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No. 7

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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S485

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 co-sponsored 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 stationery 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

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(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. INOUE), 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. INOUE), 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 licensed 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 licensed 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”;

(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 lob-

bying 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 RE-COMMIT.

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 cliché 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.

Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator Johnson is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator Boxer shall act as Chair of the Select Committee on Ethics, except for purposes of the designation under 2 U.S.C. §72a-1f.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

DESIGNATING SENATOR JAY ROCKEFELLER AS CHAIRMAN OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, in accordance with the provisions of S. Res. 445 of the 108th Congress, I designate Senator JAY ROCKEFELLER as chairman of the Select Committee on Intelligence.

Mr. REID. Mr. President, we have done this very quickly, but it is extremely important that we have been able to accomplish this. There has been a lot of cooperation on both sides. It puts us on the path to get some things done with the committees. I think the chairman and ranking members are happy, as we have learned today.

CONSTITUTING THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE 110TH CONGRESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 28, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved, That the following shall constitute the minority 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. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr.

McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Bond, Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr. Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

DESIGNATING SENATOR CHRISTOPHER BOND AS VICE CHAIR OF THE INTELLIGENCE COMMITTEE

Mr. MCCONNELL. Mr. President, pursuant to the provisions of S. Res. 445 of the 108th Congress, I select Senator BOND of Missouri as Vice Chair of the Intelligence Committee.

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

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

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 16, at 5:30 p.m., the Senate proceed to a vote on or in relation to the Durbin amendment No. 44, to be followed by a vote on or in relation to the DeMint amendment No. 11, as amended, if amended, and then without further intervening action or debate, the Senate proceed to a vote on the motion to invoke cloture on amendment No. 14; that if the Durbin amendment is not modified to Senator DEMINT's satisfaction, then the agreement with respect to a vote with respect to the two amendments be vitiated.

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

Mr. REID. Mr. President, I would like to spread on the RECORD the fact that we have had long conversations with Senator DEMINT and Senator DURBIN. I have spoken personally with Senator DEMINT on several occasions. We appreciate his cooperation. I believe what we have done here preserves what he wanted to do and more. So this should make everyone happy on Tuesday. We hope this will be an overwhelmingly positive vote.

I also note that staff, during this evening and during Tuesday, is also going to continue to work on other matters to see if there are other items on which we can vote.

AMENDMENT NO. 4

Mr. REID. Mr. President, I ask unanimous consent that my amendment No. 4 be the pending business.

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk with respect to this amendment.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid amendment No. 4 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara

Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

Mr. REID. Mr. President, I now send to the desk a cloture motion on the substitute amendment, amendment No. 3.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 3 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on S. 1 Transparency in the Legislative Process, as amended.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Benjamin L. Cardin, Dick Durbin, Ted Kennedy, Evan Bayh.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum with respect to each cloture motion be waived and that Monday, January 15, count as the intervening day with respect to the cloture motion on amendment No. 4.

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

AMENDMENTS NOS. 54, 43, AND 56 TO AMENDMENT NO. 3, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that it be in order to call up amendments on behalf of other Senators en bloc, and that after reporting they be laid aside:

Amendment No. 54 to amendment No. 3 for Senator FEINGOLD; amendment No. 43 to amendment No. 3 for Senator LIEBERMAN; and amendment No. 56 to amendment No. 3 for Mr. CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FEINGOLD, proposes an amendment numbered 54.

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, proposes an amendment numbered 43.

The Senator from Nevada [Mr. REID], for Mr. CASEY, proposes an amendment numbered 56.

The amendments are as follows:

AMENDMENT NO. 54

(Purpose: To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

On page 11, line 2, strike "Paragraph" and insert "(a) IN GENERAL.—Paragraph".

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act."

AMENDMENT NO. 43

(Purpose: To require disclosure of earmark lobbying by lobbyists)

At the appropriate place, insert the following:

SEC. ____ . DISCLOSURE OF LOBBYING ON EARMARKS.

(a) REPORTS.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following "activities" the following: ", including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known."

(b) DISCLOSURES.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

"(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

"(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

"(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;"

AMENDMENT NO. 56

(Purpose: To eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors)

At the appropriate place, insert the following:

SEC. ____ . WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another; shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States."

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress."

MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. I understand that H.R. 3 is at the desk and ready for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. REID. I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 287

Mr. REID. I understand S. 287, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 287) to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. REID. 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. WEBB. 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. 44, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent that the Durbin

amendment numbered 44 be modified with the changes at the desk.

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

The amendment will be so modified.

The amendment (No. 44), as modified, is as follows:

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 in a searchable format 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 in a searchable format 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 in a searchable format 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 purposes 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 par-

ticular beneficiary 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."

MORNING BUSINESS

Mr. WEBB. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

MARTIN LUTHER KING DAY

Mr. MCCONNELL. Madam President, this Monday we will celebrate the life and legacy of one of America's greatest heroes, the Reverend Martin Luther King, Jr.

Dr. King dreamt of an America where, as he so profoundly put it, all of America's children would be judged not by the color of their skin, but by the

content of their character. By sharing his dream with the rest of us, Dr. King literally awoke a nation.

I remind my colleagues this also will be the first observance of Martin Luther King Day when his lovely wife, Coretta Scott King, is no longer with us. She kept the dream alive after Dr. King's tragic assassination in 1968. With her passing last year, we lost the first lady of America's civil rights movement.

I remember all too well the days before Dr. King and the civil rights movement lit a fire across this country. Many parts of America were split into two separate nations, and they were certainly not equal. As a child growing up in Alabama and later in Kentucky, I remember segregated lunch counters. I remember separate water fountains.

I am proud to say that as a young man I was present for not just one but two significant events in the life of Dr. King. On August 28, 1963—a Wednesday, without a cloud in the sky—more than 200,000 people gathered on the Mall here in Washington to protest racial inequality and to hear Dr. King give what would be his most remembered speech.

I was an intern at the time for Congressman Gene Snyder of Kentucky, and so I went outside and stood on the Capitol steps.

I could see up the length of the entire Mall, and see the crowd that had gathered there. I supported Dr. King and his cause, and wanted to witness what I knew would be a pivotal point in history.

What none of us knew at the time, Mr. President, is that history was almost denied hearing Dr. King say, "I have a dream." His scripted remarks for that day did not include the stirring conclusion to his speech.

But when he was about to conclude his remarks and sit down, the gospel singer Mahalia Jackson cried out, "Tell them about your dream, Martin! Tell them about the dream!"

So Dr. King drew from his past speeches and sermons, and in the shadow of the Lincoln Memorial, he issued the greatest declaration of freedom since Lincoln signed the Emancipation Proclamation a century earlier.

Dr. King's words moved a nation. And the next summer I returned to Washington to intern for the great Kentucky Senator John Sherman Cooper. That year, Senator Cooper worked hard to pass the Civil Rights Act of 1964.

After my internship, I went on to the University of Kentucky School of Law, and returned to Washington in August of 1965 to pay my old boss and mentor a visit. It is thanks to him that I had my second encounter—not exactly close up, but my second encounter with Dr. King.

All that summer, Senator Cooper had been a key proponent of the 1965 Voting Rights Act, and on August 4 it passed the Senate and was sent to President Johnson for his signature.

As I sat waiting for the Senator, he suddenly emerged from his office and

motioned for me to follow him. He led me to the Capitol Rotunda, where President Johnson was about to sign the Voting Rights Act.

I'll never forget the President's sheer physical presence in that room. The room was packed with people, but LBJ was bigger than anyone in there. Every good history book describes him as a larger-than-life, imposing man, and they are all correct. His commanding figure almost filled the rotunda.

But there was another figure there, not as large but just as significant.

Here in this Capitol, Dr. King stood by the President and witnessed the signing of the Voting Rights Act—an act that would not have gained America's support without his efforts.

With its enactment, the promise of the 14th amendment, extending the franchise to newly freed slaves, was finally realized. Sadly, it was a hundred years too late.

I do not believe this country's march towards liberty and equality, and away from racial injustice and division, would have been possible without Dr. King.

It would not have been possible without his leadership of the Montgomery bus boycott, which first began to ignite what he called "a certain kind of fire that no water could put out."

It would not have been possible without his plea to America in front of the Lincoln Memorial, when he said:

I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal.

It would not have been possible without his enlisting all of us, Black and White, in the cause of freedom when he said, "Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men."

Dr. King's faith and courage continue to inspire America. Like Moses, he led his people from the dark night of bondage to the promised land.

Through courage, Dr. King persevered even in the face of death. Constant threats were made on his life. Many times his travel plans were interrupted by bomb threats.

No one would have blamed Dr. King if, fearing for his life, he had retreated from public view. But he refused to.

In 1958 in Harlem, a woman stabbed him in the chest with a letter opener, and the blade came so close to his heart that doctors told the reverend that if he had even sneezed, he would have died.

Dr. King recalled that attack 10 years later in Memphis, in what would be his final speech. "I am so glad that I didn't sneeze," he told a crowd of 2,000. "I'm just happy that God has allowed me to live in this period to see what is unfolding."

Dr. King would die in hours, not from a letter opener, but from an assassin's bullet. As he spoke, it seemed he knew his fate was preordained, and he was at peace with it.

"I've seen the promised land," Dr. King continued. "I may not get there

with you. But I want you to know tonight that we, as a people, will get to the promised land. And I'm happy tonight."

America has traveled far since the civil rights movement, to reach that promised land. It's been a difficult journey, and the journey is not yet over.

Dr. King said:

I am convinced that the universe is under the control of a loving purpose, and that in the struggle for righteousness, man has cosmic companionship. Behind the harsh appearance of the world there is a benign power.

Those words serve to remind us that no matter the difficulty or the distance of our journey, our destination is clear, thanks to the foundation laid by Dr. King. That destination is liberty and justice for all.

I yield the floor.

Mr. LEAHY. Mr. President, on Monday, our Nation honors the life and legacy of the late Dr. Martin Luther King, Jr., a national hero and man whose words and deeds brought hope and healing to America.

We commemorate the timeless values he taught us through his example—the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and revolutionary spirit. Dr. King's belief in the strength of non-violence was not merely aspirational—though surely it spoke to our aspirations as a nation—but it gave his leadership a unique power that resonates to this day.

I am grateful for this holiday because it is a reminder to listen again to Dr. King's inspiring words and to let the children and grandchildren of those who remember Dr. King hear his voice that filled a great void in our Nation and answered our collective longing to become a country that truly lived by its noblest principles.

A few months ago, we broke ground on a memorial to honor Dr. King. At first glance, it may seem a bit out of place that Dr. King's memorial will be located on our National Mall—a place adorned with memorials to America's greatest Presidents and wartime heroes. Dr. King was neither a President of the United States nor a hero in a foreign war. He never even held public office. Yet he deserves his place in the pantheon of great American leaders because lead a Nation he did. Through words, he gave voice to the voiceless. Through deeds, he gave courage to the faint of heart. Through his bravery and courage, he endured tremendous hardships—he was beaten and jailed 29 times, his family was threatened, his home was fire bombed, and he was placed under surveillance by the FBI—yet he overcame these hurdles and ignited a movement that would lead to historic reforms.

In his famous "I Have a Dream" speech, Dr. King noted that "[w]hen the architects of our republic wrote the magnificent words of the Constitution

and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir." And it was thanks to the work of great civil rights leaders like Dr. King and his wife Coretta Scott King, whom we lost a year ago and whom we honored in reauthorizing the Voting Rights Act, that Jim Crow segregation was uprooted, and legal barriers to the full participation of racial minorities in the political life of the Nation were removed.

Yet, as I was reminded last year during our many hearings on the reauthorization of the Voting Rights Act and again by accounts of voter suppression during the recent midterm elections, the work of the Voting Rights Act is not yet complete and the dream of Dr. King has not yet been fully realized. And so we must not only honor Dr. King's vision by remembering him this week, but we must also continue our work to make his dream a reality.

