United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, MONDAY, MARCH 6, 2006 *No. 27*

Senate

The Senate met at 1 p.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

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

Let us pray.

You have given us much, O God, not because You love us more than others but because You have entrusted us with a stewardship. Help us to faithfully use our gifts to bless others.

As Senators today do the work of freedom, may they invest their talents in uniting our Nation and world. Guide them toward those opportunities that will destroy barriers and remove walls. As they work to bring harmony from discord, may they live lives that lead to peace.

Lord, warm all our hearts with Your love. Enlighten our minds with Your truth, and fill our lives with Your power that we may live for You. We pray in the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following my remarks and the remarks of the Democratic leader, we will start a period of morning business. We are expecting that around 2 o'clock today we will begin consideration of the lobbying reform bill. The two bills were reported last week—one by the Rules Committee and the other by the Homeland Security and Governmental Affairs Committee. We will proceed to the Rules Committee bill and offer a substitute amendment which is a combination of these pieces of legislation. I hope Senators will take advantage of the opportunity today to come down and give statements on lobbying reform.

This afternoon at 5:30 we have three votes on three district court judges. I am not certain we will need a rollcall vote on each of these. But at this point Senators should anticipate up to three rollcall votes at 5:30.

I should remind our colleagues that we have a cloture motion filed on LIHEAP, which was introduced by Senator SNOWE. That cloture vote will occur tomorrow morning. I hope cloture will be invoked and we can complete that bill as quickly as possible and then return to the consideration of the lobbying reform legislation.

We will have votes over the course of the week. I anticipate it is going to be a busy week, requiring a lot of work on the lobbying reform, on LIHEAP, and other issues that come forward. There are 2 weeks remaining before our next recess. Another issue we will be dealing with in committee this week is the budget. We will be dealing with that before we leave, and issues such as the debt ceiling as well will be dealt with before we leave—a whole range of issues. It will be a busy week as we go forward.

Let me turn to the Democratic leader—I have a brief statement on lobbying reform—if there are any thoughts or questions or comments about scheduling or issues.

Mr. REID. Mr. President, we believe it will not be necessary to have a vote on the Puerto Rican judge. We will be able to do that by voice vote. There will be two votes. I am wondering if the leader has an indication as to tomorrow. What will happen after the cloture vote? Do we know yet?

Mr. FRIST. Mr. President, we do not know yet. We will have some idea by later today. But I hope cloture will be invoked and that we can complete it as rapidly as possible.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT

Mr. FRIST. Mr. President, today the Senate is taking another step forward to make our Government more transparent and more accountable. It will be a very important debate on very substantive issues, issues that affect the operation of this body and our relationships to outside groups.

We will begin debate on the comprehensive lobbying and ethics reform legislation. Over the last few months, we have made steady progress.

The Senate was first to develop a plan. It was the first to establish a working group to examine the issue. It was the first to hold committee hearings and to have a markup—two markups. And today we will be the first to

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

bring a comprehensive lobbying reform package to the floor.

I wish to in particular thank our colleague from Pennsylvania, Senator SANTORUM, for his willingness to lead a lobbying reform working group. He has hosted numerous meetings over the last several weeks and spent countless hours on this issue. We are where we are today in large part because of his commitment and his leadership. I wish to recognize him for that.

I also appreciate the work of the chairman and chairwoman of our Rules Committee and Homeland Security and Governmental Affairs Committee, Chairman LOTT and Chairman COLLINS. They have worked expeditiously, both in discussions and holding hearings and markups, so we could in response to my request have available for floor consideration today legislation that centers on commonsense reform. There will be a lot of debate and there will be a lot of discussion, but I think the issues have been laid out and laid out well. Those two chairmen will be comanaging the bill from our side of the aisle, since each of those committees brought forth that legislation from their respective committees.

So that everyone understands how we expect to proceed, we will begin debate on S. 2349, the Legislative Transparency and Accountability Act. The first amendment offered will be a substitute, incorporating the joint text of both the bills reported by the Rules Committee and by the Homeland Security and Governmental Affairs Committee.

I have asked the two managers to move forward in as efficient a way as we possibly can in order to achieve that goal of completing this legislation this week. It is going to take a lot of hard work, a lot of working together, and a lot of cooperation in order to accomplish that. Chairman LOTT and Chairman COLLINS are committed to this timeframe. I encourage all of our colleagues to work with them to ensure that we can accomplish this goal.

If Senators have amendments—and I recognize there will be a number of amendments—I urge them to discuss those amendments, the nature of those amendments, and make the language available as soon as possible with the managers. Let us keep amendments on the issue that is at hand, the issues surrounding ethics and lobbying. Tying up the bill with unrelated amendments, which we call nongermane amendments, is not in anybody's best interest. So let us stay on the bill as much as we possibly can.

A final note. As we enter the debate—I think we will enter it—we are entering it in a tone of working together. It is not a partisan issue we are addressing. People expect us to work together to develop meaningful, nonpartisan solutions but bipartisan solutions to the real problems we know we will be addressing. Ethics is not a partisan issue. The rules apply, as they should, to every Senator and every staff member, regardless of party or stripe. No one gets a special exception.

That is the spirit in which we should approach this bill.

The rules we operate under are bipartisan. The reforms indeed are and should be bipartisan as well. It is my firm belief that as public servants we are obligated to protect the integrity of this fantastic, magnificent institution, and most importantly to represent the genuine interests of the voters—which is our responsibility—who sent us here.

It is time for us to reexamine the rules so that bad apples are exposed before they spoil the whole lot. That is why I have brought this bill to the floor now so we can address it right up front early on in this session. Taking these steps will go a long way to lifting the cloud that threatens to obscure all of our other efforts to offer meaningful reforms and solutions to the problems we now face and that face all Americans.

The issue is something very personal to me. I still consider myself a citizen legislator, coming here for a period of time and going back home. It causes me to reflect on my first vote as a Senator. It was on the Congressional Accountability Act, an act that ensures that Congress abides by the laws it passes.

