding working with Senator DEMINT on that amendment. I fully support that amendment. Much more importantly, that amendment has proved to have majority support on the floor of this body. There was a motion to table, and it lost. So that amendment has majority support, and clearly we need to vote and pass that amendment. It has already been proven that it has majority support.

The second amendment I would highlight is a Judd Gregg amendment with regard to spending and earmarks and waste. Again, that is very much at the heart of this discussion. Earmarks—earmark abuse, what that does to spending, how it inflates it—have been part of the abuses, unfortunately, that have come to light in the last several years. So that is absolutely at the heart of this debate. A lot of Members of the Senate are interested in that amendment, so we need a debate and a vote on that amendment.

Third, I would highlight my own amendment which I just modified, and that has to do with spouses of Members of the Senate lobbying. Again, this debate, this bill, is about two things: ethics and lobbying. I don't know how you come up with any argument that the issue of spouses lobbying, gaining unusual access, having the opportunity of being a conduit for large amounts of money to be deposited in the family bank account of Members from special interests, isn't at the heart of that debate. That is at the heart of the lobbying issue. That is at the heart of the ethics issue. It is foursquare in the center of this debate, and certainly we need an adequate debate and a vote on that idea.

I urge all Senators to support a full and open debate and a full and open airing and voting on important amendments, including but not limited to those three. I very much look forward to that next week. I certainly hope cloture is not invoked in an attempt, as many of us fear, frankly, to cut off certain significant and relevant amendments.

Mr. DURBIN. Will the Senator yield for a question?

Mr. VITTER. Certainly.

Mr. DURBIN. I am not finding fault with the Senator from Louisiana, but the fact is, we do not have a copy of the modification. The reason I raise that is later I am going to suggest a change in the Senate rules so that when you file an amendment or modification, copies will be given to both the ranking member and the Chair on the floor, as is the custom and rule of the House. That is a good way to make sure there is knowledge of what is being considered and debated as promptly as possible.

Going to the substance of the matter, does the Senator's modification change the original language in his amendment which makes this provision on spousal lobbying retroactive, not prospective? In other words, if there is some Member on either side of the aisle today who has a spouse lobbying at the Federal level, it is my understanding that the Senator would prohibit that in his original amendment unless that spouse was lobbying a year before the marriage or a year before the first election of Congress. Does the modification change that in any respect?

Mr. VITTER. No, it doesn't. I will tell you exactly what it does. First of all, I appreciate the question. Certainly I am eager to give the Senator and all Members a copy of it, which I will do immediately, and that will be well before any full debate and vote. But let me use the opportunity to explain what the modification does.

The modification is very simple. It moves the provision to the Senate rules, and it makes it apply to lobbying Members of the Senate only. I did the modification for one reason and one reason only—not because I think that limitation excluding activity on the House side is better but because it makes it germane to the bill and therefore guarantees me a vote.

So, to go to the question, the provision—it is only about lobbying the Senate. But in that context, there is an exclusion if the spouse lobbyist was an active lobbyist a year or more before the marriage or the first election. But there is no grandfathering clause other than that. I hope that answers the question of the Senator.

Mr. DURBIN. It does. I would like to ask the Senator from Louisiana, in the spirit of your amendment, would you consider an amendment which would make the 2-year prohibition on lobbying also retroactive, so that Senators who have not lobbied previously would be prohibited from lobbying for 2 years and it would be retroactive as well?

Mr. VITTER. I will be happy to consider that idea. I am not going to change my amendment to include that because I think it would lose votes from our amendment and I want first of all to pass my amendment, but I am completely open to that discussion and that idea. Without making a final decision, I am completely open to supporting that on the floor of the Senate if somebody were to bring it forward.

Mr. DURBIN. I thank the Senator.

Mr. VITTER. Madam President, I yield the floor.

The PRESIDING OFFICER. The amendment has been so modified.

The Senator from Illinois.

AMENDMENT NO. 44 TO AMENDMENT NO. 11

Mr. DURBIN. Madam President, pursuant to the unanimous consent request, it is my understanding that we now return to the DeMint amendment No. 11.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise to offer a second-degree amendment to the DeMint amendment No. 11 which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes amendment numbered 44 to DeMint amendment No. 11.

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

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

The amendment is as follows:

(Purpose: To strengthen earmark reform)

In lieu of the matter proposed to be inserted insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

RULE XLIV

EARMARKS

''1. It shall not be in order to consider—

''(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet to the general public for at least 48 hours

before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purpose of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.''.

Mr. DURBIN. Madam President, yesterday there was a debate about the disclosure of earmarks. It was an interesting debate, and Senator DEMINT and Senator COBURN of Oklahoma offered an amendment.

I felt that amendment had several flaws in it. The purpose of my second-degree amendment is to address those flaws. It does not go to the heart of their argument about expanding the number of earmarks that would be subject to disclosure. In fact, if anything, it expands the number of earmarks subject to disclosure.

My amendment would strengthen the DeMint amendment in three ways: It retains the Reid-McConnell bipartisan language in the underlying bill. The DeMint amendment No. 11 now pending does not go far enough in terms of covering so-called targeted tax benefits. A lot of attention has been given to Duke Cunningham, the former Congressman from California, who was steering Department of Defense funds to certain contractors and benefiting from it personally. He paid dearly for this transgression and is currently in prison. That is an example of an egregious abuse of the appropriations process.

We understand, as well, there are decisions made by Congress outside of the appropriations process which can be just as beneficial, if not more profitable, to individuals and businesses. One of the categories would be in the area of targeted tax credits. However, it could be others, as well.

Even though my amendment does not go to this issue, consider the fact that the asbestos legislation pending before Congress 2 years ago would have benefited one of the corporations from Illinois to the tune of $1 billion had it passed. That figure was arrived at not by myself or anyone in Congress but, rather, by those who filed the annual report for that corporation. So you can understand that decisions made in the Senate and the House of Representatives can have a direct positive financial impact on businesses and individuals.

As we go after earmarks and try to change those because of the Duke Cunningham scandal and others, we should also be mindful of the fact that other decisions made by Congress can be just as beneficial, if not more so. They cry for transparency, too. Unfortunately, the underlying DeMint amendment has a restrictive view of targeted tax credits.