Dr. King's own words remind us that this holiday is not merely a celebration of a particular time in American history but also a living legacy to the value of service. Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

On this day, we must urge our children and grandchildren to abide by Dr. King's message that if they serve our country and strive for what is just, they can remake a nation and transform a world.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise today to express my regret that nominations to the U.S. Courts of Appeals will not be resubmitted for William G. Myers, Judge Terrence Boyle, William J. Haynes, and Michael B. Wallace. All four of these nominees were eminently qualified to serve on the U.S. Court of Appeals and no reasonable question has been raised as to their integrity. Each of them very likely would have been confirmed had they been afforded to the courtesy of a vote by the U.S. Senate. It is generally understood that the Senate did not vote on these nominations because of Democratic threats of obstruction and filibuster, and that the President chose not to resubmit these nominations as a result of a hard political calculation that the new Democratic majority in the Senate would not allow a vote on these nominations during the remainder of his Presidency. These nominees were not treated fairly by this institution. This week's action reflects poorly on the Senate.

Much could be said about each of these nominees, their qualifications, and the way that they were treated throughout the judicial nominations process. I would like today to simply submit for the RECORD a column published by Edward Whelan in National

Review Online. Mr. Whelan's column raises some disturbing questions about the American Bar Association's actions with regard to Michael B. Wallace, whom the President had nominated to the U.S. Court of Appeals for the Fifth Circuit. Mr. Wallace is a graduate of Harvard University and received his law degree from the University of Virginia, where he served on the law review and was elected to the Order of the Coif. He clerked for Justice William Rehnquist on the United States Supreme Court. He became an associate and later a partner at a major law firm in his home state of Mississippi. His over twenty years of legal practice focused on complex commercial and constitutional litigation and afforded him substantial appellate experience. Mr. Wallace even argued and won a case before the United States Supreme Court. These are obviously superb qualifications to serve on the U.S. Court of Appeals.

It is generally understood that the ultimate reason why Mr. Wallace's nomination has not been resubmitted is that he was rated "not qualified" by the ABA, on account of his "temperament." Mr. Whelan's column paints a disturbing picture of the process by which the ABA came to rate Mr. Wallace. Mr. Whelan presents persuasive evidence that the ABA not only allowed its evaluations process to be corrupted by individuals who used it to carry out personal and political vendettas against Mr. Wallace, but that the chairwoman of the ABA's judicial evaluations committee perjured herself in her testimony before the Senate Judiciary Committee.

To Mr. Whelan's column, I would simply add that I found the ABA's written justification for its rating of Mr. Wallace to be stunningly unconvincing. The grounds cited in the ABA's written testimony, to the extent that they provided any verifiable basis at all for the ABA's rating of Mr. Wallace, do not stand up to even the most cursory scrutiny. To cite just one example: the ABA found that Mr. Wallace lacked the "temperament" to be a judge in part because "positions taken by Mr. Wallace related to the Voting Rights Act" in the course of the *Jordan v. Winter* litigation were "not well-founded and [were] contrary . . . to existing interpretations of the Voting Rights Act." Mr. Wallace had argued in the *Jordan* case that the 1982 amendments to the Voting Rights Act did not invalidate a State's redistricting plan absent some evidence that the plan was the product of racial discrimination. At the time that Mr. Wallace made this argument, the 1982 amendments were less than a year old. Moreover, when the very case that Mr. Wallace litigated went to the Supreme Court, two Justices of that Court filed an opinion that substantially agreed with Mr. Wallace's litigating position. These two Justices also noted that "the language used in the amended statute is, to say the least, rather unclear." Mis-

issippi Republican Executive Committee v. Brooks, 469 U.S. 1002, 1010, Rehnquist, J., dissenting. See also id. at 1012, "we have a statute whose meaning is by no means easy to determine."

Thus the ABA has rated Mr. Wallace as "not qualified" on the basis that he argued for a particular interpretation of a statute when the statute was new and was not yet subject to an authoritative interpretation, when Mr. Wallace's position was later adopted by two members of the U.S. Supreme Court, and when those same Supreme Court Justices characterized the statute as "unclear." I find the ABA's analysis to be wholly unreasonable. It is a lawyer's duty to make good-faith arguments on behalf of his client. Yet in the case of Mr. Wallace, the ABA has effectively taken the position that if a lawyer argues for an interpretation of a statute that is ultimately rejected by the courts, then even if the statute is new and unclear and the lawyer's interpretation is even endorsed by some members of the U.S. Supreme Court, the lawyer's litigating position shows that he lacks a "judicial temperament" and that he is "not qualified" to serve as a Federal judge. This is a frivolous argument. It is an argument that the ABA should be embarrassed and ashamed to have made to the Senate Judiciary Committee.

I ask unanimous consent that the following column be printed in the RECORD.

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

[From the National Review Online, Jan. 10, 2007]

NOT CREDIBLE "WHATSOEVER"
(By Edward Whelan)

Among the many challenges that new White House counsel Fred Fielding will face on judicial nominations is ensuring that the American Bar Association's ideologically stacked judicial evaluations committee behaves responsibly. Now that Mississippi attorney Michael B. Wallace has requested that President Bush not renominate him to serve on the U.S. Court of Appeals for the Fifth Circuit, it is instructive to complete an accounting of the ABA's thoroughly scandalous "not qualified" rating of Wallace.

Although it determined that Wallace "has the highest professional competence" and "possesses the integrity to serve on the bench," the ABA judicial-evaluations committee found him lacking on the highly malleable element of "judicial temperament." As I have previously documented, bias, a glaring conflict of interest, incompetence, a stacked committee, violation of its own procedures, and cheap gamesmanship marked the ABA's evaluation of Wallace. Those internal defects were compounded at Wallace's September 2006 hearing by the incredible testimony given under oath—flat-out perjury, in my judgment—by the new chair of the ABA committee, Philadelphia lawyer Roberta Liebenberg. Liebenberg's testimony merits careful scrutiny as an illustration of the depths to which the ABA will descend to defend its internal failings.

First, some background: One of the several scandals surrounding the ABA's evaluation of Wallace relates to the fact that the chair

of the ABA committee at the time of the evaluation, Stephen Tober, had had a major run-in with Wallace in 1987 when Wallace served on the board of the Legal Services Corporation (a federal agency that funds legal services for the poor and that was the focus of contentious reform efforts). In the course of strikingly intemperate and buffoonish testimony before an LSC committee headed by Wallace, Tober twice accused him of a "hidden agenda." (The ABA president at the time of the ABA's evaluation of Wallace, Michael Greco, and another ABA committee member, Marna Tucker, had likewise attacked Wallace over contentious LSC matters.) On the Wallace evaluation, Tober played the customary role that the ABA committee chair plays (and that is set forth in the ABA's so-called Background): He assigned Fifth Circuit member Kim Askew—whose own biases and conflict of interest concerning Wallace are an even greater scandal—to conduct the investigation. He reviewed her draft report with her. In light of her proposed "not qualified" rating, he assigned a second person, Thomas Hayward, to conduct a second evaluation of Wallace. He reviewed Hayward's draft report with him. He determined that he was satisfied with the "quality and thoroughness" of Askew's investigation, and made the same determination regarding Hayward's investigation. He then directed his committee colleagues to read Askew's report and Hayward's report in tandem.

Without any deliberation among the committee members (so Liebenberg has informed me), Tober then received and tallied the votes of the other committee members. Under the ABA committee's procedures, the chair votes only in the event of a tie, so Tober did not cast a vote. Tober then reported the committee's unanimous "not qualified" rating to the Senate Judiciary Committee.

Beyond the fact that Tober plainly should have recused himself from the Wallace evaluation, many of the facts that I recite about Tober's role are in themselves of little interest. What ought to be of considerable interest, however, to anyone who cares about the integrity of the manner in which the ABA committee carries out the privileged role in the judicial-confirmation process that the Senate Judiciary Committee accords it, are Liebenberg's sworn statements about Tober's role in the Wallace evaluation.

Time after time, in emphatic, categorical declarations, Liebenberg testified that it was immaterial that Tober had not recused himself because, she claimed, he simply had no role at all in the ABA committee's evaluation of Wallace:

"This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote." (Transcript, p. 134 (emphasis added))

"It is important to emphasize that Mr. Tober did not participate in any way in the rating" of Wallace (Transcript, p. 126 (emphasis added))

Tober "did not participate in either the evaluation or the rating" (Transcript, p. 126) "neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace" (Transcript, p. 128)

"I would just, again, add that Mr. Tober did not participate in the evaluation" (Transcript, p. 131)

Tober, as chair of the committee, "does not oversee the evaluations" (Transcript, p. 131)

I have the same reaction to these sworn statements that I had when I first heard them in Liebenberg's live testimony: These statements are patently false, and Liebenberg, as an ABA committee member during the Wallace evaluation and as chair at the time of her testimony, had ample reason to know that they were false. Indeed, in

her prepared testimony, Liebenberg stated, "The evaluation of Mr. Wallace was conducted in accordance with the normal practices and procedures" of the ABA committee, and she referred senators to the ABA's Backgrounder for a "more detailed description of these procedures."

In recent weeks, I have, through an intermediary friendly to Liebenberg, afforded her the opportunity to dispute or clarify my understanding of the facts that render her testimony false. She has availed herself of the opportunity, and the exchange, in my judgment, has clearly confirmed my understanding. (See the appendix below.)

In sum, Liebenberg's sworn testimony that "This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote," and her other categorical statements to the same effect, are truthful only if "whatsoever" is not given anything close to its ordinary meaning but is instead a secret code that means, at a minimum, "except that he assigned the first investigator, reviewed her draft report with her, assigned the second investigator, reviewed his draft report with him, determined that he was satisfied with the quality and thoroughness of both investigations, directed his committee colleagues to read the investigators' reports in tandem, received and tallied the votes, and reported the ABA's rating to the Senate Judiciary Committee."

In her exchange with me, Liebenberg now maintains that Tober "did not play a substantive role in the evaluation or rating of Mr. Wallace." (Emphasis added.) That modifier "substantive" is conspicuously absent from her Senate testimony. Indeed, her categorical denial that Tober had "any role whatsoever in the evaluation" and her assertion that he "did not participate in any way" do not permit reading in that modifier. Moreover, I think it plain that Tober did play a "substantive" role—among various respects, in selecting the two investigators and in determining that he was satisfied with the "quality and thoroughness" of the investigations.

It is also worth noting that Liebenberg's effort to obscure Tober's actual role stands in striking contrast to the ABA's effort to justify its re-rating of D.C. Circuit nominee (and now judge) Brett Kavanaugh. In that case, the shenanigans of the circuit investigator, Mama Tucker, deserved scrutiny. But Tober, who played essentially the same role as chair there as he did on Wallace's nomination, gave Tucker cover by presenting the entire testimony for the ABA committee. He never remotely suggested the absurd notion that he had played no role in the evaluation or rating and was therefore not competent to testify.

I have no reason to doubt that Liebenberg is a fine lawyer and, by the standards of the legal profession, generally an honorable person. The interesting question is how such a person could ever have made the statements that she did, let alone under oath. The answer, I would suggest, is that the ideological partisanship, intellectual mediocrity, and institutionalized mendacity of the ABA—the ABA's culture, so to speak—tend to degrade those who rise within its ranks.

I don't know Wallace, and I leave open the theoretical possibility that, notwithstanding what his many supporters say, he lacks the necessary judicial temperament. The thoroughly scandalous process by which the ABA reached that judgment, however, provides no basis for confidence in its assessment. Nor, given the "go along to get along" collective posterior-covering ethos of the ABA, is there any reason to credit the more recent supplemental evaluations of Wallace. This is especially so because assessments of judicial temperament are so subjective and manipu-

lable. Indeed, it is striking to contrast the extrapolations made about Wallace's judicial temperament from his experience as a litigator with the ABA's unanimous conclusion a dozen years ago that federal district judge Lee Sarokin was "well qualified" to be elevated to the Third Circuit. Despite the fact that the Third Circuit had lambasted Sarokin for "judicial usurpation of power," for ignoring "fundamental concepts of due process," for destroying the appearance of judicial impartiality, and for "superimpos[ing his] own view of what the law should be in the face of the Supreme Court's contrary precedent," the ABA had no concerns about his judicial temperament. But, of course, Sarokin was a nominee of President Clinton and was a self-described "flaming liberal" as a judge.