I believe deeply that we serve the people—not the other way around, and that spirit will be the spirit I believe we will all put forth in this debate over the next several days.

We have a real opportunity before us—an opportunity to make government more transparent, more accountable, and to strengthen the American people's confidence in our body. Once again, I ask my colleagues to join together and deliver meaningful reforms, not only to fulfill our commitment to the American people but to protect and preserve the honor of this great institution we all have the privilege of serving.

I yield the floor.

HONEST LEADERSHIP AND OPEN GOVERNMENT ACT

Mr. REID. Mr. President, in recent months, the public has been shocked and outraged over stories dealing with abusive and, I believe, criminal practices—and so do various prosecutors—by lobbyists, senior administration officials, Members of Congress, and even congressional staff. A number of these participants in these schemes that breached the public trust have pled guilty—Republican lobbyist Jack Abramoff, former staffer for the recent House Republican Majority Leader Michael Scanlon, Republican Member of Congress Duke Cunningham, and one of his coconspirators, Michael Wade. Others are under indictment, including President Bush's political appointee David Safavian.

The guilty pleas, indictments, and documents released to date suggest wrongdoing or improper behavior by many others, including a former Deputy Secretary of the Interior, other former aides to the recent House Republican majority leader, former aides to Republican Senators; Grover Norquist, a close ally of the Bush White House; Ralph Reed, long-time political operative for the Republicans—in fact, he has been State chair of at least one State party—and, of course, the heads of two other groups closely associated with the Republican Party.

The American people understand these are not one or two isolated incidents. They understand this is a clear pattern of wrongdoing—wrongdoing that can only be explained by an alarming sense of impunity. The public understands these individuals felt that they were above the law. They felt they could ignore the rules. They felt government was not there to serve the people's interest but to serve their own special interests or the interests of some of their cronies.

The public has seen a Republican culture that has distorted government priority and grown into the greatest government scandal since Watergate. So as we begin this debate, it is important to realize this wrongdoing often violated existing laws and congressional ethics rules. It is already illegal to offer or accept a bribe. It is already illegal to defraud your clients. It is already illegal to lie and commit perjury. The rules already prohibit Members from taking trips that have no real business purpose and are just excuses for a golf outing. So much of what went on was already criminal or certainly clearly unethical. The problem, in many cases, was not in the rules. It was in the culture that allowed everyone to believe they could ignore the rules.

But in some cases it was clear, the rules have shortcomings. So even though a number of the things that people did clearly violated the rules we now have, in some of these cases it was clear that the rules had shortcomings and we needed to beef them up. In these areas, we need to expand disclosure and tighten rules that have been abused. We also need to find a way to restore public faith in the integrity of our Federal Government.

The best way to do this is to show the public we take this issue seriously and that we will act aggressively and swiftly to change the culture in the Nation's Capital.

That is why I am satisfied with what my Democratic colleagues have been able to do with this legislation that will shortly be before the Senate. As soon as we returned from the winter recess, we, as a caucus, acted decisively. We unveiled sweeping reform principles and backed them with legislation. It is one thing to address this issue through quickly called press conferences that offer no details; it is another to put reform to paper and to use a reform bill that has supported virtually the entire

Democratic caucus. That is what we did.

The Honest Leadership Act fundamentally changed the debate on ethics and lobbying reform. It is hard to draft legislation. I called upon my staff, one of my most senior persons, someone who was the chief of staff of the Commerce Committee under Senator Hollings, Kevin Kayes. He has worked hard. Saturday nights, Sunday nights, I have spoken to him. I acknowledge the hard work that he has done on this legislation. I appreciate it very much.

We put on paper what we thought was the best thing for this institution. The Honest Leadership Act, Open Government Act, fundamentally changed the debate on ethic and lobbying reform. Democrats stood united. United we said: We are not going to let this process drag on and hope that people get distracted. We are going to seize the initiative and begin to change the culture that we find in Washington. Democrats established the baseline for reform by getting caucus-wide support for a tough and comprehensively formed bill. Democrats raised the stakes on this issue and forced the Senate to deal with this in a meaningful way.

We have had a number of participants on the Democratic side of the aisle. This is not in the order of how hard they have worked, but I express my appreciation—because they have all worked hard—to Senator DODD, Senator LIEBERMAN, the ranking members of the Committee on Rules and Government Operations Committees. I appreciate the work of Senator FEINGOLD who has been involved in these issues for many years. And a new Senator, Mr. OBAMA, has done such a good job of expressing himself to the American public how we feel on this side of the aisle about the need to change what is going on in Washington. Senator LEVIN has also been a stalwart, helpful from the very beginning. He, like Senator FEINGOLD, has been involved in these issues for a long time.

It would not be fair to just list the Democrats. The work performed in the Committee on Rules was a hard job. It was the first body to take this up. It showed the experience of Senator DODD and Senator LOTT. They had a cordial relationship going into this which helped significantly in moving that bill out of the committee very quickly. Senator LIEBERMAN worked very hard with Senator COLLINS. They came up with another piece of legislation as a result of their ability to work together. I appreciate Senator LOTT very much and Senator COLLINS for their work, working with Democrats. Their work did advance the reform proposals that we introduced.

It goes without saying I am glad we are here today. It is fair to say we would not be here and certainly not with this strong piece of legislation from the Committee on Government Operations and the Rules Committee if not for the efforts of my caucus.

In fact, much of what Democrats supported in S. 2180 has been included in the bills that will come before the Senate today which will be united into one bill. What are some of the things we have done? I will not mention all of them, but I will mention some. Slow the revolving door between government jobs and lucrative private sector employment. Revoke floor privileges for former member lobbyists. A former Member has to decide, if they want to come to the Senate, they are not going to be able to do their work here if they are lobbyists. That is unfair to some who also are lobbyists who certainly never used the floor in any negative way. I think I can say that for most all.

We have to do away with what is wrong and with what appears to be wrong. This legislation will be in the Senate in less than an hour and it eliminates gifts paid for by lobbyists, not just disclosure gifts. There will be more disclosure and scrutiny of privately funded travel. This legislation will stop dead-of-night legislating by making conference reports available on the Internet. This legislation will require more frequent and more detailed lobbyists' disclosure available on the Internet. And there is increased civil rights penalties for violations.