The Senator from South Carolina has said he has agreed to language considered by the House. In all honesty, as good as they are in the House of Representatives, what I am offering may be an improvement. Senator DEMINT's amendment covers revenue-losing provisions only that provide tax benefits to 10 or fewer beneficiaries or contain eligibility criteria that are not the same for other potential beneficiaries. This unnecessarily limits the definition of revenue-losing provisions instead of all revenue provisions. My amendment corrects this.

The DeMint amendment also allows for a loophole. Someone could easily write a provision that affects 11, 15, or 50 beneficiaries and be exempt from the disclosure requirements of the DeMint amendment. The Reid-McConnell definition, which I include in my second-degree amendment, says a tax earmark is anything which has the practical effect of providing more favorable tax treatment to a ''limited group'' of taxpayers when compared with similarly situated taxpayers. We do not come up with a number—10 beneficiaries, 20 beneficiaries—but, rather, keep it in the category of a tax benefit that is clearly designed to help a limited group of taxpayers of a certain number compared with others. This is a more flexible and more realistic standard to be applied than the language currently in the DeMint bill.

Moreover, the Reid-McConnell language is for the language that they, in fact, created. It is language that Senator JUDD GREGG, former chairman of the Senate Committee on the Budget, included in his line-item veto bill. Senator GREGG has found what I think is a sensible definition we ought to use and adopt as part of our reform and ethics changes we are currently debating. My amendment retains the concept of Reid-McConnell language, amends the DeMint provision to remove the limitation of ''10 or fewer beneficiaries'' and would cover ''any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference, to a particular beneficiary or a limited group of beneficiaries.''

Finally, under the DeMint amendment, information about earmarks must be posted 48 hours after it is received by the committee. In the case of a fast-moving bill, it is possible that the information would be made public only after a vote on the relevant bill containing the earmarks. So there is a weakness in the DeMint language when it comes to this public disclosure. On the other hand, in the interest of full disclosure, the Reid-McConnell language requires the earmark disclosure information be placed on the Internet, available to the public 48 hours before

consideration of the bills or reports that contain the earmarks. Senator DEMINT's amendment does not have a similar provision. My amendment retains the stronger Reid-McConnell earmark disclosure language.

These are three important changes necessary to improve the DeMint amendment. As I noted yesterday, there are some positive elements of the DeMint amendment. In some instances it does not go far enough. I question the whole notion that committee report language should be treated the same as bill language. Those who have gone through the basics of legislation understand that bill language can be a law. Committee report language is never going to be a law. It is only a recommendation. Having said that, though, I don't address that issue in any way at all.

I urge my colleagues to support my secondary amendment to the underlying DeMint amendment. I believe it strengthens the DeMint amendment. I urge the DeMint amendment, with these changes, be agreed to, as well.

AMENDMENT NO. 36 TO AMENDMENT NO. 3

At this point I ask unanimous consent to set aside this pending amendment and call up amendment No. 36 which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 36.

Mr. DURBIN. 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 require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

''1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.

''(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.''.

Mr. DURBIN. Madam President, I welcome you to the Senate. I am glad you are presiding. I will describe one of the procedures in the Senate I discovered when I came over from the House that I did not understand. It is the fact that an amendment filed at the desk by a Member is then taken to the corridor, to a copy machine, copies are made and then brought back to the floor. Sometimes these amendments are large. Sometimes it takes a while to get copied. In the meantime, the debate is underway. So for those who want to engage in a real deliberation and debate, there is a mystery quality here for minutes, sometimes longer. You wait until you get a copy of the amendment.

There has to be a better way. The better way is obvious. Members who bring modifications to the floor should bring three copies, at least—one copy for the clerk, one copy for the Republican side, and one copy for the Democratic side—so that as they are filed, each side has the language in front of them. As the Senator who is moving the amendment is making the argument, those who want to follow the amendment have at least one copy on each side of the aisle to look at. That is the only way to have a meaningful debate.

There is a way to change this which is clumsy and awkward. As you probably heard me suggest earlier, I asked unanimous consent to suspend the reading of the amendment. I could have allowed them to read the amendment and hear it firsthand. But I think it is more valuable to have it in writing and have it in front of you.

I have suggested this change in the Senate rules since I arrived 10 years ago. It turns out to be one of the biggest challenges I have faced in the Senate, to have two additional copies of the amendment come to the Senate floor. This is a venerable institution. It prides itself on deliberation, but we operate in Senate years, as opposed to real years, or dog years, and sometimes things take a lot longer than they should, so I am offering this amendment.

I have already spoken to the ranking member, Senator BENNETT, about it. I have not spoken to Senator FEINSTEIN, the chairman of the Rules Committee. I hope it is the kind of noncontroversial amendment that makes life easier here, but, more importantly, will lead to a debate which, in fact, would be more meaningful.

I am going to, at some point, ask this be agreed to. I hope my colleagues will consider supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have been in the Senate a little bit longer than the Senator from Illinois but long enough to discover that the Senate and its rules are superbly constructed to deal with the problems of the 19th century. I think perhaps we should recognize that we have moved beyond the 19th century into the 21st.

I cannot speak for any member of my caucus, but I will be happy to support this particular rule change. I think of all of the things that have been proposed, this is perhaps the most benign.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

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

Ms. KLOBUCHAR. Thank you, Mr. President.

IRAQ

Mr. President, I want to briefly address the ethics bill before this Congress, but before I do that, I want to discuss an issue of paramount importance to my State, in light of the President's recent address, and that is the war in Iraq.

Sending more American troops is not the change of course the people of Minnesota and the American people called for in this past election, and it is not the change of course our military forces deserve.

We learned this week that 3,000 of the 22,000 troops added for the escalation are from Minnesota's National Guard. These Minnesota soldiers have already served honorably and well. They and their families were told they would be coming home in March. And I just talked to General Shellito, who heads up the National Guard in Minnesota. He said the hardest thing for them is they have been hanging on—in his words: ''hanging on''—through March. And now they are extended well into the summer.

These brave soldiers will be thrust even more deeply into the midst of Iraq's civil war. Haven't we asked our soldiers and their families to sacrifice enough?

The great burden on Minnesota and the rest of the country should remind us that what is needed is a surge in diplomacy and not a surge in troops.

With that, Mr. President, I would like to turn to the issue of ethics reform. I thank Senator REID and the other Senators for their leadership and for making ethics reform a real priority for this Congress.