Can the ABA possibly sink any lower? Let's see what these next two years bring.

APPENDIX

On November 27, 2006, I sent to an intermediary who is friendly to Roberta Liebenberg the twelve propositions set forth below and invited her to let me know whether she agreed or disagreed with the propositions and to provide any amplification (or any reference to other material) that she saw fit to provide. On December 1, 2006, that intermediary responded, stating that he had reviewed the propositions with Liebenberg and providing her responses (which "she has confirmed with Mr. Tober"). I set forth in full below those responses and my brief replies.

Proposition 1: Tober assigned Askew to conduct the investigation of Wallace.

Liebenberg response: "Consistent with the standard practice of the Standing Committee, which generally provides for an evaluation to be conducted by the Committee member from the circuit to which the nomination has been made, Ms. Askew was assigned by Mr. Tober to conduct the Wallace evaluation because she served as the Fifth Circuit representative on the Committee."

My reply: Liebenberg concedes Tober's role. As Tober testified, the investigation is "ordinarily assigned" to the circuit member, "although it may be conducted by another member or former member." Whether or not to apply the default rule, and what sort of preliminary inquiry ought to be undertaken, requires a decision—indeed, a substantive judgment (or a failure to exercise judgment)—on the part of the chair. Tober decided to have Askew perform the review despite her ideological bias against Wallace. Further, when Tober became aware (or should have become aware) of facts demonstrating that Askew had an actual conflict of interest, he continued to let her perform the review.

Proposition 2: Tober reviewed Askew's draft report with her.

Liebenberg response: "Mr. Tober did not review Ms. Askew's draft report with her, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature. He utilized a procedural checklist to ensure that, among other things, all disciplinary agencies had been contacted, the requisite number of interviews had been conducted, and a sufficient number of writing samples had been submitted and reviewed. Mr. Tober did not edit, delete, modify, or add anything to the report. He did not tell Ms. Askew whom to interview or what to ask during her interviews. Nor did he ask Ms. Askew to take any further actions with respect to the report or her evaluation before she circulated her report to the rest of the Standing Committee."

My reply: (a) The first clause of Liebenberg's response contradicts her testimony that the Backgrounder's procedures

were followed. The Backgrounder states (on page 7): "The Chair reviews the informal report with the circuit member." (b) Liebenberg's response contradicts itself. The first sentence states that Tober did not review Askew's draft report, but the second sentence concedes that he did review it. (c) Liebenberg's response contrives an unsustainable distinction between "substantive" and "procedural" review. Tober himself had authority to determine the substantive content of his checklist.

Proposition 3: Tober assigned Hayward to conduct a supplemental investigation of Mr. Wallace.

Liebenberg response: "Mr. Tober assigned Mr. Hayward to perform a second evaluation of Mr. Wallace. Mr. Hayward, who is a former Chair of the Standing Committee, had participated in the ratings of over 500 nominees during his tenure on the Committee. Incidentally, Mr. Hayward is a Republican who has made contributions to a number of Republican political candidates."

My reply: Liebenberg concedes Tober's role. (Incidentally, Hayward did not re-interview any of the individuals interviewed by Askew but instead accepted, and relied on, her interview summaries. So much for an independent check.)

Proposition 4: Tober reviewed Hayward's draft report with him.

Liebenberg's response: "Mr. Tober did not review Mr. Hayward's draft report with him, nor did he perform a substantive review of that report. Instead, his review was solely procedural in nature, and entailed the same process set forth above in No. 2. As was true with Ms. Askew's report, Mr. Tober did not edit, delete, modify, or add anything to Mr. Hayward's report. He did not tell Mr. Hayward whom to interview or what to ask during his interviews. Nor did he ask Mr. Hayward to take any further actions with respect to the report or his evaluation before Mr. Hayward circulated his report to the rest of the Standing Committee."

My reply: My reply on Proposition 2 applies fully here.

Propositions 5 and 6: Tober determined that he was satisfied with the quality and thoroughness of Askew's investigation. Tober determined that he was satisfied with the quality and thoroughness of Hayward's investigation.

Liebenberg's response: "Mr. Tober's review of the draft reports by Ms. Askew and Mr. Hayward for 'quality and thoroughness' did not entail any substantive input on his part. Instead, his review was procedural in nature, as set forth above in Nos. 2 and 4."

My reply: The Backgrounder (which Liebenberg testified was followed) makes clear that the chair must be "satisfied with the quality and thoroughness of the investigation." This standard plainly requires a decision by the chair. Again, Liebenberg's posited distinction between procedure and substance is incoherent. Further, she conflates the issue whether Tober provided "any substantive input" with the distinct question whether he performed a substantive review. (Incidentally, the fact that Tober evidently performed his substantive role in such a perfunctory fashion undermines the integrity of the ABA process. One reason to have a chair, rather than simply a checklist, is to harmonize the approaches taken by investigators so that ratings are consistent and don't turn unduly on the assignment of the investigator.)

Proposition 7: Tober directed his committee colleagues to read Askew's report and Mr. Hayward's report "in tandem."

Liebenberg's response: "Consistent with the practice of the Committee, Ms. Askew circulated her report directly to the Standing Committee members. In her transmittal

letter accompanying the report she advised the members that they would separately receive Mr. Hayward's report at or about the same time. She also advised the Committee members to review all of the evaluation materials, including the documents pertaining to the Standing Committee's 1992 evaluations of Mr. Wallace, before voting on Mr. Wallace's rating. It should be noted that Ms. Askew advised Committee members that she was the person who should be called if they had any questions about her report or the accompanying materials.

"Subsequently, Mr. Tober similarly advised Committee members to review the reports by Ms. Askew and Mr. Hayward in tandem. He did not direct Committee members to ascribe more significance to one report than another; did not suggest how Committee members should vote; and did not discuss with Ms. Askew, Mr. Hayward, or any members of the Committee his own views of the professional qualifications of Mr. Wallace."

My reply: Liebenberg concedes Tober's role.

Proposition 8: Whether in person, by telephone, by e-mail, or in some other fashion, Tober was party to the ABA committee's deliberations on Wallace.

Liebenberg's response: "There were no 'deliberations' among Standing Committee members with respect to the rating of Mr. Wallace. Each Committee member independently reviewed the evaluation materials and voted on a rating to be given to Mr. Wallace. Mr. Tober and the rest of the Standing Committee did not have an in-person meeting, conference call, or e-mail discussion regarding Mr. Wallace's qualifications or the rating to be given to him."

My reply: For present purposes, I assume the correctness of Liebenberg's account. (If there were no deliberations on a "not qualified" recommendation—and on Askew's badly flawed report—that would seem yet another damning indictment of the ABA's processes.)

Propositions 9 and 10: Tober received and tallied the votes from other committee members. Tober reported the ABA committee's rating to the Senate Judiciary Committee.

Liebenberg's response: "The 14 voting members of the Committee conveyed their votes to Mr. Tober, who in turn reported the Committee's unanimous 'Not Qualified' rating of Mr. Wallace to the Senate Judiciary Committee."

My reply: Liebenberg concedes Tober's role.

Proposition 11: At the Judiciary Committee hearing, Senator Sessions asked Mr. Hayward, "Are you aware that other members of the [ABA] committee probably were aware that the chair of the committee [i.e., Mr. Tober] had had a personal run-in with the nominee, Mr. Wallace?" Mr. Hayward replied, "I said I was aware. If you read the record, you are aware." (Transcript, pp. 142-143) I understand this exchange to indicate that the confidential ABA committee report on Mr. Wallace included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace.

Liebenberg's response: "Neither the report by Ms. Askew nor the report by Mr. Hayward included a discussion of Mr. Tober's experience with, and views of, Mr. Wallace. The evaluation materials did not include a discussion of any 'run-in' between Mr. Tober and Mr. Wallace in 1987, or any other interactions between them. Mr. Tober was not interviewed by Ms. Askew or Mr. Hayward about Mr. Wallace, they did not solicit his views regarding the nominee, and he did not volunteer to them his views."

My reply: For present purposes, I assume the correctness of Liebenberg's account.

Proposition 12: Liebenberg testified at the Judiciary Committee hearing that "it is important to emphasize that Mr. Tober did not participate in any way in the rating" of Wallace (Transcript, p. 126); that Tober "did not participate in either the evaluation or the rating" (Transcript, p. 126); that "neither Mr. Tober, nor Mr. Greco participated in the evaluation or the rating of Mr. Wallace" (Transcript, p. 128); that "I would just, again, add that Mr. Tober did not participate in the evaluation" (Transcript, p. 131); that Tober, as chair of the committee, "does not oversee the evaluations" (Transcript, p. 131); and that "This is not a process where Mr. Tober had any role whatsoever in the evaluation or the vote" (Transcript, p. 134).

Liebenberg's response (presented in the third person): "When Ms. Liebenberg testified that Mr. Tober did not 'participate' in the evaluation or rating of Mr. Wallace, her testimony was based on the fact that Mr. Tober did not conduct any of the evaluation interviews; was not interviewed by Ms. Askew or Mr. Hayward; did not prepare the evaluation reports or make any revisions to them; did not vote on Mr. Wallace's rating; and did not express his own opinion of Mr. Wallace's professional qualifications or what Mr. Wallace's rating should be to Ms. Askew, Mr. Hayward, or anyone else on the Committee. Thus, Mr. Tober did not play a substantive role in the evaluation or rating of Mr. Wallace. Ms. Liebenberg explained to the Senate Judiciary Committee that the evaluations were the sole responsibility of Ms. Askew and Mr. Hayward, and that each of the 14 voting members of the Committee independently voted on the rating, with no influence being exercised over their votes by Mr. Tober. (transcript pp. 116, 121)"

My reply: Propositions 1-7, 9 and 10 establish that Liebenberg's testimony was false. The transcript pages cited in her response do not put a different gloss on Liebenberg's testimony. Indeed, they consist entirely of (unrelated) testimony by Askew, not Liebenberg.

THE PASSING OF JUDGE JANE BOLIN

Mr. LEAHY. Mr. President, this week we lost Judge Jane Bolin, the Nation's first African-American female judge, whose career marks a shining example of a person knocking down barriers and leaving a footprint for others to follow.

Stirred by a strong sense of justice and a forceful determination to contribute, Judge Bolin overcame the indignity of signs saying "no women should apply" and "no blacks allowed," and rose to have a career defined by "firsts," the first African-American woman to graduate from Yale Law School, the first to join the New York City Bar Association, the first to work in the office of the New York City corporation counsel, and the first to serve on the judicial bench. Her legacy will live on, not only through her accomplishments on the bench of ending the placement of children in childcare agencies on the basis of ethnic background and ending the assignment of probation officers on the basis of race but also through the example of her lifelong struggle to show "a broad sympathy for human suffering" which will continue to inspire generations to come.

I salute her life and hope that our Nation will continue its march towards a more representative judiciary.

MESSAGE FROM THE HOUSE

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following named Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Chairman.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4. An act to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lowercovered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. 277. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 278. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. LINCOLN, Ms. SNOWE, Mr. OBAMA, Ms. COLLINS, and Mr. DURBIN):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 281. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. HAGEL, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. THUNE, Mr. DORGAN, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. LANDRIEU, and Ms. CANTWELL):

S. 284. A bill to provide emergency agricultural disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HAGEL (for himself and Mr. ISAKSON):

S. 285. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Finance.

By Mr. HAGEL:

S. 286. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. BOXER, Mr. KERRY, Mr. HARKIN, Mr. MENENDEZ, and Mr. BROWN):

S. 287. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; read the first time.

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 291. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 293. A bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico; to the Committee on Finance.

By Mr. VITTER:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 27. A resolution to constitute the majority party's membership on certain committees of the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 28. A resolution to constitute the minority party's membership on certain committees of the One Hundred Tenth Congress, or until their successors are chosen; considered and agreed to.