This legislation required ethics training. It will require ethics training for congressional staff and will require disclosure for stealth lobbying campaigns by business coalitions and other organizations that slipped under the radar screen in the past. They will not any more.

Not all of what the Democrats sought is in this bill. I know that. In some cases, the provisions included are weaker than what was in our proposal. But we will offer amendments to strengthen the bill in these areas.

I am pleased that so much of what we worked for as a caucus has now gained broad bipartisan support. We have tried very hard. There are some groups, quite frankly, that there is not enough we could ever do, no matter what we do would never be enough. But it is important to recognize while there may be some outside groups who think we have not done enough, we have done a lot.

During this debate, I hope we remain honest with the American people about an important point. When we approve this legislation—I am hopeful in conference we will—we will not have put the Abramoff scandal behind us. Indeed, it is likely that future indictments and additional revelations will end any confusion on this point. The only way we put the Abramoff and other scandals behind us and restore the public faith in government is by each and every one of us, all 100 of us, and our staffs, conducting ourselves and operating this institution with the highest level of integrity.

This legislation will set parameters that will be easier to follow. The costs of corruption are high, and it is the American people who pay for it. What has happened in Washington has eroded the ability of our Government to meet the needs of our people.

Look at this administration's response to Hurricane Katrina and the growing national unease about our security, both here and abroad. Just imagine, if Duke Cunningham and his coconspirators had not succeeded in spending tens of millions of taxpayers dollars to give their cronies bogus contracts, that money could have been used to pay for body armor, port security, or some other critical need. This is only one example.

The culture of corruption distorts our priorities and frustrates efforts to address the real needs of Americans, these Americans who are trying to cope with high natural gas prices to heat their homes, high fuel prices for the cars, concerns about their own retirement security, and a growing sense that they are having to work harder and harder to maintain even their current standard of living. Each one of us came here to serve the American people. We have been given a tremendously difficult responsibility. But it is one we all sought. Of course, it is a real privilege.

I am confident we can clean up the situation we now have in Washington so we can get on with the Nation's business. America deserves a government as good as its people. Together, America can do better.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2369 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business, with Senators permitted to speak therein for up to 10 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, are we still in morning business?

The PRESIDING OFFICER. Yes.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate begin consideration of Calendar No. 367, S. 2349, the lobbying reform legislation. I further ask consent that following the reporting of the bill, I be recognized in order to offer a substitute amendment, and following that action, the bill be open for debate only during today's session.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

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

AMENDMENT NO. 2907

Mr. LOTT. Mr. President, I call up the substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2907.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LOTT. Mr. President, I am pleased to see that my colleague from the Rules Committee, Senator DODD, is here. He is the ranking member on the Rules Committee. We have done a lot of work together over the years, going all the way back to our days on the Rules Committee in the House. It is always a pleasure to do business with him.

I am also pleased to see the distinguished chairman of the Homeland Security and Governmental Affairs Committee in the Senate, Senator COLLINS, who has been doing outstanding work there, with a greatly expanded committee, with jurisdiction over almost everything that is moving these days. She is doing a wonderful job.

Again, I am pleased to see both of my colleagues here as we begin debate on this very important issue involving the rules of the Senate and lobbying reform legislation. I think one of the important things to note at the very beginning is that this legislation from both the Rules Committee and the Homeland Security and Governmental Affairs Committee was reported as bipartisan legislation, and it is legislation that will absolutely ensure greater transparency and accountability in the legislative process.

There are those in Washington—me included—who have been concerned of late by how much partisanship there is in Washington and in the legislative process. I do think it has reached unprecedented levels. But I believe it is also possible for us to not have everything be that partisan. So that is why I think the way these two bills have been reported is so remarkable because the Rules Committee had a full debate and amendments were offered. Some were passed, some were rejected, some were accepted, and some were ruled out of order. When we got to final passage, Senators on both sides of the partisan aisle felt it was a fair process and there was not a single dissenting vote.

Also, the Governmental Affairs Committee—if I may refer to it that way in shorthand—reported it with only one ''no'' vote after having a full discussion and some amendments that were not easy to deal with. So I hope the spirit of bipartisanship can carry to the floor when we take up the amendments.

This afternoon's proceeding will be somewhat abbreviated because we have to take out some time for discussion about judicial nominees and votes, and we do have some further action with regard to the low-income energy assistance issue. However, when we get back to these bills tomorrow and are ready for amendments, I hope Senators will come over and we can get a time agreement and we will have a good discussion and votes. Perhaps even some amendments can be accepted, depending on what they are, and we can get this process completed before this week is over. I think that would be very good for the institution, and it needs to be done.

I do think this is an important effort. I have looked at what the Rules Committee did and what came out of the Rules Committee in the last week. This will be the third time I have been involved in a process of changing the rules or looking at what we might need to do after a difficult time in our history. That was true back in the seventies after the Watergate matter. We took up campaign reform and ethics reform and made some significant changes, some of them wise and some of them turned out to be not so advisable. We had to address the people's confidence in our institutions at that time.

Then again in the nineties we had some issues come up that caused problems and concerns following the House banking scandal. Again, we went through a process of looking at our ethics, looking at our rules, and looking at lobbying reform, and took action.

Here again we are looking at some changes in the rules and some improvements or some additional requirements with regard to lobbying reform. I think it is needed.

Some people say: Why do you have to keep changing? Are your rules, your ethics, are your lobbying requirements changing? Yes, they change with time. When we wrote the Telecommunications Act in 1996 and 1997, we thought phones were all going to be hard wired. We had no idea of all the technological advances that were going to occur. When we did immigration reform in 1997, I thought we did a good job. Obviously, we did a terribly inadequate job.