When I arrived in Washington last week, we pulled up in our family Saturn, loaded with my husband's college dishes and a shower curtain I found in the basement from 1980. But we brought a little more than dishes and a shower curtain. We, also, brought a commitment for change, something the people of our State—Democrats, Independents, and Republicans, from Worthington to Moorhead to Duluth to Rochester—called for very clearly and loudly in November.

We also brought a Minnesota moral compass, grounded in a simple notion of Minnesota fairness—a notion that all people should be on equal footing in the Halls of Congress. But they cannot be on equal footing when their elected representatives are selling their votes for trips to Scotland or stashing away cash in the freezer. They cannot be on

equal footing unless this new Congress delivers real, meaningful ethics reform.

Ethics reform is an issue of great importance to the people of my State. Wherever I went, Minnesotans told me this was the kind of change that they wanted to see in Washington.

It is not an abstract political science issue. It affects real people in the real world. And today it comes out of the political science classrooms and into the Halls of Congress.

Ethics is woven into the very fabric of how our Government does business. Ethics reform goes to the very heart of our democracy, to the public trust and respect that is essential to the health of our constitutional system.

Recent scandals have cast a shadow over the legitimacy of the laws and policies that come out of Washington. The American public's receding faith in the integrity of our legislative process means that ethics reform is now central to every public issue that we will consider whether it is energy policy, health care reform, fiscal reform, or even homeland security.

The ability of Congress to deal credibly and forthrightly with these other issues depends on reforming our own ethical rules.

The long-term challenges that we face in this country are enormous. They include high energy prices and a growing dependency on foreign oil, health care costs that have spiraled out of control, global warming that threatens the future of our environment and our economy, a mounting national debt, and a growing middle-class squeeze.

I believe that there are solutions to these challenges. While not always immediate, these solutions are within our grasp. We can achieve energy independence by investing smartly and having some guts to take on the oil companies. We can get this country back on the right fiscal track and move forward to more affordable health care. We can deliver much needed and long overdue relief to the middle class. These are the things the people of Minnesota sent me to Washington to fight for. They sent me here because they have not yet seen the bold change of direction that we need to make these solutions happen. Instead, they have seen a Washington that too often serves big special interests at the expense of the middle class.

As a prosecutor, I learned firsthand how the well-connected and powerful do not face the same challenges as middle-class families. Every day, I would go into our courthouse in Minnesota with a mission to treat people the same no matter where they came from. When we prosecuted a wealthy, well-connected person for a white-collar crime, the courtroom was packed with his friends. I would get all kinds of calls. One of my favorites was, ''I know he stole $400,000 from a mentally disabled woman, but he is such a good guy; he shouldn't go to prison.''

But when we prosecuted someone who was poor or middle class, they were lucky if their mom could take the day off from work to stand behind them in the courtroom. My job was to even the playing field and to treat people the same no matter where they came from and who they knew.

That is still my job, and it is the job of this Congress. With that in mind, we need to change business as usual. Business as usual has created a playing field tilted toward special interests and against the middle class.

When our energy policy is drafted in secret meetings with the oil companies, we all end up paying more at the pump because they have failed to invest in renewable energy. When our health care legislation is written by the drug companies, we pay more because they have banned negotiation on prices. The people of this country know corruption when they see it. They saw this last November who was benefiting and who was getting hurt.

Business as usual doesn't only generate bad policy and wasteful spending, it also erodes public trust in the integrity of our Government institutions, our elected leaders, and the law-making process itself.

We the American people know what we want from Washington. It is this: a Government that is focused on doing what is best for our Nation and on securing a better and more prosperous future for the people.

There are so many people of good faith on both sides of the aisle who want to see this happen. Like me, they want to solve the great challenges of our day and to restore public faith in our Government. They know, as I do, that General Omar Bradley was right back in 1948 when he said that ''we need to start steering our ships by the stars, instead of the lights of each passing ship.''

The new leadership that took the helm last week has already begun that change in course. They have introduced the ethics reform package at issue today as the very first bill to be considered by the new Senate.

It has been an honor to work with Senator REID and with colleagues such as Senators FEINGOLD and OBAMA, and with a great class of freshmen that includes the Presiding Officer, as well as Senator TESTER who is here with me today, who share a passion for ethics reform. I am also pleased by the bipartisan support for this bill.

The proposals being offered will strengthen the original S. 1 in a number of important areas, including stricter travel rules, enhanced lobbying disclosure requirements, tougher restrictions on the revolving door between Capitol Hill and lobbying firms, and additional earmarking reform.

It is also my understanding that the Senate will thoughtfully address methods to improve ethics enforcement in debates and hearings over the next few months. Speaking as a former prosecutor, I have expressed to a number of Senators the great value of strong, sensible enforcement.

I am particularly gratified to see Senator REID's amendment No. 4 contain improvements to the Senate gift and meal rules. Under current law, anyone, including a lobbyist, is permitted to buy a gift or a meal for a Senator or a staff member up to a certain dollar amount. We need to make sensible changes to current law.

A decade ago, the Minnesota Legislature passed a strong, clear rule in this area. Lobbyists and those who employ them cannot give gifts or meals to State or local officials, subject to very limited exceptions that were meant to be just that—limited exceptions. For more than 10 years, our State officials have abided by these rules, which are rooted in Minnesota values. I followed them as county prosecutor, and the results have been greater fairness in our democratic process and greater faith in our Government.

A rule banning gifts and meals from both lobbyists and those who hire lobbyists worked in Minnesota, and it can work in Washington, DC.

I want to make clear that my support for this rule is no reflection on my colleagues who have humbled me with their good faith, honor, and integrity since I arrived in Washington. Instead, I support it because the urgency of our need to restore public faith in Government has convinced me that clear, bright line rules are best. Such rules don't impose unreasonable constraints and do not adversely affect citizens' rights to petition their Government. But it does send a strong, clear message and an important signal to the American people that we are focused solely on representing their interests.

Last week at my swearing in a number of people and Senators from both sides of the aisle came up to me remembering the great Senators who have come to Washington from the State of Minnesota. It is humbling to follow in the footsteps of people such as Hubert Humphrey and Walter Mondale and Paul Wellstone. I was reminded many times this past week of the great things they did and said.