By Ms. STABENOW (for herself, Mr. DURBIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. KERRY, Mr. MENENDEZ, Mr. BAUCUS, Mr. SCHUMER, Mr. SANDERS, Mr. KOHL, Mr. CARDIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. WEBB, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. SALAZAR, Mrs. CLINTON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, Mr. BYRD, Mr. BROWN, Mr. BIDEN, Mr. WYDEN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. BAYH, Mr. REED, Mrs. BOXER, Mr. WHITEHOUSE, Mr. PRYOR, Mr. FEINGOLD, Mr. REID, and Mr. SPECTER):

S. Res. 29. A resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of non-violence, courage, compassion, dignity, and public service; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 138

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint

return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 233

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 233, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 234

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 259

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 259, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

AMENDMENT NO. 1

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Mr. VITTER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 37

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 37 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 279. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am joined by my colleague, and the Ranking Member of the Committee on Energy and Natural Resources, PETE DOMENICI, on the introduction of two bills regarding the insular areas affiliated with the United States. The text of both of these bills is identical to the text of bills that passed the Senate by unanimous consent on September 29, 2006.

The first bill, "To Repeal Certain Sections of the Act of May 26, 1936 Pertaining to the Virgin Islands," would repeal sections of a 1936 law governing local U.S. Virgin Islands tax policy that were thought to have been effectively repealed in 1952. That year, Congress enacted the Virgin Islands Organic Act to establish local self-government and to delegate certain local functions, including the development and administration of local property taxes, to a newly established local government. Notwithstanding this intent, in 2004, a Federal court ruled that these sections of the Act of 1936 are still in effect.

The text of the bill introduced today is identical to S. 1829, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109-291, and in Senate Report 109-236.

The second bill being introduced today, "To Amend the Compact of Free Association Amendments Act of 2003, and For Other Purposes," would make several relatively minor, clarifying, and technical changes to Public Law 108-188 which approved the Compact of Free Association between the U.S. and the Marshall Islands, and the Compact between the U.S. and Micronesia. The text of this bill is identical to S. 1830, as passed by the Senate four months ago. A hearing was held on that bill on October 25, 2005, and it was reported from the Committee on April 20, 2006. Details on the background, purpose, and need for this legislation is available in Senate Hearing 109-291, and in Senate Report 109-237.

Although relatively small and remote, the U.S.-affiliated insular areas are the home for many U.S. citizens, or for communities with which our Nation has special historical and political relationships. Maintaining and strengthening these relationships is a particular concern of the Committee on Energy and Natural Resources because of its jurisdiction over matters relating to the territories and freely associated states. It is unfortunate that, last year, Senate passage of these bills was delayed leaving insufficient time for en-

actment. I look forward to working with members of the Committee and the Senate on their prompt consideration this session, and to their enactment as soon as possible.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (48 U.S.C. 1401 et seq.), are repealed.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on July 22, 1954.

S. 283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compacts of Free Association Amendments Act of 2007"

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.-FSM Compact and section 221(a)(5) of the U.S.-RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement."

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.-RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.-FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), strike "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking “Government of the” before “Federated”; and

(II) in the second sentence, by striking “Sections 321 and 323 of the Compact of Free Association, as Amended” and inserting “Sections 211(b), 321, and 323 of the Compact of Free Association, as amended.”; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

(E) in the first sentence of section 215(b), by striking “subsection(a)” and inserting “subsection (a)”;

(F) in section 221—

(i) in subsection (a)(6), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”; and

(ii) in the first sentence of subsection (c), by striking “agreements” and inserting “agreement”;

(G) in the second sentence of section 222, by inserting “in” after “referred to”;

(H) in the second sentence of section 232, by striking “sections 102 (c)” and all that follows through “January 14, 1986)” and inserting “section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003”;

(I) in the second sentence of section 252, by inserting “, as amended,” after “Compact”;

(J) in the first sentence of the first undesignated paragraph of section 341, by striking “Section 141” and inserting “section 141”;

(K) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and

(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”;

(L) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”;

(M) in section 461(h), by striking “Telecommunications” and inserting “Telecommunication”;

(N) in section 462(b)(4), by striking “of Free Association” the second place it appears; and

(O) in section 463(b), by striking “Articles IV” and inserting “Article IV”.

(2) U.S.—RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking “court” and inserting “courts”;

(B) in section 177(a), by striking the comma before “(or Palau)”;

(C) in section 179(b), by striking “amended Compact,” and inserting “Compact, as amended.”;

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking “Compact, as Amended, of Free Association” and inserting “Compact of Free Association, as amended”;

(ii) in the first sentence of subsection (b), by striking “Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights” and inserting “Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the

United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)”;

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking “Section 231” and inserting “section 231”;

(ii) in paragraph (5), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”;

(F) in the second sentence of section 232, by striking “sections 103(m)” and all that follows through “(January 14, 1986)” and inserting “section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003”;

(G) in the first sentence of section 341, by striking “Section 141” and inserting “section 141”;

(H) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and

(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”;

(I) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”;

(J) in the first sentence of section 443, by inserting “, as amended.” after “the Compact”;

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking “1978” and inserting “1998”;

(ii) by striking “Telecommunications” and inserting “Telecommunication Union”; and

(L) in section 463(b), by striking “Article” and inserting “Articles”.

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking “or the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands”.

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101-219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.—RMI Compact, the U.S.—FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term “State” means “State, territory, or the District of Columbia”.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. LINCOLN, Ms. SNOWE, Mr. OBAMA, and Mr. DURBIN):

S. 280. A bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, on October 4 of last year, the Hadley Centre for Climate Prediction and Research, which houses Great Britain’s leading climate scientists, projected that in the absence of prompt action to curb global warming, extreme drought will spread across one third of the Earth’s land surface by the end of this century.

On October 30, the head of the United Kingdom’s Government Economic Service forecasted that unchecked global warming will cost the world between five and twenty percent of gross domestic product each year.

On December 4, the director of the U.S. Center for Disease Control’s National Center for Environmental Health cited global warming as “the largest looming public health challenge we face.” Insect-borne diseases such as malaria are expected to spike as tropical ecosystems expand; hotter air will exacerbate the air pollutants that send our children to the hospital with asthma attacks; food insecurity from shifting agricultural zones will spark border wars; and storms and coastal flooding from sea-level rise will cause mortality and dislocation.

On December 14, in fact, the journal Science published a peer-reviewed study projecting that unchecked global warming could cause sea levels to rise between a half meter and one-and-a-half meters above 1990 levels by the end of this century. A sealevel rise in the middle of that range would submerge every city on the East Coast of the United States, from Miami to Boston.

And on December 27, the Interior Department proposed to list the polar bear as threatened with extinction due to Arctic ice melt from global warming.

When even erstwhile skeptics cite melting habitat as the reason polar bears are now threatened, I say the global warming debate is over. The American people want action, and they want it now.

As you know, Senator MCCAIN and I have brought our legislation to solve global warming to a vote in this chamber twice already, first in 2003 and then again in 2005. On the same day that the Senate failed for a second time to pass our bill, in June 2005, this body fortunately did pass Senator BINGAMAN’s resolution that the Congress should enact “a comprehensive and effective national program of mandatory, market-based limits on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions.”

Today I am reintroducing an improved version of my and Senator McCAIN's Climate Stewardship and Innovation Act. As the last version of the Act did, the version I introduce today carries the co-sponsorship of Senators OBAMA and SNOWE. I am proud to say that improvements to the bill have now attracted the additional co-sponsorship of Senators LINCOLN and COLLINS. Very shortly, I understand, Representatives OLVER and GILCHREST will reintroduce this bill's companion in the House.

The 2005 version of the Climate Stewardship and Innovation Act would have capped U.S. greenhouse gas emissions at year 2000 levels without mandating further reductions. The new bill will gradually lower the emissions cap, such that it reaches approximately one third of 2000 levels by 2050. Those long-term reductions will forestall catastrophic, manmade climate change, provided the world's other major economies follow suit within the next decade. Like the 2005 version, the reintroduced bill will control compliance costs by allowing companies to trade, save, and borrow emissions credits, and by allowing them to generate "offset" credits by inducing noncovered businesses, farms, and others to reduce their emissions or capture and store greenhouse gases. The reintroduced bill, however, will increase the availability of borrowing and offsets in order to control costs further.

This bill will be referred to the Environment and Public Works Committee, where I will chair a subcommittee on climate change. Colleagues of mine on that committee, including our esteemed chairwoman and my good friend, Senator BOXER, will have their own strong proposals for curbing global warming. I look forward to working with them to get comprehensive legislation reported favorably to the floor in a bipartisan manner. Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee, has invested a great deal of work and expertise in a comprehensive climate bill of his own. I believe Senator BINGAMAN will be highly influential in this process, and I look forward to working with him closely to solve this problem.

With American know-how we can and will solve this problem. We will use the power of the free market to promote the rapid and widespread deployment of advanced technologies and practices for reducing greenhouse gas emissions. And we will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

I would like to close by extending my heartfelt thanks to the distinguished majority leader, Senator REID, for placing legislation to curb global warming among his top ten priorities for this Congress, and for memorializing that commitment with the introduction, as S. 6, of the National Energy and Environmental Security Act, a bill that I was proud to co-sponsor.

Mr. McCAIN. Mr. President, I am pleased to join Senator LIEBERMAN today, along with our co-sponsors, Senators SNOWE, OBAMA, COLLINS, and LINCOLN, in introducing the Climate Stewardship and Innovation Act of 2007. This legislation is designed to significantly reduce the Nation's greenhouse gas emissions to prevent the dangerous impacts of climate change, enhance our national security and maintain the strength to our economy. It would be accomplished through a combination of trading markets and the deployment of advanced technologies.

As I have stated on previous occasions, the design of this legislation is an evolving process. The legislation we are introducing today represents yet another step in that effort. Since our last vote on this legislation, Senator Lieberman and I have continued work on this proposal with the goal of producing the most innovative, meaningful, and economically feasible measure that can be embraced by the Senate. We believe the changes which we have made since we first introduced climate change legislation in the 108th Congress puts us on the path to achieving this goal, and we intend to make further improvements to this comprehensive legislation in the days ahead.

We have continually worked with scientists, industry, environmentalists, as well as the faith-based community, to ensure that we are fully addressing the serious problem of global warming. We continue to learn more about the science and the impacts of climate change on a daily basis. We continue to work with economists and industry experts to ensure that our emissions goals do not hamstring our economic objectives. In particular, we continue to learn more about the power of the markets to control costs as emission credit trading continues in Europe and here in the U.S. I am confident that given the will, the Federal Government can be a lead advocate for ensuring that America is doing its part to reduce global warming, and join in the global effort that is needed to address this world-wide environmental issue.

I want to mention the efforts of States like California, which has already enacted legislation requiring mandatory reduction of greenhouse gas emissions, and the Northeast States of Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, and Vermont, which are also seeking to limit emissions from power plants. Over 300 U.S. mayors have signed an agreement to reduce emissions in their cities.

As these State plans and legislation are implemented, they will offer Congress and the Administration unique opportunities to review and incorporate lessons learned from these efforts into Federal legislation. Despite the improvements we have made in this version of our bill to be environmentally responsible and to minimize economic costs, we will continue to pursue new and innovative ideas that

will further these objectives, and we will modify our bill accordingly.

The legislation we submit today is designed to protect our environment from the impacts of the climate change resulting from the buildup of greenhouse gases in the atmosphere, improve our national security by reducing reliance on fossil fuels that often carry with them geopolitical costs, and position our economy to become a world leader in the expanding markets for development and deployment of new energy efficient technologies and renewable energy sources. It proposes the utilization of the "cap and trade" approach and promotes the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the nation's energy independence. And it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found. It will also serve to protect our country and the world from the security threat posed by populations whose health, livelihood, and variability are potentially threatened by global rising temperatures and altered environments.

In fact, the cap and trade provisions and the technology title are complementary parts of a comprehensive program that will allow us to usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade portion provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America's available energy resources. Because of the multiple benefits promised by this comprehensive program, we expect that the new bill will attract additional support for the vital purposes of the Climate Stewardship and Innovation Act. We simply need the political will to match the public's concern about climate change, desire for national security, the economic interests of business and consumers, and American technological ingenuity and expertise.

As I mentioned, we continue to learn more about the science of climate change and the dangerous precedence of not addressing this environmental problem. The science tells us that urgent and significant action is needed. Our National Academies of Sciences, along with the national academies from the other G8 nations, China, India, and Brazil, has said in a joint statement that "there is now strong evidence that significant global warming is occurring." and "[t]he scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action."