We need to take a look at what we have done in the past when it comes to laws, rules, ethics reforms, lobbying reform, and modernize it. For one thing, with all the modern capability and technology, you can have instantaneous disclosure; you can have fuller disclosure. It is easier now to file reports with the Secretary of the Senate or to put it on your own Internet to divulge and disclose to the American people and all who wish to look at those reports what you are doing in your role as a Senator and your service to the people.

I want to make it clear, I think this is an issue we should address. That is why when the leader called on me to have a hearing in the Rules Committee and to move forward, I moved forward on the issue aggressively because I thought there are rules changes that we need, we should do, could do, that would make common sense, and would be fair.

This is an issue where it is very easy to lose control emotionally or we get involved in a tremendous process of self-flagellation and condemnation. I don't want to do that, but there are some places where there are legitimate concerns or appearances of impropriety which we can improve.

Senator DODD and I talked on the phone, we met, and we came up with some important points, and I think we have come up with a pretty good bill. We need to go forward, have a full discussion, take up serious amendments that will be offered, and get this job done. I look forward to working with Senator COLLINS and making this a bill with which both committees are comfortable.

Mr. President, I ask unanimous consent that my section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006 (S. 2349)

(Reported by the Senate Committee on Rules and Administration, February 28, 2006)

Section 1. Short Title: The Legislative Transparency and Accountability Act of 2006.

Section 2. Out of Scope Matters in Conference Reports: New Point of Order against

out of scope matters in Conference Reports. Point of Order can be waived by 60 votes. If the Point of Order is sustained, the offending material is deleted from the Conference Report and returned to the House for it's concurrence.

Section 3. Earmarks: Creates a new Standing Rule (XLIV) dealing with earmarks. Earmarks are defined as ''a provision that specifies the identity of a non-Federal entity to receive assistance. . . .'' ''Assistance'' is defined to include budget authority, contract authority, loan authority, and other expenditures including tax expenditures or other revenue items.

This new Standing Rule requires that all Senate bills or conference reports include a list of all earmarks in the measure; an identification of the Member who proposed the earmark, and an explanation of the essential government purpose of the earmark. The bill or Conference Report, including the list of earmarks, must be available to the Senate and to the general public on the Internet for at least 24 hours before its consideration.

Section 4. Conference Report Availability: Provides for the implementation of the requirement that Conference Reports be available to the general public for at least 24 hours before its consideration. Requires the creation of a new Senate website capable of posting this information. The effective date of this Section is set as 60 days after the date of enactment of the Act.

Section 5. Floor Privileges for Former Members: Amends Standing Rule XXIII of the Standing Rules of the Senate to eliminate floor privileges for former Members, former Senate Officers, and former Speakers of the House who are either registered lobbyists or employed by an entity for the purpose of influencing the passage, defeat or amendment of any legislative proposal. Permits the Committee on Rules and Administration to issue regulations allowing floor privileges for such individuals for ceremonial functions or events designated by the Majority and Minority Leader.

Section 6. Gifts and Meals: Amends Standing Rule XXXV to ban gifts from registered lobbyists or foreign agents. An exception is provided for meals, retaining the current financial limits. A provision is added requiring that within 15 days of receiving a meal, Members post on their website the value of such meals and refreshments provided to themselves and their staff, and the person who paid for the meal.

Section 7. Pre-Clearance of Trips and Disclosure: Subsection (a) amends Standing Rule XXXV to require pre-clearance approval by the Senate Select Committee on Ethics to receive transportation or lodging provided by a third party, other than travel sponsored by a governmental entity. The person providing the transportation and lodging would have to certify that the trip was not financed, in whole, or in part by a registered lobbyist or foreign agent and that the person sponsoring the trip did not accept directly, or indirectly, funds from a registered lobbyist or foreign agent earmarked to finance the trip.

A detailed trip itinerary would have to be provided to the Ethics Committee along with a written determination by the Senator that the trip is primarily educational; consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal, or no, recreational component, before the Committee could approve the trip.

Not later than 30 days after the trip is completed, the Member would have to file with the Select Committee on Ethics and the Secretary of the Senate a description of the meetings and events attended during the trip and the name of any registered lobbyist who accompanies the Member during the trip. Such information would also have to be posted on the Member's Senate website. Disclosure would not be required if such disclosure would jeopardize the safety of an individual or adversely affect national security.

Subsection (b) amends Standing Rule XXXV to require that a Member or employee who is provided a flight on a private aircraft, other than an aircraft that is owned, operated or leased by a governmental entity, file a publicly available disclosure report with the Secretary of the Senate identifying the date, destination and owner or lessee of the aircraft, the purpose of the trip and the persons on the trip except the persons flying the aircraft. A similar disclosure, without an exclusion for government flights, would be required to be filed with the Federal Election Commission if such a flight took place as part of a federal election campaign.

Section 8: Post-Employment Restrictions: Amends Standing Rule XXXVII to conform the post-employment registered lobbyist restrictions on Senate staff earning 75 percent of the rate of pay of a Member with the restrictions that are imposed on former Senators. Such staff would be prohibited from lobbying the Senate for one year after their employment terminates. This provision would be effective 60 days after the date of enactment.

Section 9: Public Disclosure of Employment Negotiations: Amends Standing Rule XXXVII to require that a Member who is engaged in prospective private sector employment negotiations, prior to the election of the Senator's successor, must file a public disclosure statement with the Secretary of Senate regarding such negotiations within three business days after the commencement of such negotiations.

Section 10: Lobbying by Family Members: Amends Standing Rule XXXVII to provide if a Member's spouse or immediate family member is a registered lobbyist or employed by a registered lobbyist, staff employed by the Member are prohibited from having any official contact with the Member's spouse or immediate family member.

''Immediate Family Member'' is defined as 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 the Member.''

Section 11: Unlawfully Using Public Office to Influence Hiring Decisions: Amends Standing Rule XLIII to prohibit a Member from seeking to influence, on the basis of political affiliation, an employment decision of any private entity by taking or withholding or offering or threatening to take or withhold an official act; or to influence or offer or threaten to influence, the official act of another.