On Humphrey's gravestone, there is an inscription, a quote from Humphrey himself. It says:

> I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology about this country and about the American experiment in democracy.

Like Humphrey, Mr. President, I, too, remain an optimist about this grand experiment in democracy. I remain an optimist because the people in my State and across the country have spoken up for change. I remain an optimist because the people in this Chamber are devoted to getting things done, and getting them done the right way. I remain an optimist because this American experiment in democracy has worked best when we, the American people, without apology, have demanded accountability.

This past November was one of those times. The American people spoke out for change. We need to answer them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENTS NOS. 45 AND 46 TO AMENDMENT NO. 2

Mr. CORNYN. Mr. President, I send two amendments to the desk and ask unanimous consent that the pending amendment be set aside.

Mr. President, if I may clarify this, one of the amendments is a second degree to the Leahy amendment currently pending. The other is a separate, freestanding first-degree amendment.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 45.

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 46 to amendment No. 2.

The amendments are as follows:

AMENDMENT NO. 45

(Purpose: To require 72 hour public availability of legislative matters before consideration)

On page 7, line 13, strike ''conference report unless such report'' and insert ''legislative matter unless such matter''.

On page 7, line 16, strike ''48'' and insert ''72.''

AMENDMENT NO. 46

(Purpose: To deter public corruption)

On page 4, after line 5, add the following:

(e) DETERRING PUBLIC CORRUPTION.—

(1) APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.—Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

(2) VENUE FOR FEDERAL OFFENSES.—

(A) VENUE INCLUDES ANY DISTRICT IN WHICH CONDUCT IN FURTHERANCE OF AN OFFENSE TAKES PLACE.—Subsection (a) of section 3237 of title 18, United States Code, is amended to read as follows:

''(a) Except as otherwise provided by law, an offense against the United States may be inquired of and prosecuted in any district in which any conduct required for, or any conduct in furtherance of, the offense took place, or in which the offense was completed.''.

(B) CONFORMING AMENDMENTS.—

(i) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(ii) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

(3) THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.—Section 666(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(B) in paragraph (2), by striking ''of $5,000 or more'' and inserting ''of $1,000 or more''; and

(C) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''.

(4) PENALTY FOR SECTION 641 VIOLATIONS.—Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(5) BRIBERY AND GRAFT.—Section 201 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''fifteen years'' and inserting ''30 years''; and

(ii) by adding at the end the following: ''If the official act involved national security, the term of imprisonment under this subsection shall be not less than 3 years.''; and

(B) in subsection (c), by striking ''two years'' and inserting ''10 years''.

(6) MAKING RICO MAXIMUM CONFORM TO BRIBERY MAXIMUM.—Section 1963(a) of title 18, United States Code, is amended by striking ''20 years'' and inserting ''30 years''.

(7) INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.—

(A) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(B) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(C) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(D) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(E) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(F) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(8) ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.—Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

(9) ADDITIONAL RICO PREDICATES.—Section 1961(1) of title 18, United States Code, is amended—

(A) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''473 (relating to counterfeiting),''; and

(10) ADDITIONAL WIRETAP PREDICATES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (c), by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records,'' after ''section 224 (relating to bribery in sporting contests),'';

(B) in paragraph (r), by striking ''or'' at the end;

(C) by redesignating paragraph (s) as paragraph (t); and

(D) by inserting after paragraph (r) the following:

''(s) a violation of section 309(d)(1)(A)(i) or 319 of the Federal Election Campaign Act of 1971; or''.

(11) CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.—Subparagraphs (A) and (B) of section 201(c)(1) of title 18, United States Code, are each amended by inserting ''the official position of that official or person or'' before ''any official act''.

(12) AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.—

(A) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, 666, and 1962 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by guidelines and policy statements.

(B) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(i) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subparagraph (A), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(ii) consider the extent to which the guidelines may or may not appropriately account for—

(I) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(II) the level of sophistication and planning involved in the offense;

(III) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(IV) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(V) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(VI) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(iii) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(iv) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(v) make any necessary conforming changes to the sentencing guidelines; and

(vi) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(13) CLARIFICATION OF DEFINITION OF OFFICIAL ACT.—Section 201(a)(3) of title 18, United States Code, is amended by striking ''any decision'' and all that follows through ''profit'' and inserting ''any decision or action within the range of official duty of a public official''.

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. STEVENS. Mr. President, will the Senator yield for a moment before he speaks?

Mr. ENSIGN. Yes.

AMENDMENT NO. 40 WITHDRAWN

Mr. STEVENS. Mr. President, I have tried to work out a problem dealing with our State regarding aircraft. It is my understanding that the agreed to

amendment has been modified. Apparently, the decision of the majority is that we should use more taxpayer money to meet our needs. I am not going to persist in my attempt to work out our problems in this manner.

It is my understanding that somebody talked about my jet amendment. It had nothing to do with jets until I modified it to accommodate some of the problems of majority members. I withdraw amendment No. 40.

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

HONORING CHAMPIONS OF EQUALITY

Mr. ENSIGN. Mr. President, on January 15 we honor the legacy of a man who gave his life in the struggle for equality. Dr. Martin Luther King read the words to our Nation's Declaration of Independence and worked to ensure that they were lived that way:

> All men are created equal, that they are endowed by their Creator with certain unalienable rights . . .

Throughout history we have been fortunate to have leaders of unbelievable character and vision, such as Dr. King, who rose in power and worked to change the course of history. Today I want to talk about the legacy of Dr. King and another champion of human rights, William Wilberforce.

In 1790, the transatlantic slave trade was thriving. The economic development of Europe was fueled by the trading in enslaved Africans, an incredibly profitable business at that time. Conditions for slaves were horrific—from being kidnaped by foreigners speaking an unknown language, being chained up and forced into unfathomable conditions for the torturous trip from Africa, to finally being sold into a lifetime of slavery—if they survived—in a strange land.

Witnesses to and survivors of these atrocities shared their stories with the small, but dedicated, bands of abolitionists who worked tirelessly to rid the world of this shameful slave trade.

In the late 1700s, they found their voice in William Wilberforce, a member of the British Parliament. In 1789, Wilberforce laid out the case against slavery with eye witness and survivor accounts of the brutality inflicted on slaves. He told his fellow legislators:

> Having heard all of this, you may choose to look away, but you can never say again that you did not know.