We recognize that many fear the costs of taking action. But there are costs to delay as well. Failure to implement significant reductions in net

greenhouse gas emissions in the near term will yield only more climate change and a much harder job in the future. Our comprehensive legislation is one approach to a productive, secure, and clean energy future. But it is only one approach and we welcome other proposals—let a thousand flowers bloom.

Significant reductions in greenhouse gases—well beyond those required by this bill—are feasible over the next 15–20 years using technologies available today. Also, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including nuclear, solar, wind, and bio-fuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants, adding new reactors designs for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what spurs our action today.

Let me take a moment to address a section of our legislation that has been the target of some concerns by environmentalists and others—concerns that I believe are entirely unwarranted. The provisions in our bill to promote nuclear energy are an important part of the comprehensive technology package.

I know that some of our friends here in the Senate and in the environmental community maintain strong objections to nuclear energy, even though today it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden and Switzerland—countries that are not exactly known for their environmental disregard. The fact is, nuclear energy is CLEAN. It produces ZERO emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

The idea that nuclear power should play no role in our future energy mix is an unsustainable position, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that the world's energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, but the level of carbon in the atmosphere will skyrocket and intensify the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by this zero-emission technology will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy's level of contribution, so that this capacity is not replaced with higher-emitting alternatives.

No doubt, some people will object to the idea of the Federal Government playing any role in helping demonstrate and commercialize new and beneficial energy technologies, and particularly nuclear designs. We understand the power of markets to spur innovation and our proposals is built on this fundamental lesson. But the fact remains that the market playing field has been highly uneven—fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs of damage caused by air pollution and greenhouse gas emissions to the environment and human health are not factored into the price of power produced by fossil-fueled technologies. Yet, it's a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It is also inescapable that the ability to avoid internalizing these costs placed produces at a great advantage over clean competitors. Based on that fact, and in light of the enormous environmental and economic risk posed by global warming, I believe that providing zero and low emission technologies such as nuclear a boost into the market place so that these clean technologies can be utilized as soon as possible is responsible public policy, and a matter of simple public necessity, particularly, as we work to promote America's energy independence.

The Navy has operated nuclear powered submarines for more than 50 years and has an impressive safety and performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of the underpinning of its safety record is the approach used in its reactor designs, which is to learn and built upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry's aging infrastructure. As we have learned from other industries, this in itself represents a great risk to public safety.

As Senator LIEBERMAN and I have continued working for passage of legislation to address climate change in a meaningful way, it has become clear to us that any responsible climate change measure must contain five essential components:

First, it must have rational, mandatory emission reduction targets and timetables. It must be goal oriented, and has both environmental and eco-

nomics integrity. We need policy that will produce necessary outcomes, not merely check political boxes. The goal must be feasible and based on sound science, and this is what we have tried to do in this bill.

Second, it must utilize a market-based cap and trade system. It must limit greenhouse gas emissions and allow the trading of emission credits to drive enterprise, innovation and efficiency. This is the central component of our legislation. Voluntary efforts will not change the status quo, taxes are counterproductive, and markets are more dependable than regulators in effecting sustainable change.

Third, it must include mechanisms to minimize costs and work effectively with other markets. The "trade" part of "cap and trade" is such a mechanism, but it's clear it must be bolstered by other assurances that costs will be minimized. I am as concerned as anyone about the economic impacts associated with any climate change legislation. I know that many economists are developing increasingly sophisticated ways to project future costs of compliance. Lately, we have seen the increased interest in this area of research. As we learn more from these models about additional action items to further reduce costs, we intend to incorporate them. Already, based upon earlier economic analysis, we have added "offsets" provisions in this bill in an effort to minimize costs and to provide for the creation of new markets. And, I assure my colleagues, we will continue to seek new and innovative ways to further minimize costs.

Fourth, it must spur the development and deployment of advanced technology. Nuclear, solar, and other alternative energy must be part of the equation and we need a dedicated national commitment to develop and bring to market the technologies of the future as a matter of good environmental and economic policy. There will be a growing global market for these technologies and the U.S. will benefit greatly from being competitive and capturing its share of these markets. This legislation includes a detailed technology title that would go a long way toward meeting this goal. Unlike the Energy bill, it would be funded using the proceeds from the auctioning of allowable emission credits, rather than from the use of taxpayers' funds or appropriations that will never materialize.

And fifth, it must facilitate international efforts to solve the problem. Global warming is an international problem requiring an international effort. The United States has an obligation to lead. Our leadership cannot replace the need for action by countries such as India and China. We must spur and facilitate it. We have added provisions that would allow U.S. companies to enter into partnerships in developing countries for the purpose of conducting projects to achieve certified emission reductions, which may be traded on the international market.

These five components represent a serious challenge that will require a great deal of effort, the concentration of substantial intellectual power, and the continued efforts of our colleagues and those in the environmental, industry, economic, and national security communities. We look forward to collaborating in this effort as we continue to shape our legislation to its most effective form.

The status quo is a strong and stubborn force. People and institutions are averse to change, even when that change is critical for their own well-being, and that of their children and grandchildren. If the scientists are right and temperatures continue to rise, we could face environmental, economic, and national security consequences far beyond our ability to imagine. If they are wrong and the Earth finds a way to compensate for the unprecedented levels of greenhouse gases in the atmosphere, what will we have accomplished? Cleaner air; greater energy efficiency, a more diverse and secure energy mix, and U.S. leadership in the technologies of the future. There is no doubt; failure to act is the far greater risk.

Ms. SNOWE. Mr. President, I rise today to offer, with my colleagues Senators LIEBERMAN, MCCAIN, OBAMA, LINCOLN, and COLLINS, S. 280, the bipartisan Climate Stewardship and Innovation Act that requires the United States to take actions to reduce man-made greenhouse gas emissions for the protection of both our environment and our economy. This legislation takes concrete steps by using a fair, market-based system to once and for all demonstrate leadership on climate change and reduce emissions in the United States. Furthermore, it will do so without weakening the economic position of the United States or otherwise imposing hardship on its citizens.

Ongoing peer-reviewed scientific and economic research demonstrates that climate change is one of the most significant environmental and economical issues of the 21st century, impacting the planet's weather patterns, resulting in more severe, sustained storm systems, floods, heat waves, and droughts. Yet, I have grave concerns that the lack of domestic climate change policy is akin to Nero's approach, fiddling as the planet warms.

With overwhelming scientific evidence that global warming is adversely impacting the health of our planet, the time has come for the Congress to step up and take action. Anthropogenic greenhouse gas emissions that enter the atmosphere today from all sectors of our society will last for generations to come threatening our oceans, our environment and the economic well-being of our country and the world. It is beyond dispute that we cannot afford the price of inaction.

The urgency is clear as climate change is no longer an abstract concept. Sea levels are rising, polar ice caps are melting. Indeed, earlier this

month the Bush administration listed the polar bear a threatened species. Department of Interior Secretary Dirk Kempthorne stated, "Polar bears are one of nature's ultimate survivors. They're able to live and thrive in one of the world's harshest environments, but there's concern that their habitat may literally be melting away." The listing document says that the polar bear's ice habitat that is used as platforms for hunting, mating and resting could vanish within half a century.

The majestic polar bear of the Arctic may well be the symbol of climate change just as the bald eagle was when Rachel Carson published her stunning book "Silent Spring" in 1962 that linked the DDT pesticide to the fate of our national symbol—and created an environmental conscience for the country.

It is obvious that new and longer term ideas for securing both domestic and international cooperation are necessary as we cannot get to the heart of this global problem without the world's major economies taking domestic actions. Clearly, as the causes of climate change are global and the atmosphere knows no boundaries, the challenge can only be met with all the countries of the world working together.

That is why when asked by three major independent think tanks—the Center for American Progress in the U.S., the Institute for Public Policy Research in the U.K. and the Australia Institute—I accepted the co-chairmanship of the high-level International Climate Change Taskforce—the ICCT—to chart a way forward on climate change on a parallel track with the Kyoto Protocol process. The report from this Taskforce, Meeting the Climate Challenge, recommends ways to involve the world's largest economies in the effort, including the U.S. and major developing nations, focusing on creating new agreements to achieve the deployment of clean energy technologies, and a new global policy framework that is both inclusive and fair.

The Taskforce, along with Co-chair, the Rt. Honorable Stephen Byers of the U.K., includes an international, cross-party, cross-sector collaboration of leaders from public service, science, business and civil society from both developed and developing countries. We set out a pathway to solve climate change issues in tandem—collaboratively finding common ground through recommendations that are both ambitious and realistic to engage all countries, and, critically, including those not bound by the Kyoto Protocol and major developing countries. We hope our proposals will be a prelude to the international dialogue and, ultimately, set the score for lasting change.

The Report calls for the establishment of a long-term objective of preventing global average temperature from rising more than 3.6 degree Fahrenheit, 2 degrees Centigrade, above the pre-industrial level by the end of the century.

The Taskforce arrived at the 2 degrees Centigrade—or 3.6 degree Fahrenheit—temperature increase goal on the basis of an extensive review of the relevant scientific literature that shows that, as the ICCT Report states, "Beyond the 2 degree Centigrade level, the risks to human societies and ecosystems grow significantly. It is likely, for example, that average temperature increases larger than this will entail substantial agricultural losses, greatly increases numbers of people at risk of water shortages, and widespread adverse health impacts."

Our Report goes on to say that, "Climate science is not yet able to specify the trajectory of atmospheric concentrations of greenhouse gases that corresponds precisely to any particular global temperature rise. Based on current knowledge, however, it appears that achieving a high probability of limiting global average temperature rise to 2 degrees C will require that the increase in greenhouse-gas concentrations as well as all the other warming and cooling influences on global climate in the year 2100, as compared with 1750, should add up to a net warming no greater than what would be associated with a CO₂ concentration of about 400 parts per million (ppm)".

This goal of the ICCT comports well with the Climate Stewardship and Innovation Act we are introducing today because the legislation creates a domestic market-based cap-and-trade system to reduce manmade carbon dioxide emissions with specific targets to meet specific dates. The bill will also make the U.S. a partner in the vast community of developed countries who have adopted national mandatory cap-and-trade systems for carbon emissions. I believe it will also bring emerging economies to the international negotiating table, such as China, who is predicted to surpass the U.S. as the largest emitter of greenhouse gases by 2010—China who is putting on line one carbon-spewing coal-fired power plant each week.

Achieving success for climate change legislation that calls for realistic reductions of greenhouse gases by setting certain targets means disabusing skeptics and opponents alike of cherished mythologies that environmental protection and economic growth are mutually exclusive. The irony is both are actually increasingly interdependent and will only become more so as the 21st century progresses. Robust companies dedicated to reducing emissions are proof-positive "going-green" represents a burgeoning sector of our economy, not the drain and hindrance we've been led to believe for so many years. This bill accommodates for the early actions these companies have taken to reduce emissions.

And to their credit—the most progressive U.S. companies have reduced emissions even further than required in the Climate Stewardship and Innovation Act. In an act of economic acumen, they are hedging their bets by

adopting internal targets. And, these companies are saving money by reducing their energy consumption and positioning themselves to compete in the growing global market for climate-friendly technologies. Any cost-conscious CFO—or forward-thinking CEO for that matter—should admit that to prevent pollution now will most certainly cost less than cleaning it up later.

The economics of prevention and stewardship resonate more when you consider property that erodes because of rising sea levels, farm land that fails to yield crops and becomes barren and arid, and revenue opportunities squandered because of dwindling fishing stocks caused by hotter temperatures. These represent real costs to the bottom line—not to mention irreparable damage to our health and quality of life. We procrastinate on these policy imperatives at the peril of both our country and our planet. Congress is quite facile at deferring costs to the future, often with enormous consequences. No one was more aware of this tendency than Abraham Lincoln, who—in his Message to Congress in 1862—offered this challenge to the legislative branch, “The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.”