Section 12: Sense of the Senate on Scope of Restrictions in The Act: A Sense of the Senate Resolution that any restrictions imposed by this Act on Members and employees of Congress should apply to the Executive and Judicial branches.

Section 13: Effective Date: Provides that the Act shall take effect on the date of enactment except in those cases where a different enactment date is provided.

Mr. LOTT. Mr. President, let me go through the Rules Committee bill and talk about some of the more important aspects. I won't go into all the details because Members will have a chance to review what we reported last Tuesday, and now it will be in the RECORD. When I complete my comments, Senator COLLINS or Senator DODD will be ready to speak. We will be able to make it very clear what we have done. Some of these things do need to be explained a little bit.

First of all, with regard to earmarks, we do know that there has been an explosion of so-called earmarks. This is where you put provisions, money, language in an authorization, appropriations, or a tax bill. I remember a few years ago it was maybe a few hundred. I remember the highway bill back in the eighties, I think, it had 157 earmarks, and the bill we passed last year had thousands—I don't even know how many but thousands.

I want to be the first to say I don't think that is totally inappropriate. I do think we need to have some better disclosure. I do think we need to think about how we do these earmarks, have some rules that make it clear who is doing what and for whom. So that is what we have tried to do with this legislation.

Some people will come to the floor—and I presume somebody might even offer an amendment—and say that earmarks are prohibited. I will fight that with every ounce of energy in my body. Some people might maintain that should be better left to the executive branch. Why? Why should some bureaucrat who lives in Maryland or Virginia—and I say that term lovingly—who works at HUD or the Department of Transportation or the Department of Defense—it doesn't matter what department—how do they know more about what is needed in terms of roads or housing or National Guard in my State of Mississippi or more than the Senator from Maine knows about what the needs are in her State? So I think it is ludicrous to maintain only the executive branch is pure.

By the way, do you think the executive branch does not have earmarks? The distinguished Presiding Officer noted an earmark for Pascagoula is not really an earmark. It is something clearly understandable and identifiable, and I am perfectly willing to identify it for the benefit of my constituents or anybody else who would like to take a look at it.

With regard to the executive branch, I have seen articles that point out some of the earmarks. For example, with the Department of Energy, the Office of Management and Budget always picks their projects they like, that the Corps of Engineers would do, but not others which might involve locks and dams or flood control projects. So it is OK for them to do it but not us.

What about what the Constitution says? Article I, section 9 of the Constitution, which deals specifically with spending, states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

So it is not up to the President alone. Congress has always had the final say on this issue of appropriations, and I am sure Senator BYRD would have something to say about this.

Again, there is a limit to what is reasonable, and I think we have kind of

lost a grip in that area. We do need to have some controls. It needs to be open and fair. It needs to be identified in the record.

I have become more and more concerned particularly about the practice where items can be added in conference that were not considered by committee or in either body, whether it is language in a tax bill or appropriations bill or a highway project in an authorization bill, and there is no way to really get at it. That is why in the Rules Committee—I worked with Senator FEINSTEIN in particular, and Senator HAGEL, and Senator DODD—developed a procedure that will allow Members to remove items from conference reports that were never considered by either body.

Under the committee's bill, if a point of order regarding the item is sustained, the offending provision would be removed, but the entire conference report would not fail. It would then be sent back to the House, minus the offending provisions.

I emphasize again, think about what was happening. The Senate did not include a provision. The House did not include a provision. They go to conference. It is the end of a session, it is an omnibus appropriations bill, and, voila, all these things show up in a tax bill or an omnibus appropriations bill. If it comes back to the floor of the Senate on short notice, with maybe a couple of hours to review it, if you make a point of order and you succeed, the entire conference report is taken down and it has to start over again, not just go back to the House for final action. That is a scary situation.

I remember attending a meeting one time where some language was being discussed that had not been in either bill that meant billions of dollars. I remember going back and saying to my then-chief of staff, Dave Hoppe, that this is dangerous; we should not allow this sort of thing to happen. Under this provision, if you garner the supermajority 60 votes, it cannot be taken out. I actually preferred a simple majority. More and more around here everything takes a supermajority, not a simple majority. I thought 51 votes would have been sufficient. But in the committee, keeping the 60-vote test prevailed. I hope it is not abused.

The bill also requires that committee and conference reports identify the sponsor of all earmarks so the Senator from Kansas will have to fess up that he has a project in an authorization bill, a tax bill, or an appropriations bill. He will have to indicate the amount and what it is for. It will have to be disclosed in the bill that comes back.

Finally, to get greater transparency to the process, conference reports cannot be considered unless they are available within the Senate and on the Internet at least 24 hours before Senate consideration. There are those who thought it should be 48 hours. When we get to the end of a session, even 24 hours is a leap. We can always shorten that by unanimous consent. But to have some modicum, minimum amount of time to review these conference reports, to me, makes sense, and it is fair.

So I think what we have done with regard to the so-called earmarks—and we define what an earmark is in the bill because my distinguished colleague from Mississippi questioned what an earmark is, and the language clearly did not apply to everything, excluding appropriations. We clarified that. I think this is good language.

I have already spoken to our counterparts in the House. They think this is progress. I think the idea that we are going to prohibit in some way earmarks would be going way too far.

The next issue that our committee dealt with is the issue of gifts. Under our language, no gifts will be allowed from registered lobbyists to Members or staff, or if it is from a foreign agent. The committee took the suggestion of some of the witnesses who testified before the committee and excluded meals from the definition of gifts. You can still have your meal, but you would have to disclose it.

The current rule is retained on the value of the meal, but Members would have to disclose that meal within 15 days on the Senator's Internet site. They would have to say if they had a meal and with whom they had a meal, or if you ordered in Dominos, you can mention that. The last time I mentioned another restaurant, my son said: Dad, I do sell for Dominos; could you put in a plug for Dominos? You have to disclose that on the Internet.

We can get into lowering the limit on gifts or meals or raise it? What are we doing here? Let's just go cold turkey. I don't want to have to be worrying about whether some cheap tie is worth $65 instead of $48. Let's say no gifts from lobbyists or registered agents. I don't know Senators who get gifts. I really don't know any. And it is preposterous, by the way, that you would be getting gifts from a registered lobbyist. So no gifts.