For two decades, William Wilberforce fought with every fiber of his being to abolish the slave trade. It was not easy going up against those who made a fortune off of this trade. Many felt the economy and England would crumble without the slaves. Vilified and ridiculed, Wilberforce refused to give up the fight against the fierce proslavery forces. Wilberforce introduced motions to abolish slavery in every single session of Parliament. In 1807, his legislation to abolish the slave trade finally passed. Wilberforce continued his fight until his health could no longer take it. In 1833, a bill passed giving all slaves in the British Empire their freedom. William Wilberforce passed away 3 days later.

More than a century later, across the Atlantic, a young Black pastor from Atlanta, Georgia, was sharing his dream for a united, multiracial America. It was Dr. King's eloquence, intense spirit, and vision that lifted him to lead our civil rights movement at a pivotal time. He said that ''Life's most persistent and nagging question is, what are you doing for others?'' and he challenged citizens to make the answer count.

While his life was cut tragically short, Dr. King's work to bring equality for all has become part of the fabric of our maturing Nation.

William Wilberforce and Dr. Martin Luther King are two men who rose to extraordinary levels of public service by embracing their faiths and working to correct a great abuse of human rights. They each served mankind in a way that very few others have. Yet, the lesson we learn from their life stories is that we all have that spark of greatness. It is our choice whether we stand on the sidelines while others light the way or step forward and ignite our own passion to make a difference in this world.

The path to righting an injustice is full of obstacles and risks. Dr. King lost his life and left behind a widow and four young children on his mission to leave them a better world. William Wilberforce faced defeat after defeat with his unpopular legislation to abolish slavery. In fact, his abolition bill was defeated 30 times over the course of 20 years, but he continued the fight, and his eventual victory has been called one of the turning events in world history.

I chose to talk about Dr. King and William Wilberforce today because they are truly remarkable people whose stories I believe inspire others to action.

Neither Dr. King nor William Wilberforce embarked on their careers knowing that they would become giants of history. They sought to make a difference in whatever capacity they could. It is a lesson from which we should all learn.

After all, while Dr. King and William Wilberforce made tremendous progress in eliminating slavery and empowering equality, there is still much work to be done. Racial division and the violence that Dr. King preached against have not disappeared from our country, and slavery worldwide is a bigger problem today than it was in 1790. There are actually more slaves today than there were seized from Africa in four centuries of the transatlantic slave trade.

It is appalling, but it gives us the opportunity to ask that question Dr. King and William Wilberforce would have easily been able to answer: What are you doing for others?

I was able to recently watch the screening of a movie about William Wilberforce called ''Amazing Grace.'' I had actually started learning about and admiring William Wilberforce several years ago, so I was thrilled that his life and impact would be documented and shared this way. The movie shows that while William Wilberforce was the voice and face behind the effort to abolish the slave trade, there were many people who inspired him to take action in the first place.

There was John Newton who was William Wilberforce's childhood pastor. Newton was at one time a slave trader. It was from a sea voyage during which he nearly died that he went on to write the hymn ''Amazing Grace.'' Newton convinced William Wilberforce to stay in politics in order to make a difference, and he provided his confession as a slave trader for Wilberforce to use in his appeals for abolition.

There was also his friend William Pitt who went on to become the youngest Prime Minister of England. Pitt pushed Wilberforce to continue as a public servant and encouraged him to lead the abolition movement.

There were many other characters who played a role in William Wilberforce's involvement and eventual success in abolishing slavery. While they may not be the names we often read about in history books, their impact was tremendous.

Former Chaplain of the Senate Lloyd John Ogilvie once said:

> You may only be able to make a small difference, but that does not relieve you of the responsibility to make that difference.

When he says ''You may only make a small difference,'' I think he was encouraging people to try to make any difference, whatever difference they were called to make. They may think that it would only be a small difference, but in reality, it is history that will make that determination.

I talked earlier about how shameful it is that there are more slaves around the world today in 2007 than there were during the 400-year period of the transatlantic slavery movement. I applaud a campaign called The Amazing Change. They highlight the work of groups continuing William Wilberforce's work to abolish slavery and make a better world.

The campaign is motivating young people across the country to get involved and to make a difference, and there are many causes such as this that need advocates and supporters. Whether it is volunteering in your own community to help abused children or working to help cure cancer, spreading the word about the atrocities in Darfur, find your passion and use it to leave this world a better place.

Ultimately, this is the message of Dr. King and William Wilberforce: Do something for others.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LAMAR HUNT

Mr. BOND. Mr. President, first, I rise today to pay tribute to a much loved sportsman, businessman, civic leader, and family man, Lamar Hunt, best known as founder and owner of the Kansas City Chiefs, who, regrettably, passed away on December 13 of complications related to prostate cancer. Some might be surprised to learn that Kansas City was Lamar Hunt's adopted town, not his hometown. Born in Arkansas and raised in Texas, Lamar began his journey to Kansas City in 1959, when the National Football League unwisely turned down his request for a new franchise in Dallas. If you can't join 'em, beat 'em, to turn a cliche on its head.

Shut out of the NFL, Lamar Hunt decided to create another football league. He found seven other men as passionate about football as he was, and together they created the American Football League, the AFL. At the time, theirs was considered a risky venture. They called themselves ''the foolish club'' and located their teams in Midwestern and Southern cities, places without a history of professional football.

It has been said that leaders are visionaries with a poorly developed sense of fear and no concept of the odds against them. Lamar was such a leader and he fit that description.

He was certainly visionary. His leadership in creating and expanding the American Football League helped professional football gain a nationwide following before merging to become today's NFL.

I think he did understand the odds against him. He did not let them get in the way. He stuck with his plan for a new football league and succeeded. He first located his franchise in Dallas. In 1963, he moved the Dallas Texans to Kansas City, where they became the Chiefs.

Lamar Hunt coined the term ''Super Bowl'' and was on hand to see the Chiefs win Super Bowl IV. Unfortunately, our Chiefs have not won a Super Bowl since, but Lamar never gave up on his team and neither will we, the fans.

Lamar Hunt was a true entrepreneur, willing to take calculated risk on investments that would benefit the larger community. Since the 1960s, the Hunt family has been instrumental in the growth and development of Kansas City from a frontier town to a world-class city.