We have a choice between an ever more treacherous path of greater environmental damage and economic harm, or an upward path to a better future for our planet, and enhanced competitiveness for our industries. I urge my colleagues to join with those of us who believe we should move forward by taking appropriate actions now for global warming reductions so that we may leave behind a better environment that was bestowed to us.

Mr. OBAMA. Mr. President, more than 18 months ago I stood in this Chamber to express my support for a previous version of the Climate Stewardship and Innovation Act, and to urge the support of my colleagues. On that day, I said that there are moments when we have the chance to take a new course that will leave our children a better world. However, in the interim, Congress has chosen not to act. In the interim, our Nation, and others around the world, continued to release greenhouse gases into the atmosphere at increasing rates.

With each passing year, as we choose not to act, the air we breathe contains ever more carbon dioxide, resulting from our use of fossil fuels. If we continue on our present course, human endeavors could cause a rise in temperature equivalent to the change between the last ice age and today. The decisions we make now on greenhouse gas emissions will have effects in the second half of this century, and into the next. The consequences of our inaction will be devastating for our children and grandchildren, and will be even worse for the poorest global populations.

Climate change is not reflected just in the fact that last year was the warmest year on record in the United States, or in the recent proposal that polar bears be listed as an endangered species because Arctic ice is melting. Those are just symptoms. The bigger problem is that global climate change will, in this century and the next, have effects on human health, on access to water, and on production of food.

Our inaction may reflect a misunderstanding of scientific evidence, even though such evidence accumulates, year by year, showing that climate change is a global threat resulting from human activity. Perhaps our inaction betrays an uncertainty about our ability to address this problem. Or perhaps our inaction is simply a result of inertia, a lack of political will in facing a difficult problem.

Whatever the basis of our inaction, I am convinced that we must now act. Every delay makes a solution more distant, and more difficult. I am also convinced that the best solution takes the form of the Climate Stewardship Act, which addresses the real costs and consequences of our current patterns of energy use, establishing a framework for a market-based solution which relies on American will, ingenuity, and technological expertise to mitigate climate change.

This bill establishes limits for greenhouse gas emissions well into the 21st century. To remain below these limits, the bill encourages the market to determine how best to reduce greenhouse gas emissions, rewarding cost-effective approaches using a system of tradeable allowances.

Revenues generated from this program will be used to help the industries and individuals most affected by the limits. These revenues will also fund research and development of efficient energy technologies, such as green buildings, high-power batteries for hybrid cars, safer nuclear plants to generate electricity, large scale biofuels facilities, renewable sources, and advanced coal power plants that capture the carbon dioxide they generate. This program will spur American innovation, creating business opportunities as new markets are created in low-carbon technologies and services.

I am proud to join Senators LIEBERMAN and MCCAIN in introducing this legislation, and I urge others to join this effort. I also look forward to the support of the American people as we move together to confront the very real threat to future generations of global climate change.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 282. A bill to amend the Higher Education Act of 1965 to reduce over a 5-year period the interest rate on certain undergraduate student loans; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support

the “College Student Relief Act.” In 1958, spurred on by the launch of the Russian satellite, Sputnik, Congress passed the National Defense Education Act in order to ensure that through education, the United States would stay ahead of the Soviet Union in the space race. Because of the low interest loans offered through the National Defense Education Act, countless students were able to obtain a college education and help move America forward. I could never have attended Georgetown University and law school were it not for the government loans.

It is unquestionable that higher education plays a critical role in the future of our children. Over the course of a lifetime, a college graduate will earn over \$1 million more than those without college degrees. In addition to the individual benefits of a college education, investing in and producing more college-educated Americans is vital to our Nation’s growth. Economists estimate that the increase in the education level of the United States labor force between 1915 and 1999 directly resulted in at least 23 percent of the overall growth in U.S. productivity. To keep America at the economic forefront in the 21st Century, we must recognize the value of investing in higher education and provide students with the assistance they need so that they can compete in the global economy.

As college costs continue to skyrocket, attaining a college education is becoming an even bigger hurdle for many American students. Millions of eligible students never even make it to college because of financial barriers. Over the last five years, tuition, fees, room and board at four-year public colleges and universities increased by 42 percent. More than two-thirds of four-year college students now borrow to pay for school, and their average debt more than doubled between 1993 and 2004. According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a four-year public college over the next decade, and prevent another two million eligible students from attending college at all.

Last year, Republicans missed an opportunity to prevent higher student loan interest rates from going into effect. On July 1, 2006, student loan interest rates went from a 5.3 percent variable rate to a 6.8 percent fixed rate for student borrowers. We can address this situation and take the first step towards helping millions of college students across the Nation realize the American dream—achieving a college education.

That’s why I’m introducing the College Student Relief Act of 2007. The bill cuts interest rates on subsidized student loans in half and will help lower the interest rates for 5.5 million college students. The bill phases in interest rate cuts over five years, from a 6.8 percent fixed rate to a 3.4 percent fixed

rate for undergraduate borrowers of new subsidized student loans. Once fully implemented, these cuts will save the typical borrower—with \$13,800 in need-based loan debt—approximately \$4,400 in interest costs over the life of his or her loan.

Smart, hard-working kids deserve a chance to go as far as their talents will take them; however, large education debt changes the future in ways that cannot be quantified. Career plans are changed. Lifestyles are restricted. Home and auto purchases are put on hold. Family plans may be delayed to accommodate debt payments.

Let me share a few stories with you that illustrate the effects of carrying large education debt. When Stacie Odhner-Sibley and her husband made the decision ten years ago that she would go back to school and obtain her Bachelor's degree in order to provide a better future for their family, she was the first in her family to go to college. Fast forward to today. Stacie now has her Bachelor's degree and a Master's degree in School Guidance and Counseling. While this is the happy part of Stacie's story, the sad part is that Stacie and her husband are considering uprooting their three children and selling their home because they can't afford both student loans and a mortgage. The saddest part of Stacie's story is that the money her family would realize from the sale of their home won't even pay off the student loans. It will only be enough to take off some of the financial pressure they otherwise would be feeling.

Katie Miller is a student at Southern Illinois University at Edwardsville. Katie's story is not uncommon. She works part-time and her parents are unable to provide her with any financial assistance. She is extremely grateful for the financial aid she receives and recognizes that without it, she would not be able to go to school even though she is struggling to pay for food, insurance and other basic necessities.

Summer Boyd is an elementary teacher in Decatur, IL. She graduated from Millikin University in 2003 with \$65,000 in student loans. As with Katie, Summer's parents could not afford to help pay for her college education. So, for the next 25 years, Summer will be paying over \$500 each month toward her student loans. She doesn't mind paying for her education; however, the heavy burden of her student loan debt is already affecting her future plans. She and her husband want to have children, but for the time being, they must continue to scrape by each month and can only hope to someday be able to afford children.

Young people like Stacie, Katie and Summer should not face such high penalties because they had the desire and determination to pursue higher education.

An investment in our children's education is an investment in our Nation's future. We must do what we can today

to ensure that America remains a global leader in the future. Our Nation will be richer—not just economically, but also culturally and socially—for having given a higher priority to making college affordable.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Student Relief Act of 2007".

SEC. 2. APPLICABLE INTEREST RATES.

Section 427A(1) of the Higher Education Act of 1965 (20 U.S.C. 1077a(1)) is amended—

(1) in paragraph (1), by inserting "and subject to paragraph (4)" after "Notwithstanding subsection (h)"; and

(2) by adding at the end the following:

"(4) SPECIAL RULE FOR SUBSIDIZED UNDERGRADUATE LOANS.—Notwithstanding subsection (h), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) to or for an undergraduate student for which the first disbursement is made on or after—

"(A) July 1, 2007, the applicable rate of interest shall be 6.12 percent on the unpaid principal balance of the loan;

"(B) July 1, 2008, the applicable rate of interest shall be 5.44 percent on such balance;

"(C) July 1, 2009, the applicable rate of interest shall be 4.76 percent on such balance;

"(D) July 1, 2010, the applicable rate of interest shall be 4.08 percent on such balance; and

"(E) July 1, 2011, the applicable rate of interest shall be 3.40 percent on such balance."

By Mr. KERRY:

S. 288. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, this week Cpl Jason Dunham was posthumously recognized for his bravery in Iraq with the Congressional Medal of Honor. Corporal Dunham exemplified the valor and selflessness of an American service member. As a leader of his Marine Corps rifle squad Corporal Dunham encountered an Iraqi insurgent along the Iraq/Syria border. Corporal Dunham wrestled the insurgent to the ground when he became aware that he was about to throw a grenade he had been hiding. Without a moment's hesitation, Corporal Dunham sacrificed himself and threw himself on the grenade, using his body as a shield for the rest of his unit. He died from the wounds he sustained from the blast—but his act of heroism saved two Marine lives.

Today I reintroduce a bill that would ensure that this Nation more appropriately honors our veterans and soldiers like Corporal Dunham. This bill requires the use of 90 percent gold in the Congressional Medal of Honor in-

stead of gold-plated brass, as is currently used.

The Medal of Honor is the highest award our country bestows for valor in action against an enemy force. These are ordinary soldiers who performed extraordinary deeds in battle, often giving what President Lincoln termed "the final full measure" in doing so.

Corporal Dunham in receiving this honor joins many other noble service members. This is the medal won by Marine Corps pilot, CPT Joe Foss, who in less than 30 days of combat over Guadalcanal, shot down 23 enemy planes, three in one engagement, and is credited with turning-back an entire Japanese bombing mission before it could drop a single bomb.

This is the medal won by Army PVT Edward Moskala who set aside his personal safety one night on the island of Okinawa to assault two machine gun nests, provide cover for his unit as it withdrew, and rescue fallen comrades amidst a hail of enemy fire before finally suffering a mortal wound.

This is the medal won by PMFC Francis Pierce, Jr., who on the island of Iwo Jima exposed himself repeatedly to enemy fire to save the lives of Marines he accompanied, traversing open terrain to rescue comrades and assaulting enemy positions that endangered his wounded comrades.

This is the medal won by Air Force CPT Hilliard A. Wilbanks who made repeated strafing runs over an advancing enemy element near Dalat, Republic of Vietnam on February 24, 1967. Captain Wilbanks' aircraft, it should be noted, was neither armed nor armored. He made the assaults by sticking his rifle out the window and flying low over the enemy. His action saved the lives of friendly forces, but it cost him his own.

Corporal Dunham has now been added to this esteemed group of heroes. Their brave acts are more than just inspirational stories, they are sacrifices made by real men and women that serve their country with pride.

This is a time in history when we are asking more and more from our men and women in uniform. They answer this call every time with honor and sacrifice. We should make the medals we award them for these acts commensurate with their dedication.

Regrettably, the medal itself, though gold in color, is actually brass plated with gold. It costs only about \$30 to craft the award itself. As a veteran I recognize the value of the Medal does not lie in its composition but the sacrifices and service that merited it. However, this is a small way that we can express our gratitude to these heroes by giving them a medal that shows the depth of our appreciation.

Compared with other medals, the Congressional Medal of Honor, which is meant to be one of the country's highest honors, falls woefully short. Congress awards foreign dignitaries, famous singers, and other civilians, with medals that cost up to \$30,000. For our

veterans that give so much of themselves to this country you will agree that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. WEBB, Mr. CASEY, and Mr. ROCKEFELLER):

S. 289. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise today to introduce the Journey Through Hallowed Ground National Heritage Area Act, S. 289, a piece of legislation that seeks to designate some of Virginia's, indeed America's, most historic and beautiful lands as a national heritage area.

As I am sure my colleagues are aware, national heritage areas are intended to encourage residents, government agencies, nonprofit groups, and private partners to collaboratively plan and implement programs and projects to recognize, preserve, and celebrate many of America's defining landscapes. Today, there are 37 national heritage areas spread out across the United States.

In Virginia, we are lucky enough to have a landscape that is worthy of the recognition and celebration that a national heritage area designation would afford it. Stretching through four states, and generally following the path of the Old Carolina Road, today's Route 15, the Journey Through Hallowed Ground is home to some of our Nation's greatest historic, cultural, and natural treasures. The region's riches read like a star-studded list of American History: Monticello, Montpelier, Manassas, Gettysburg. The list goes on. In all, there are eight presidential homes, 15 National Historic Landmarks, 47 historic districts, and the largest collection of Revolutionary and Civil War battlefields in the country. It is an area, literally, where America happened.