The bill also deals with third-party-funded travel. The committee rejected the idea of banning third-party-funded travel. I am sure there will be amendments offered in this area. We believe there is a useful educational value associated with most of these endeavors. However, in recognition that congressional travel can be abused, the committee adopted tough pre-clearance requirements for any such travel.

The committee bill requires that non-governmental third-party-funded travel must be pre-cleared and approved by the Senate Ethics Committee. It was alleged that this is no different from the current situation. No, now it is advisory. It is permissible. They can review it. They pretty much generally do review it and say this is OK. This would require preclearance and approval.

In order to qualify for Ethics Committee approval, the sponsor of the trip will have to certify to the Ethics Committee that the trip is not financed, directly or indirectly, by lobbyists. In addition, a detailed trip itinerary would have to be provided to the Ethics Committee, along with a written determination by the Senator that the trip is primarily educational, consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal or no recreational component before the committee could approve the trip. We are not saying they couldn't have a recreational component. If a Member plays a round of golf, the Member would have to pay for that.

Not later than 30 days after the trip is completed, a Senator would have to file with the Ethics Committee and Secretary of the Senate a description of the meetings and events attended during the trip and the names of any registered lobbyists who accompanied the Senator during the trip. Such information would also have to be posted on the Senator's Internet Web site.

Will it be a hassle? Sure. Is it something we can do and should do? Yes. We are going to have to do this.

With regard to flights on private planes, in an effort to broaden transparency, the committee bill requires that all official travel on private aircraft must be disclosed, along with the names of the people traveling on the aircraft and the purpose of the trips. The disclosure rules will also apply when a Member uses a private aircraft in a campaign for reelection.

We addressed the question of postemployment restrictions. The bill tightens postemployment restrictions for high-paid staff by conforming the lobbying ban on senior staff with the ban on former Member lobbying. Therefore, senior staff will not be allowed to lobby the Senate for 1 year, and the current rules will continue to apply to the lower paid staff. Previously, just to show you what the difference is, I believe it was really only applied to senior leadership staff. This was taken to all senior staff, and it would be only the 1-year limit. But the language, as the Senate Rules Committee passed it, would limit it to 1 year on all Members lobbying.

With regard to floor privileges, the committee addressed an issue about which some people have expressed concern: former Members lobbying on the Senate floor. I don't think this is a real problem, and I have never experienced it in my 16 years here. The committee believed that former Members who are registered lobbyists should not be seen to have an advantage in meeting with Members on the floor of the Senate; therefore, the committee bill bars former Members, ex-Secretaries of the Senate, ex-Sergeants at Arms of the Senate, and former Speakers who are registered lobbyists access to the Senate floor. Exceptions could apply for

ceremonial events and events designated by the leaders. Again, I emphasize that former Members would be allowed to come, unless they are registered lobbyists. If they are registered lobbyists, they would not be able to come to the floor, and it would apply to the former officers of the Senate and Speakers of the House.

(Mr. CHAMBLISS assumed the Chair.)

Mr. ROBERTS. Mr. President, would the Senator yield?

Mr. LOTT. Mr. President, I would be happy to yield to the distinguished Senator from Kansas.

Mr. ROBERTS. I wanted to explain this tie that the Senator from Mississippi has maligned. I don't know if I could seek a parliamentary ruling. Is that a violation of rule XIX, degrading the tie of a Senator?

The PRESIDING OFFICER. In the opinion of the Chair, it is not a violation under the rules.

Mr. ROBERTS. This was a tie, if the Senator will continue to yield, that was given to me by my wife.

Mr. LOTT. Mr. President, was this a gift?

Mr. ROBERTS. It was given to me by my wife, it did cost under $50, and it is the color of the ever-optimistic and fighting Wild Cats of the Kansas State University, and I thought it was a pretty nice tie to go with this dark suit. Should I change that under the banner of the bill?

Mr. LOTT. Mr. President, recognizing the seriousness of the charges and the hurt feelings and the attitude of the Senator from Kansas, I ask unanimous consent that my disparaging remarks about his tie be expunged from the RECORD.

Mr. ROBERTS. I would appreciate that, but it didn't cause me much of a problem at all.

Mr. LOTT. Mr. President, I hope this is not an indication of the tenor of the debate that is going to occur this week. I think that a little humor is fine, but I also think a little action is required in this area, and I promise to patch up my friend's feelings as soon as I get through here before the Senate.

Speaking of public disclosure of employment negotiations, the committee addressed a potential conflict of interest situation where a Member is negotiating for a private sector job while still acting in his official capacity. This was an amendment that I believe was offered by Senator SANTORUM in the Rules Committee, it was not in our committee chairman's mark, but the committee discussed it and agreed that this is an area which should be adopted. It requires public disclosure of any such negotiations. The rule would not apply if the Member's successor has already been elected. Once an election has occurred for a successor, even though you might be back in what we call a lameduck session, you would be able to have such negotiation, but you wouldn't have to fulfill the public disclosure statement. Obviously, as long as you are in this body, you shouldn't be having negotiations with somebody about employment when you are leaving. If you do, you may, of necessity—it may happen accidentally, but if you do, you ought to at least disclose it.

Lobbying by members of the Senator's family, has been in question and an issue in recent years. The committee adopted a rule that directly impacts family members who are registered lobbyists. The rule bars a Member's spouse or any immediate member of the family from lobbying the Member's staff, and we have a definition of what ''immediate family member'' is.

We also have a provision with regard to unlawfully using public office to influence hiring decisions. The committee voted to amend the standing rules to prohibit a Member from threatening to take or withhold any official act in an effort to influence a private sector hiring decision. The committee approved this amendment, knowing full well that in current law, 18 U.S.C. section 201, it makes it a felony punishable by as long as 15 years in jail for a Member to try to influence such a hiring decision by threatening to take or withhold an official act. But the committee believed that even though it might be covered by law, that the Rules should be very clear in this particular area. I questioned, and others commented on the fact that if you recommend a former staff member to an entity as a highly qualified, capable young man or woman, certainly you can continue to do that. It is where you infer or suggest that you are going to withhold or do something as punishment if certain hiring actions are not taken.