The Hunts have contributed to the Kansas City economy through Hunt Midwest Enterprises, which, among other ventures, developed Worlds of Fun and Oceans of Fun, two recreational theme parks that draw hundreds of thousands of visitors each year.

While he is best known for his love for professional football, Lamar Hunt was deeply involved in other sports. He was a part owner of the Chicago Bulls, he founded World Championship Tennis in 1969, and he spearheaded the development of soccer as a professional sport in the United States. He owned two Major League Soccer teams.

While successful, Hunt remained modest. He never thought of himself as a the Chief's owner. He preferred the term ''founder.''

As he told Joe Posnanski of the Kansas City Star:

> To me, every Chief's fan has ownership in the team. They are just as invested emotionally as I am. I was able to bring the team to Kansas City, but it is Kansas City's team.

In fact, since Mr. Hunt's death, the Star has run several stories, including examples of his love for players, coaches, and fans as individuals. Hall of Fame linebacker Bobby Bell remembered him, saying:

> He's a guy who never valet parked his car unless they absolutely made him.

Chief's tight end Fred Arbanas recalled that Hunt, himself, served the team food and drinks and picked up trash on the plane to road games. He is said to have given the widow of an employee killed in a construction accident a book of blank checks bearing his signature.

Despite struggling with cancer for 8 years, Lamar kept a strenuous schedule right until the very end. The last time I saw him was in November, during the Governor's Cup game, where the Chiefs played against the St. Louis Rams in St. Louis. The Chief's pulled out a 31-to-7 win. At that game, his illness had necessitated a car for transportation, but it had not affected his good nature, his friendliness or his optimism for his beloved Chiefs.

In an era of rapid change and turnover in the sports world, Lamar Hunt stood apart. He remained owner of the Chiefs, or founder of the Chiefs, for more than 40 years, from 1963 until his death. He invested in the lives of people in his adopted town, and the benefits of those investments will be felt for generations to come.

More than 1,000 fans have signed the Kansas City Star's online guestbook for Lamar Hunt, praising him for his honesty and sincerity, his class and his countless contributions to the Chiefs, to football, and to Kansas City.

While his family and friends will miss Lamar very much, they can take heart in the tremendous legacy he left. I know his son Clark will continue to lead the Chiefs with the same love for the game and business sense his father had. We will always remember fondly Lamar Hunt.

IRAQ

Mr. President, my colleagues and our staffs, people need to know about the worldwide threat hearing we had at an open session of the Intelligence Committee yesterday. In that hearing, we asked the Director of National Intelligence, the Director of the CIA, the general in charge of the Defense Intelligence Agency, Mr. Fort of the State Department's INR, and Director Bob Mueller of the FBI what their assessment was of the situation in Iraq.

Very simply, they said that, while it is not certain by any means, they believe the leadership of Iraq has bought into the concept announced by the President as a result of his telephone call from Prime Minister Malaki that Iraq is going to take over the responsibility for quelling the insurgency, the sectarian violence, and they will devote their own resources, heavily, into Baghdad, with district units headed by generals, brigades in each area supported by American troops on a 3-to-1 ratio, Iraqi to American.

While this by no means is sure to work, and recent actions do not suggest it is a very strong bet, they believe it has apparently the best chance to succeed.

In addition, since there was another idea on the table, I asked what would happen if we withdrew immediately, or within a very short timetable of 2 to 3 months, and the Director of National Intelligence and the Director of the CIA, first, said a precipitous withdrawal would bring about a collapse of the Government; that al-Qaida would establish a beachhead and a sanctuary in Iraq for the purpose of promoting the worldwide caliphate that it supports. That was the Director of National Intelligence, who, also, was joined by the Director of the CIA, General Hayden, who said if we withdraw, it would empower the jihadists to gain a safe haven, which would have a tremendous impact on the region. There would be a tremendous impact because they could be in control of the oil-rich Iraqi resources, and it would further empower Iran.

In summary, he said three things very unfortunate would be likely to occur.

No. 1, more innocent Iraqi civilians would die in sectarian violence.

No. 2, there would be a safe haven for al-Qaida and its cooperating entities—a goal that has been stated by the leader of al-Qaida, Osama bin Laden, and his second in command, Ayman al-Zawahiri.

And third, this would very likely bring about regionwide conflicts because with the Shia in control in Iraq in the current Government, with the numbers they have, Iran has shown a very great interest and has been too actively involved in Iraqi matters already. Iran and its Shias, if they came in and heaped great losses on the Sunnis, could expect that Sunni neighbors in the region would respond to the threats of the Iraqi Shia, as the Iranians, and the danger of a tremendous conflict throughout that region would occur.

So I appreciate the opportunity to address the Senate on these matters. I think all Senators need to know the seriousness of this issue, the reasons why I believe the President's option that he

announced the night before last is the best option.

AMENDMENTS NOS. 48, 49, 50, AND 51, EN BLOC, TO AMENDMENT NO. 3

Now, Mr. President, on behalf of Senator COBURN, I ask unanimous consent that the pending amendment be temporarily set aside in order to call up amendments Nos. 48 through 51 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. COBURN, proposes amendments, en bloc, numbered 48, 49, 50, and 51 to amendment No. 3.

The amendments, en bloc, are as follows:

AMENDMENT NO. 48

(Purpose: To require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities)

On page 38, between lines 5 and 6, insert the following:

SEC. 223. LOBBYING DISCLOSURE AND PUBLIC AVAILABILITY OF FORMS FILED BY RECIPIENTS OF FEDERAL FUNDS AND CONTRACTS.

(a) LOBBYING DISCLOSURE.—Section 1352(b)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) an itemization of any funds spent by the person for lobbying on a calendar year basis.''.

(b) PUBLIC AVAILABILITY.—Section 1352(b) of title 31, United States Code, is amended by adding at the end the following:

''(7) Declarations required to be filed by paragraph (1) shall be made available by the Office of Management and Budget on a public, fully searchable website that shall be updated quarterly.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

AMENDMENT NO. 49

(Purpose: To require all congressional earmarks requests to be submitted to the appropriate Senate committee on a standardized form)

At the end of subtitle A of title II, insert the following:

SEC. 225. SUBMISSION OF EARMARKS ON A UNIFORM FORM.