With the help and tutelage of the National Park Service, this proposed heritage area would be managed by the Journey Through Hallowed Ground Partnership, a nonprofit entity whose sole purpose is to trumpet the magnificence of the hallowed ground's offerings. I am confident that the Partnership will be tremendous promoters and wonderful stewards of the resources within the Route 15 corridor. Already, the partnership has spent years heralding the Region's spectacular natural and historical resources, and they have worked hard to get this area the designation and recognition it deserves.

Mr. President, no area in America could possibly be more deserving of the national heritage area designation

than the region affectionately known as the Journey Through Hallowed Ground. Therefore, I urge my colleagues to join me in support of this legislation, and I thank you for this opportunity to speak on behalf of the Journey Through Hallowed Ground National Heritage Area Act.

Mr. WEBB. Mr. President, I am proud to support the Journey Through Hallowed Ground National Heritage Area Act. Today, that bill is being introduced by my esteemed colleague, Senator WARNER, along with myself and other Members of the Senate. A bipartisan group also has introduced this bill in the House of Representatives.

This bill will designate the corridor that runs between Gettysburg, PA, and Charlottesville, VA, as a National Heritage Area. Within this proposed area, there are numerous sites of historic importance, including eight Presidential homes. This hallowed ground is a geographic area of immense beauty, history, and cultural significance, which will be protected under the terms of this bill.

For me, this hallowed ground has special personal significance, drawing me back to thoughts of my ancestors who settled and worked much of this land centuries before. I cannot visit this part of the country without harkening back to the tough, resilient women on buckboard wagons, hard men with rifles walking alongside, and kids tending cattle as they made their way down the mud trail called the Wilderness Road.

As I wrote in my book "Born Fighting," my ancestors—the Scots-Irish—were a proud, adventurous people who left their native lands for the early American colonies in the 18th century. The majority of these courageous pioneers settled along the Appalachian Mountains from Pennsylvania southward into Virginia and beyond. Ultimately, they migrated westward, in the process helping to shape America's independent, individualistic, unbridled culture.

This bill will help preserve the legacy of these early settlers for future generations. Moreover, this bill is a truly patriotic piece of legislation—one that will help us capture the rich diversity and historic experiences of our American forefathers and mothers.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to rural primary health providers; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I rise to introduce the "Rural Physicians' Relief Act of 2007." This important legislation will bring needed assistance to physicians who provide primary health services to rural America.

Physicians who provide health care in the most rural locations in America face challenges unlike their more urban counterparts. Often great dis-

tances, remote locations, limited transportation, and harsh climate—combine to make health care delivery extremely difficult to say the very least. Patient populations are small and spread out across extremely remote areas. As a result, many of these areas tend to be the most medically underserved areas in the Nation.

In my State of Alaska, a State that is larger than the States of California, Texas and Montana combined, nearly one-quarter of the State's population live in communities and villages that are only reachable by boat or aircraft. In fact, Alaska has fewer roads than any other State—even fewer roads than Rhode Island. And, unlike Rhode Island where over 90 percent of the roads are paved, less than 20 percent of the roads are paved in Alaska.

This means that approximately 75 percent of Alaskan communities are not connected by road to another community with a hospital. This means that all medical supplies, patients and providers must travel by air.

These remote populations tend to be among the poorest in the State. Air travel equates to excessively high health care costs—generally 70 percent higher than costs in the Lower 48 States. In short, "rural" takes on a new definition in Alaska.

In Alaska, patient access to health care is exacerbated because our State also faces a chilling crisis—we have 25 percent to 30 percent fewer physicians than our population needs. In fact, Alaska has one of the smallest numbers of physicians per capita in the country. We need a minimum of 500 more doctors just to be at the national average of physicians per capita. An American Medical News article recently declared Alaska's precarious situation: "Alaska has long ranked among the worst states in terms of physician supply."

Our physician shortage crisis will only worsen. There is an expected retirement of at least 118 physicians in Anchorage alone in the next 10 years. In the 1990s, there were 130 new doctors each year. Now that figure has dropped to only 31 new physicians since 2001. Outside of Anchorage, one in every eight physician positions is vacant.

Additionally, many physicians are forced out of the Medicare and Medicaid programs because reimbursement rates simply do not cover the cost to treat those patients. With Alaska's growing population, especially of our elderly, this shortage will lead to the severe health care access crisis for all Alaskans.

On top of harsh physical challenges, Alaska's rural population also faces significant human challenges. These rural patient populations are often in the greatest need for primary health care services. Heart disease, stroke and other cardiovascular diseases are the leading causes of death in Alaska. Women in our state have higher death rates from stroke than do women nationally; and mortality among Native

Alaskan women is dramatically on the rise, whereas, it is actually declining among Caucasian women in the Lower 48. The prevalence of chronic disease such as diabetes and even tuberculosis is increasing faster in Alaska than any other state. Each of these health concerns is magnified because access to health care—especially in rural Alaska—remains our greatest challenge.

The legislation that I introduce today with Senator STEVENS seeks to lessen this problem. It will both assist physicians who currently practice in rural America and will provide an incentive to encourage physicians to practice in these remote and underserved areas. Specifically, it would give a physician who is a primary health services provider a \$1,000 tax credit for each month that he/she provides services in a designated “frontier” area. Furthermore, physicians who treat a high percentage of patients from frontier areas would also be eligible for the tax credit.

My hope is to encourage physicians to practice medicine in rural Alaska and throughout rural America. Creating incentives that offset the high cost of providing care in the most remote areas of nation will go far in recruiting physicians to the areas that are most in need of their services.

By Mr. NELSON of Florida (for himself, Ms. LANDRIEU, Mr. LOTT, Mr. VITTER, and Mr. COCHRAN):

S. 292. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleagues and cosponsors Senators MARY LANDRIEU, TRENT LOTT, DAVID VITTER, and THAD COCHRAN as we introduce the Commission on Catastrophic Disaster Risk and Insurance Act of 2007.

As we know all too well, the last few years have brought a devastating cycle of natural catastrophes in the United States. In 2004 and 2005, we witnessed a series of powerful hurricanes that caused unthinkable human tragedy and property loss. In my own home State of Florida, eight catastrophic storms in 15 months caused more than \$31 billion in insured damages. Now Florida is witnessing skyrocketing insurance rates, insurance companies are canceling hundreds of thousands of policies, and the State’s catastrophe fund is depleted.

The inability of the private insurance markets to fully handle the fallout from these natural disasters has made our Nation’s property and casualty insurance marketplace unstable. This instability has forced the Federal Government to absorb billions of dollars in uninsured losses, at a huge cost to all American taxpayers.

Let me be clear—these issues will not just affect Florida or the coastal States. Natural catastrophes can strike

anywhere in our country. In the few decades, major disasters have been declared in almost every State. Congress has struggled with these issues time and time again, but nothing much has gotten accomplished. It’s time for a comprehensive approach to solving our Nation’s property and casualty insurance issues.

This bill would create a Federal commission—made up of a group of the best experts in the Nation—to quickly recommend to Congress the best approach to addressing catastrophic risk insurance. In the 1990s, when I was Insurance Commissioner for the State of Florida, I created a similar commission, and within months, the commission acted, and many of its key recommendations became State law.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. I know this complicated process won’t be easy for us—but let’s roll up our shirtsleeves and get it done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission on Catastrophic Disaster Risk and Insurance Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over \$200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national

catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the “Commission”).

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Director of the Federal Emergency Management Agency or a designee of the Director.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in anti-trust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) CONSULTATION.—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) ELIGIBILITY LIMITATION.—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) CHAIRPERSON.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) CONSIDERATIONS.—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurance risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an “insurance of last resort” mechanism; and

(B) how to fund such options; and

(9) the merits of 3 principle legislative proposals introduced in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds (S. 3117);

(B) Tax-deferred catastrophe accounts for insurers (S. 3115); and

(C) Tax-free catastrophe accounts for policyholders (S. 3116).

SEC. 7. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in

a manner that ensures protection of the identity of the person furnishing such data.

(c) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) PROCEDURE.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) GIFTS.—

(1) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) REGULATIONS.—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in

excess of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(f) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

- (1) on a reimbursable basis; and
- (2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$5,000,000 to carry out the purposes of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES OF THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

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. Bingaman, Ms. Klobuchar, Mr. Casey, and Mr. Webb.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Chairman), Mrs. Boxer (Chairman in Johnson's absence), Mr. Pryor, and Mr. Salazar.

Senator JOHNSON is Chair of the Select Committee on Ethics, and during his absence for all purposes under Senate Rules, Committee Rules, and relevant statutes, Senator BOXER shall act as Chair of the Select Committee on Ethics, except for purposes of the designation under 2 U.S.C. §72a-1f.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, Ms. Cantwell, Mrs. McCaskill, and Mr. Tester.

SENATE RESOLUTION 28—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That the following shall constitute the minority 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. Chambliss, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Graham, Mr. Coleman, Mr. Crapo, Mr. Thune, and Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. Brownback, Mr. Allard, and Mr. Alexander.

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, and Mr. Martinez.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, and Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Stevens, Mr. McCain, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, and Mr. Thune.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici, Mr. Craig, Mr. Thomas, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Craig, Mr. Alexander, Mr. Thomas, and Mr. Bond.

COMMITTEE ON FINANCE: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, and Mr. Roberts.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Hagel, Mr. Coleman, Mr. Corker, Mr. Sununu, Mr. Voinovich, Ms. Murkowski, Mr. DeMint, Mr. Isakson, and Mr. Vitter.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Gregg, Mr. Alexander, Mr. Burr, Mr. Isakson, Ms. Murkowski, Mr. Hatch, Mr. Roberts, Mr. Allard, and Mr. Coburn.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Domenici, Mr. Warner, and Mr. Sununu.

COMMITTEE ON THE JUDICIARY: Mr. Specter, Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, and Mr. Graham.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Bennett, Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Lott, Mr. Chambliss, Mrs. Hutchison, Mr. Hagel, and Mr. Alexander.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snow, Mr. Bond,

Mr. Coleman, Mr. Vitter, Mrs. Dole, Mr. Thune, Mr. Corker, Mr. Enzi, and Mr. Isakson.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig, Mr. Specter, Mr. Burr, Mr. Isakson, Mr. Graham, Mrs. Hutchison, and Mr. Ensign.

SPECIAL COMMITTEE ON AGING: Mr. Smith, Mr. Shelby, Ms. Collins, Mr. Martinez, Mr. Craig, Mrs. Dole, Mr. Coleman, Mr. Vitter, Mr. Corker, and Mr. Specter.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Bond, Mr. Warner, Mr. Hagel, Mr. Chambliss, Mr. Hatch, Ms. Snowe, and Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Brownback, Mr. Sununu, Mr. DeMint, and Mr. Bennett.

SELECT COMMITTEE ON ETHICS: Mr. Cornyn, Mr. Roberts, and Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. Thomas, Mr. McCain, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, and Mr. Burr.