In conclusion, I believe the committee acted and produced a fair and balanced bill. I know some Members would like to ban all privately funded travel. Others will want to talk more about whether we are sufficiently policing ourselves.

I believe our Ethics Committee over the years has done a good job. I served several years on the Ethics Committee. Unfortunately, it was an extremely active time. During that period, we had the so-called Keating 5; we had a couple of Senators who had unintentionally, but still very importantly, leaked some information with regard to the Intelligence Committee. We had a very active period of time, but we faced up to it. And there have been other examples. I have no doubt that the current members of the Ethics Committee, which is evenly divided, are doing a good job. Part of their problem is us: our rules sometimes are not clear or they are ambiguous. They do need to be tightened up. We need to be more specific. And I am working with Chairman VOINOVICH to try to get some of those identified so that we can have some ethics rules changed.

Mr. President, I have a little throat problem here, so let me stop at this point and say that I hope we can go forward expeditiously and in a fair way this week and address this very important issue of rules changes and lobby reform. I think we can do it in a bipartisan way and have a bill ready to go to conference by the end of this week.

I yield the floor.

Mr. DODD. Mr. President, let me begin these comments by thanking, first of all, my colleague from Mississippi, Senator LOTT, who chairs the Rules Committee, and the other members of the committee, Democrats and Republicans alike, who worked over the past number of days to put together a Rules Committee bill.

The Rules Committee, for those who are interested in following this in detail, has jurisdiction over a couple of matters: the conduct of Members specifically and campaign finance reform issues. We don't have jurisdiction over lobbyists per se, except to the extent they are engaged in business with Members of Congress, with Members of this body. So our bill was specifically tailored to deal with Member conduct vis-a-vis lobbyists and, in some cases, spilled over a little bit into the campaign finance reform area, which I will address in a couple of minutes.

I wish to underscore the points Senator LOTT has made about the cooperative spirit with which the Committee dealt with its business. We worked, and we had a good working session. In fact, we had a number of sessions, actually, before the markup to try to come to some consensus. The Democratic leader, Senator HARRY REID, when I asked him what sort of a bill he would like to put together, his first words were: A bipartisan bill. So we made that effort, and as a result of not an extensively long markup but one that went on for several hours where, as Senator LOTT has pointed out, there were amendments that were agreed to and some disagreed to, and others made out of order, but we put together a bill that certainly was a major step forward, and it was supported by all members of the Rules Committee, even by members who had amendments that were rejected. We felt strongly that it was important that we try to act as unanimously as possible, and we did so.

So today we gather here in this Chamber for the full consideration of that bill, plus the bill that was authored by the distinguished Senator from Maine, Ms. COLLINS, and my colleague from Connecticut, Senator LIEBERMAN. This may be a unique situation about to occur here where the comanagers of this legislation will be the two Senators from the same State. My colleague from Connecticut, Senator LIEBERMAN, is the ranking Democrat on the Homeland Security and Governmental Affairs Committee. In fact, I watched their markup the other day on C–SPAN, and it was very healthy and productive and, I thought, a very comprehensive discussion of their jurisdiction of these matters, which clearly involves the role of lobbyists and their activities as they relate to Members as well but a bit different from the Rules

Committee. I congratulate them and members of their committee as well for a very thoughtful conversation.

I also commend TIM JOHNSON and GEORGE VOINOVICH, who are the vice chairman and chairman respectively of the Senate Ethics Committee. It has been said over and over again that there is no more thankless job in many ways than to be a member of the Ethics Committee, but they have done a remarkable job, in my view. They don't advertise what they do. Their meetings are not even necessarily publicized because they deal with these sensitive matters of allegations raised against Members of this body. But all of us who have watched them over the last number of years, along with the other members of that committee and their previous chairs, respect immensely the work they do. I suspect you are going be hearing from members of that committee during this debate and discussion as they report to this full body on their activities.

So today the full Senate begins the process of considering legislation to bolster congressional accountability, make the legislative process fair, more transparent, and to regulate more tightly the relationships between Members of Congress, the executive branch officials, and lobbyists.

It is imperative that we act on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence has been eroded by recent lobbying scandals involving Members principally, if not exclusively, of the House of Representatives. It is important that we note that.

I commend as well our Democratic leader, Senator REID, for his leadership in this effort. Without his focus and dedication to bring real reform to the attention of the American people and to propose a very comprehensive measure himself which, in large part, is the basis of the bill we are considering today, we would not be as far along as we are. Senator REID's bill is supported by 40 members of the Democratic caucus and represents a tough but appropriate response to the lobbying scandals of the other body.

We are still waiting for the majority of the other body to unveil their lobbying reform priorities. Had we waited for the response of the other body to lobbying scandals that affected the House, I believe we would not be standing before the American people today in the U.S. Senate addressing this issue. I thank Senator REID for his leadership on this measure and for taking positions that were not necessarily well received here in Washington but are essential to the confidence of the American people and the legislative process.

Bringing this bill to the floor is a next step in a longer process which has occupied directly two Senate committees—Rules and Administration and Homeland Security and Governmental Affairs. These reform efforts will eventually involve both the Senate and the House of Representatives. We should also consider whether such reforms should extend to the executive and judicial branches as we consider changes to ethics laws. Some of these matters clearly spill over, in my view. Since we are dealing with these matters, we ought not to necessarily just leave it to ourselves and the legislative branch to examine these issues but should consider whether they should apply to our colleagues who serve in the executive and judicial branches as well.