(a) IN GENERAL.—Each Member of the Senate shall submit any request for—

(1) an appropriations earmark to the Committee on Appropriations of the Senate;

(2) a tax benefit earmark to the Committee on Finance of the Senate; and

(3) any other earmark to the appropriate committee of jurisdiction.

(b) UNIFORM FORM.—

(1) IN GENERAL.—Each request for an earmark under subsection (a) shall be submitted on a standardized form.

(2) RULES COMMITTEE.—The form described in paragraph (1) shall be developed by the Committee on Rules and Administration of the Senate.

(3) REQUIRED CONTENT.—The form described in paragraph (1), shall at a minimum, include the following:

(A) The name of the Member requesting the earmark.

(B) The name of each entity that would be the recipient of the earmark, including the name of the parent entity of such recipient, if such recipient is owned by another entity. If there is no specifically intended recipient, then the form shall require the Member to identify the intended location or activity that will benefit from the earmark. In the case of an earmark that contains a limited tax or tariff benefit, the Member shall identify the individual or entity reasonably anticipated to benefit from the earmark (to the extent known by the Member).

(C) The amount requested in the earmark.

(D) The Department or agency from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(E) The appropriations bill from which the amounts requested in the earmark are expected to be provided (if known by the Member).

(F) A description of the earmark, including its purpose, goals, and expected outcomes.

(G) The location and address of each entity that would be the recipient of the earmark and the primary location of the activities funded by the earmark, including the State, city, congressional district, and country of such activities.

(H) Whether the earmark is funding an ongoing or a new activity or initiative and the expected duration of such activity or initiative.

(I) The source and amount of any other funding for the activity or initiative funded by the earmark, including any other Federal, State, local, or private funding for such activity or initiative.

(J) Contact information for the entity that would be the recipient of the earmark, including the name, phone number, postal mailing address, and email for such entity.

(K) If the activity or initiative funded by the earmark is authorized by Federal law. If so, the Member shall provide the public law number and United States Code citation for such authorization.

(L) The budget outline for such activity or initiative funded by the earmark, including—

(i) the amount needed to complete the activity or initiative; and

(ii) whether or not the Member, the spouse of the Member, an immediate family member of the Member, a member of the Member's staff, or an immediate family member of a member of the Member's Senator's staff has a financial interest in the earmark.

(4) PUBLIC ACCOUNTABILITY.—

(A) IN GENERAL.—Not later than 7 days after the date that a request for an earmark is submitted under this section, the Committee on Appropriations of the Senate shall make the request available to the public on the Internet website of such committee, without fee or other access charge, in a searchable, sortable, and downloadable manner.

(B) RECORDKEEPING.—The Committee on Appropriations of the Senate shall maintain records of all requests made available under subparagraph (A) for a period of not less than 6 years.

(c) DEFINITIONS.—In this section:

(1) EARMARK.—The term ''earmark'' means—

(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) IMMEDIATE FAMILY MEMBER.—The term ''immediate family member'' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a person.

AMENDMENT NO. 50

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike section 108 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

Strike section 109 and insert the following:

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

AMENDMENT NO. 51

(Purpose: To prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member, and for other purposes)

On page 18, between lines 3 and 4, insert the following:

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

''(b) For purposes of this paragraph—

''(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

''(2) the term 'congressional earmark' means—

''(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(B) any revenue-losing provision that—

''(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

''(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

''(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''.

Mr. DORGAN. I voted to table the Vitter amendment, No. 6, to S. 1, the ethics bill, because it should properly be offered to the campaign finance bill when it comes to the floor of the Senate. The majority leader has said he will bring a campaign finance bill through the committee and to the floor later this year.

Because there have been some abuses in this area, I support a change in the rules related to political committees employing family members, and I expect to be supportive of these types of reforms when campaign finance reform is voted on this year. At that time, the relevant committee on this matter will have had the opportunity to consider this issue and recommend the best way to correct these abuses.

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

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

AMENDMENT NO. 47 TO AMENDMENT NO. 3

Mr. NELSON of Nebraska. Mr. President, I rise today to offer an amendment to further increase transparency and ensure accountability with respect to earmarks. I call up amendment No. 47 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 47 to amendment No. 3.

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

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

The amendment is as follows:

(Purpose: To help encourage fiscal responsibility in the ear-marking process)

At the appropriate place, insert the following:

SEC. ____. ENCOURAGING FISCAL RESPONSIBILITY IN THE EARMARKING PROCESS.

(a) IN GENERAL.—If an entity is properly awarded an earmark as defined in section 103, the entire amount of the earmark shall be transferred to the entity to be expended for the essential governmental purpose of the earmark.

(b) AGENCY PROHIBITION.—Earmarked funds shall not be spent by the authorizing department or agency (unless specifically authorized in the section of the appropriations bill or report containing the earmark) and shall instead be returned to the Treasury for the purposes of deficit reduction.

Mr. NELSON of Nebraska. Mr. President, I am concerned about the abuse of the earmark process, and I applaud the bipartisan efforts of the majority and minority leaders in crafting the earmark reforms in the underlying bill. I strongly support improving transparency and accountability in the appropriations process. I believe Members should certainly be required to disclose and justify their earmarks. My amendment takes this notion one step beyond by ensuring that earmarked funds are spent only for the stated purpose for which they are approved by the Senate.

The amendment simply states:

If an entity is properly awarded an earmark, the entire amount of the earmark shall be transferred to the entity to be expended for the essential government purpose of the earmark.

If the entity doesn't spend the entire amount of the earmark, my amendment requires the excess funds to be returned to the Treasury for the purposes of deficit reduction. That is all this does.

Some Senators may ask, Why is such an amendment necessary? I think many of my colleagues in the Senate would be quite surprised to learn that all too often, after going through the process of earmarking funds for the benefit of their constituents, the earmarked funds are, on some occasions, spent by someone else once the bill leaves the Senate. The earmarked funds are going to be spent as the Senate intended. In reality, however, a portion of earmarked funds may sometimes be reallocated to other purposes by the agency tasked with delivering the funds to the intended recipient. Unfortunately, I have discovered this practice of ''skimming,'' as I call it, where the agency simply skims a portion off the top of the earmarks. It is fairly common, and in many cases it simply is not authorized by law.