SENATE RESOLUTION 29—EX-PRESSING THE SENSE OF THE SENATE REGARDING MARTIN LUTHER KING, JR. DAY AND THE MANY LESSONS STILL TO BE LEARNED FROM DR. KING'S EXAMPLE OF NONVIOLENCE, COURAGE, COMPASSION, DIGNITY, AND PUBLIC SERVICE

Ms. STABENOW (for herself, Mr. DURBIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. LEAHY, Mr. KERRY, Mr. MENENDEZ, Mr. BAUCUS, Mr. SCHUMER, Mr. SANDERS, Mr. KOHL, Mr. CARDIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. WEBB, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. KENNEDY, Mr. SALAZAR, Mrs. CLINTON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, Mr. BYRD, Mr. BROWN, Mr. BIDEN, Mr. WYDEN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. BAYH, Mr. REED, Mrs. BOXER, Mr. WHITEHOUSE, Mr. PRYOR, Mr. FEINGOLD, Mr. REID, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 29

Whereas Reverend Doctor Martin Luther King, Jr. dedicated his life to securing the Nation's fundamental principles of liberty and justice for all citizens;

Whereas Dr. King was the leading civil rights advocate of his time, spearheading the civil rights movement in the United States during the 1950s and 1960s, and earned worldwide recognition as an eloquent and articulate spokesperson for equality;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that each person has the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the Nation and used his message of hope to bring people together to build the Beloved Community—a community of justice, at peace with itself;

Whereas Dr. King was born on January 15, 1929, and attended segregated public schools in Georgia;

Whereas Dr. King began attending Morehouse College in Atlanta, Georgia at the age of 15, and received a B.A. degree in 1948 from Morehouse College, following in the footsteps of both his father and grandfather;

Whereas Dr. King received his B.D. in 1951 from Crozer Theological Seminary in Penn-

sylvania and his Ph.D. in theology in 1955 from Boston University;

Whereas in Boston Dr. King met Coretta Scott, his life partner and fellow civil rights activist, and they married on June 18, 1953, and had 2 sons and 2 daughters;

Whereas Dr. King was ordained in the Christian ministry in February 1948 at the age of 19 at Ebenezer Baptist Church, in Atlanta, Georgia, and became Assistant Pastor of Ebenezer Baptist Church;

Whereas, in 1954, Dr. King accepted the call of Dexter Avenue Baptist Church in Montgomery, Alabama, and was pastor there until November 1959, when he resigned to move back to Atlanta to lead the Southern Christian Leadership Conference;

Whereas from 1960 until his death in 1968, Dr. King was again a pastor at Ebenezer Baptist Church, along with his father;

Whereas between 1957 and 1968, Dr. King traveled over 6,000,000 miles, spoke over 2,500 times, and wrote 5 books and numerous articles, supporting efforts around the Nation to end injustice and bring about social change and desegregation;

Whereas Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama, in the first great nonviolent civil rights demonstration of contemporary times in the United States;

Whereas during the boycott, Dr. King was arrested and his home was bombed, yet he responded with nonviolence and courage in the face of hatred;

Whereas, on November 13, 1956, the Supreme Court of the United States declared the laws requiring segregation in Montgomery's bus system to be unconstitutional, leading to the end of the bus boycott on December 21, 1956;

Whereas Dr. King led the March on Washington, D.C. on August 28, 1963, the largest rally of the civil rights movement;

Whereas during that march, Dr. King delivered his famous "I Have A Dream" speech from the steps of the Lincoln Memorial and before a crowd of over 200,000 people;

Whereas Dr. King's "I Have A Dream" speech is one of the classic orations in United States history;

Whereas Dr. King was a champion of nonviolence, fervently advocating nonviolent resistance as the strategy to end segregation and racial discrimination in the United States;

Whereas Dr. King was awarded the 1964 Nobel Peace Prize in recognition for his efforts, and, at the age of 35, was the youngest man to receive the Nobel Peace Prize;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the Nation as a whole, to act cooperatively and courageously to achieve tolerance, justice, and equality between people;

Whereas, on the evening of April 4, 1968, Dr. King was assassinated while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas in 1968 Representative John Conyers first introduced legislation to establish a national holiday honoring Dr. King;

Whereas Coretta Scott King led a massive campaign to establish Dr. King's birthday as a national holiday;

Whereas in 1983 Congress passed and President Ronald Reagan signed legislation establishing Martin Luther King, Jr. Day;

Whereas in 2007 Martin Luther King, Jr. Day is celebrated in more than 100 countries;

Whereas in remembering Dr. King we also honor his wife and indispensable partner, Coretta Scott King, a woman of quiet courage and great dignity who marched alongside her husband and became an international advocate for peace and human rights;

Whereas Mrs. King, who had been actively engaged in the civil rights movement as a politically and socially conscious young woman, continued after her husband's death to lead the Nation toward greater justice and equality for all, traveling the world advocating for racial and economic justice, peace and nonviolence, women's and children's rights, gay rights, religious freedom, full employment, health care, and education until her death on January 30, 2006;

Whereas the values of faith, compassion, courage, truth, justice, and nonviolence that guided Dr. and Mrs. King's dream for the United States will be celebrated and preserved by the Martin Luther King, Jr. National Memorial on the National Mall near the Jefferson Memorial and in the new National Museum of African American History and Culture that will be located near the Lincoln Memorial;

Whereas Dr. King's actions and leadership made the United States a better place and the people of the United States a better people;

Whereas the people of the United States should commemorate the legacy of Dr. King, so "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal'"; and

Whereas Dr. King's voice is silenced today, but on the national holiday honoring Dr. King and throughout the year, the people of the United States should remember his message, recommit to his goal of a free and just nation, and consider each person's responsibility to other people: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) observes and celebrates the national holiday honoring Reverend Doctor Martin Luther King, Jr.;

(2) honors Dr. King's example of nonviolence, courage, compassion, dignity, and public service;

(3) pledges to advance the legacy of the Dr. King; and

(4) encourages the people of the United States to celebrate—

(A) the national holiday honoring Dr. King; and

(B) the life and legacy of Dr. King.

AMENDMENTS SUBMITTED & PROPOSED

SA 43. Mr. LIEBERMAN (for himself, Mr. OBAMA, Mr. FEINGOLD, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DEMINT (for himself and Mr. CORNYN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs.

FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 46. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. LEAHY (for himself and Mr. PRYOR) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 47. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 48. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 49. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 50. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 51. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 54. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 55. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment

SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*; which was ordered to lie on the table.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 43. Mr. LIEBERMAN (for himself, Mr. OBAMA, Mr. FEINGOLD, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ____ . DISCLOSURE OF LOBBYING ON EARMARKS.

(a) **REPORTS.**—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following “activities” the following: “, including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.”

(b) **DISCLOSURES.**—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

“(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

“(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

“(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known;”

SA 44. Mr. DURBIN proposed an amendment to amendment SA 11 proposed by Mr. DEMINT (for himself, Mr. CORNYN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.”.

SA 45. Mr. CORNYN proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.”

SA 52. Mr. CORNYN proposed an amendment to amendment SA 2 proposed by Mr. LEAHY (for himself and Mr. PRYOR) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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),”; and

(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”.

SA 47. Mr. NELSON of Nebraska proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS,

Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.

SA 48. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.

SA 49. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.

SA 50. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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, prescribe 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.”

SA 51. Mr. BOND (for Mr. COBURN) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

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.”

SA 52. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

“(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

“(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

- “(i) Acquisition.
- “(ii) Planning.
- “(iii) Design.
- “(iv) Purchase of equipment.
- “(v) Revitalization, reconstruction, or rehabilitation.
- “(vi) Redevelopment.
- “(vii) Construction.

“(B) REPORTS.—
“(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

“(ii) CONTENTS OF REPORT.—
“(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(II) LIMITATION.—In any report required under clause (i), the Secretary—

“(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

“(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

“(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

“(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

“(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

“(D) DEFINITIONS.—In this subsection:

“(i) EARMARK.—The term ‘earmark’ means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill 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.

“(ii) NONPROFIT.—The term ‘nonprofit’ means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

“(iii) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means any private organization (including a State or locally chartered organization) that—

“(I) is incorporated under State or local law;

“(II) is nonprofit in character; and

“(III) complies with standards of financial accountability acceptable to the Secretary.

“(iv) PUBLIC NONPROFIT ORGANIZATION.—The term ‘public nonprofit organization’ means any public entity that is nonprofit in character.”

SA 53. Mr. MARTINEZ submitted an amendment intended to be proposed to the language proposed to be stricken by amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

“(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

“(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

- “(i) Acquisition.
- “(ii) Planning.
- “(iii) Design.
- “(iv) Purchase of equipment.

“(v) Revitalization, reconstruction, or rehabilitation.

“(vi) Redevelopment.

“(vii) Construction.

“(B) REPORTS.—

“(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

“(ii) CONTENTS OF REPORT.—

“(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(II) LIMITATION.—In any report required under clause (i), the Secretary—

“(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

“(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

“(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

“(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

“(C) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

“(D) DEFINITIONS.—In this subsection:

“(i) EARMARK.—The term ‘earmark’ means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill 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.

“(ii) NONPROFIT.—The term ‘nonprofit’ means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

“(iii) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means any private organization (including a State or locally chartered organization) that—

“(I) is incorporated under State or local law;

“(II) is nonprofit in character; and

“(III) complies with standards of financial accountability acceptable to the Secretary.

“(iv) PUBLIC NONPROFIT ORGANIZATION.—The term ‘public nonprofit organization’ means any public entity that is nonprofit in character.”.

SA 54. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 11, line 2, strike “Paragraph” and insert “(a) IN GENERAL.—Paragraph”.

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

“5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.”.

SA 55. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 212 and insert the following:
SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

“(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

“(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

“(A) the name of the registrant or lobbyist;

“(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

“(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding \$200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

“(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

“(E) the name of each covered legislative branch official or covered executive branch

official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

“(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

“(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

“(iii) whether the registrant or lobbyist traveled on any such travel;

“(iv) the identity of the listed sponsor or sponsors of such travel; and

“(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

“(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

“(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

“(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

“(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

“(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

“(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the \$100 cumulative annual limit described in such rules) valued in excess of \$20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

“(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

“(2) RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—Contribution, donations, or other funds are ‘arranged’ by a lobbyist—

“(i) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

“(ii) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

“(B) CLARIFICATIONS.—For the purposes of this paragraph—

“(i) the term ‘lobbyist’ shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

“(ii) the term ‘Federal candidate or other recipient’ shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

“(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

“(A) GIFT.—The term ‘gift’—

“(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

“(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

“(I) gifts of services;

“(II) training;

“(III) transportation; and

“(IV) lodging and meals.

“(B) LEADERSHIP PAC.—The term ‘leadership PAC’ means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.”

SA 56. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ____ . WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

“§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

“Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

“(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.”

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States

Code, is amended by adding at the end the following:

“226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.”

SA 57. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 60, between lines 22 and 23, insert the following:

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) ORGANIZATIONS AND ACTS.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms “authorized committee”, “candidate”, “contribution”, “political committee”, and “political party” have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term “political action committee” means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

SA 58. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING IMPROVING THE ETHICS ENFORCEMENT PROCESS IN THE SENATE.

It is the Sense of the Senate that—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate should—

(A) study mechanisms to improve the ethics enforcement process in the Senate and report any legislation to the full Senate not later than March 31, 2007;

(B) in studying mechanisms under subparagraph (A), consider whether, to improve the ethics enforcement process, an independent bicameral office, separate offices for the Senate and House of Representatives, or an independent bipartisan commission should be established to investigate complaints of violation of the ethics rules of the Senate or House of Representatives and present matters to the Select Committee on Ethics of the Senate; and

(C) in studying mechanisms under subparagraph (A), consult with the Select Committee on Ethics of the Senate; and

(2) the full Senate should consider any legislation reported under paragraph (1).

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, January 12, 2007, at 9:30 a.m., to receive testimony on Iraq.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-

398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the majority leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Peter Videnieks of Virginia, for a term beginning January 1, 2007 and expiring December 31, 2008, vice Patrick A. Mulloy.

ORDERS FOR TUESDAY, JANUARY
16, 2007

Mr. WEBB. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, January 16; that on Tuesday, following the prayer and the pledge, the Journal

of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour controlled by Senator WYDEN, the second hour controlled by the Republicans, and the final hour equally divided and controlled between the two leaders or their designees; that at 1 p.m., the Senate resume S. 1.

I further ask unanimous consent that Members have until 10:30 a.m. to file first-degree amendments to S. 1 and until 4:30 p.m. to file second-degree amendments.

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

PROGRAM

Mr. WEBB. Mr. President, we now have 32 amendments pending to the

ethics bill. I understand the Parliamentarians have been reviewing amendments to determine whether they are germane to the legislation. A lot of work remains to be done with respect to this bill, and we will finish next week. So Members should be ready to be here for long days and sessions into the evening. The first vote of next week will be at 5:30 p.m., Tuesday, and other votes will follow that evening.

ADJOURNMENT UNTIL TUESDAY,
JANUARY 16, 2007, AT 10 A.M.

Mr. WEBB. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:46 p.m., adjourned until Tuesday, January 16, 2007, at 10 a.m.