Last year, with the help of the Congressional Research Service, I asked the 15 Cabinet-level departments to help me understand how this process works, what happens with the funding once Congress approves an earmark. Only 12 departments responded, and the responses varied widely. Some said they do not skim from the earmarks at all; however, some said they skim 2 to 3 percent off the top of the earmark without authority by law. In some instances, the agencies did cite a statutory authority for the skimming, but in others it looks as if the skimming was done without express authority to do so. Alarmingly, one agency replied only with this statement:

The magnitude of your request outstrips our ability to provide you with the extensive amount of data that you desire.

I found not only skimming in some cases, but there was stiffing when you asked for information as well.

The Constitution gives Congress the power of the purse. Yet sometimes the executive branch sees fit to spend congressionally approved earmark funds for their own purposes. That is simply wrong under any set of circumstances. From a constitutional standpoint, from a fiscal responsibility standpoint, and from a practical standpoint, the executive branch should not be able to redirect earmarked funds unless specifically authorized to do so in that earmark. There shouldn't be an ongoing authority to do that with every earmark without the authority established by Congress. And if that authority has been established by law, I believe we ought to reconsider it because it should be on an earmark-by-earmark basis. If they want their budget to include a certain amount of money above

where they are at the moment, let them come to the budgeting process and make their request just like everyone else has to for the budgeting process here in Congress.

The earmark reforms in this bill are important, and we shouldn't allow the executive branch to undermine them. We owe it to our constituents to make sure earmarks are carried out as intended by this body in accordance with our earmarks disclosure rules.

To conclude, this amendment simply reinforces the earmark reforms in a very straightforward way. It will ensure that earmarks are only spent for the stated purpose for which they were approved. It will put an end to unaccountable skimming of earmarks and require that any unspent earmarked funds will be used for deficit reduction.

This amendment protects our constituents and the American taxpayer. It strengthens the underlying bill by providing a guarantee that earmarks will be spent only as the Senate intends, for the purpose for which they were approved, in accordance with the earmark reforms. I believe the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Without objection, it is so ordered.

JOINT LEADERSHIP AGREEMENT ON COMMITTEE FUNDING

Mr. MCCONNELL. Mr. President, before we proceed to the resolutions appointing our committee membership, I want to thank the majority leader for his assistance in working on this joint leadership agreement. As was agreed to in the 108th Congress, we have included language which keeps the current minority staff salary baseline from going below the allocation in the 109th if those funds are available. Given the possibility of a continuing resolution, the majority leader and the chairman of the Rules Committee have agreed to provide each ranking member, if requested, an allocation equal to 49 percent of the 10 percent that was available to the chairman in the 109th Congress. I would further say that this money is available out of existing funds and is not considered as supplemental funds above the current funding levels.

Mr. REID. Mr. President, I concur with the remarks of the Republican leader. The baseline was not reduced for Democratic staff in the 108th Congress. This agreement allows for that same accommodation for the Republican side in the 110th, if that money is available. Further, since additional funds may not be available, we have agreed that each ranking member will be allocated the amount mentioned above, if they so request, and those funds will be made available from existing funds provided by the Rules Committee.

Mr. President, I ask unanimous consent that a letter signed by the two leaders be printed in the RECORD.

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

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

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 110th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of, and effective on this date, with up to an additional ten percent (10%), to be allocated to the Chairmen for administrative expenses, to be determined by the Rules Committee, with the total administrative expenses allocation for all Committees not to exceed historic levels. The additional administrative expenses described above shall be available to be expended by a Committee Chairman, after consultation with the Ranking Member of the Committee. Funds for committee expenses shall be available to Chairmen consistent with the Senate rules and practices of the 109th Congress. No committee budget shall be allocated to reduce the Republican staff salary baseline below that of fiscal year 2006 if that money is available. The Chairman and Ranking Member of any committee may, by mutual agreement, modify the apportionment of Committee funding, including the additional ten percent (10%) allocated for administrative expenses, referenced in this letter. The division of Committee office space shall be commensurate with this funding agreement.

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which is at the desk; that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 27) was agreed to, as follows:

S. RES. 27

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Tenth Congress, or until their successors are chosen:

COMMITTEE on AGRICULTURE, NUTRITION, and FORESTRY: Mr. Harkin (Chairman), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson (Nebraska), Mr. Salazar, Mr. Brown, Mr. Casey, and Ms. Klobuchar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Chairman), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Reed, Mr. Lautenberg, and Mr. Nelson (Nebraska).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mrs. Clinton, Mr. Pryor, Mr. Webb, and Mrs. McCaskill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Dodd (Chairman), Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Mr. Menendez, Mr. Akaka, Mr. Brown, Mr. Casey, and Mr. Tester.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Chairman), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mr. Carper, Mrs. McCaskill, and Ms. Klobuchar.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Ms. Cantwell, Mr. Salazar, Mr. Menendez, Mrs. Lincoln, Mr. Sanders, and Mr. Tester.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Lieberman, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Ms. Klobuchar, and Mr. Whitehouse.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, and Mr. Salazar.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Chairman), Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson (Florida), Mr. Obama, Mr. Menendez, Mr. Cardin, Mr. Casey, and Mr. Webb.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Chairman), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders, and Mr. Brown.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mr. Obama, Mrs. McCaskill, and Mr. Tester.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, and Mr. Whitehouse.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, Mr. Feingold, Mr. Nelson (Florida), Mr. Whitehouse, and Mr. Levin (ex officio).

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr: Byrd, Mr. Nelson (Florida), Ms. Stabenow, Mr. Menendez, Mr. Cardin, Mr. Lautenberg, Mr. Sanders, and Mr. Whitehouse.

COMMITTEE ON RULES AND ADMINISTRATION: Mrs. Feinstein (Chairman), Mr. Dodd, Mr. Byrd, Mr. Inouye, Mr. Schumer, Mr. Durbin, Mr. Nelson (Nebraska), Mr. Reid, Mrs. Murray, and Mr. Pryor.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Chairman), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, Mr. Pryor, Mr. Cardin, and Mr. Tester.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Chairman), Mr. Rockefeller, Mrs. Murray, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Webb, and Mr. Tester.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson (Florida), Mrs. Clinton, Mr. Salazar, Mr. Casey, Mrs. McCaskill, and Mr. Whitehouse.

JOINT ECONOMIC COMMITTEE: Mr. Schumer (Chairman), Mr. Kennedy, Mr.