So let us be clear from the very outset about why we are here. There have been serious allegations made, and guilty pleas entered, regarding the criminal activities of certain Members of the House of Representatives and former staff and the activities of Jack Abramoff and his violations of current lobbying gift and ethics rules. Some of these abuses have involved spending earmarks or other special interests provisions. One House Member has already been convicted of criminal wrongdoing, resigned his seat, and has been sentenced to 8 years in prison on corruption charges. Senior House staffers have pled guilty to various violations. Others, including a political appointee of the Bush administration, have been indicted as well. I suspect more indictments will follow. By their guilty pleas, these individuals have acknowledged that they broke existing law, and I suspect that but for these activities, we might not have been dealing with the legislation that now brings us to the floor of this Chamber.

The Abramoff story suggests that he also engaged in activities that, while perhaps technically legal, were nonetheless clearly unethical. In government, we must hold ourselves to a standard of accountability that involves not only doing what is legal but also what is right.

As my colleague from Connecticut has noted, with this bill we have a chance to make what is clearly wrong also clearly illegal. Stricter enforcement of current laws and rules will go a long way toward addressing abuses, but we must also look to further reforms to reduce the risk of future wrongdoing. It is important to strengthen our current rules and procedures where we can to avoid future problems. So that is in a nutshell what we are about today and why we are here.

Let me share a little bit of history because, as my colleague from Mississippi has pointed out, these are not events but rather a process, and they began a long time ago. As he pointed out, there are any number of efforts that have been made on so-called reform efforts.

Regulating the relationships between Members and lobbyists is not something new. In 1876, the House of Representatives tried to require lobbyists to register with its Clerk, but enforcement was weak and not much came of those efforts more than 125 years ago.

In the early 1930s, Congress held hearings on lobbying abuses with very little result at all, and in 1938 the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional reforms were implemented in the 1960s and then the Lobbying Disclosure Act of 1995 and the new Senate gift and travel rules followed.

I say this to try and place our efforts in historical context and to underscore that reform is an organic and dynamic process, not an event. So it is appropriate to review and reform existing lobbying laws, gift rules, earmarking, and other procedures periodically. It is especially necessary today in light of the most recent scandals that have hit this town.

Restoring the confidence of the American people in the legislative process requires it. If we fail here to come together to produce real reform, then we risk the further disillusionment of our fellow citizens and allow their confidence in Congress to erode further.

It is clear that real, enforceable ethics reforms do work. Ethics reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and honoraria ban—in both of which I was privileged to play a role in—and other key provisions have helped ensure greater transparency and accountability in the U.S. Congress. But we must do more, and we will in these coming days.

As the ranking member of the Rules and Administration Committee, with jurisdiction over elements of this bill that affect the treatment and obligations of Members of Congress, I have worked with my good friend, Chairman LOTT, and committee colleagues on both sides to craft a bill on issues within our jurisdiction. That bill has now been married on the floor with legislation from the Homeland Security and Governmental Affairs Committee, chaired by the distinguished Senator from Maine and the ranking member from my home State of Connecticut, Senator LIEBERMAN. These bills address the Lobbying Disclosure Act changes within its jurisdiction.

I hope ultimately we can craft an omnibus bill that will command broad bipartisan support and will be signed into law by President Bush. I think we have already come a ways in that direction. I have appreciated the cooperative posture of Chairman LOTT in developing this measure which was reported unanimously, as I mentioned earlier, by the Rules Committee. There were a number of amendments offered in the committee to strengthen the measure, and some were accepted and some rejected.

My colleague went down this list, but it is important that my colleagues know what we were able to include. I

mention some of the reforms here: the ban on gifts from lobbyists, the requirements of additional reporting on meals as well. I might point out to my colleague from Mississippi, I suspect we may have already in effect, just established a ban on meals. Looking at the language in our own committee, the idea that people are going to be reporting every few days a $20 meal—I suspect most may decide it is not worth going through that. In fact, I may offer, at some point, to just make that a total ban on the meals altogether and avoid going through the process of having to list them on the Internet, which is what in effect we have accomplished in that provision of the bill.

The bill would also prohibit travel paid for by lobbyists and require prior approval of travel by the Ethics Committee. The bill requires for the very first time the disclosure of earmarks in bills, both appropriations bills and authorizing bills, and that imposes some complications, clearly, because an earmark authorizing bill may not be as clearly identifiable as one on an appropriations bill. In an appropriations bill you talk about Pascagoula, we talked about New London, CT. In an authorizing or tax bill it may describe ''some business that employs a certain number of people located above the Mason-Dixon line'' or something else. You would have to hire a scout or someone to go out and identify the specific entity that is being benefitted by that earmark. I suspect we are going to hear some conversation from our colleagues about how we are going to have to tighten it up. But the point the Senator from Mississippi was making in the Committee is this ought not be just appropriations matters. It ought to cover the spectrum where people parachute in a provision, particularly in a conference report, that had been neither considered by the House nor the Senate that ends up mysteriously in a bill.

If you try to take them out of that bill, by the way, when it comes back to the Senate, the entire bill in which they are located falls. None of us necessarily wants that to occur. Therefore a lot of these provisions have stayed in over the years. This is the reform being talked about here.

Our colleague from California, Senator FEINSTEIN, played a very critical role, with Senator LOTT, in drafting the provisions that incorporated the Rules Committee bill. I think most Members believe if the matter was not in the House or Senate and ends up in the conference report, that ought to be subject to a point of order and come out of the bill. While we may disagree on this point—I have heard my colleagues speak eloquently about it—we should be making sure the point of order would prevail so you don't have just a simple majority but require a supermajority vote to allow that to occur.

If it is that important, if the Member believes he had to put it in—and there may be such circumstances, by the way then the supermajority vote is appropriate. We have been around long enough to know what happens. We will pass an appropriations bill here, the House will do it, and then some event will occur, a hurricane, and then all of a sudden that is the only bill moving. So you want to put something in the bill. If it is on that level, then I suspect a supermajority of my colleagues will approve it. Nonetheless, real efforts are being made and our Rules Committee bill certainly dealt with that.

We also include a new point of order against the out-of-scope provisions. I mentioned that already. The bill would also require conference reports to be available 24 hours prior to the consideration on the Internet.

Again, some of these conference reports are mammoth. They would make ''War and Peace'' look like light reading when you see them. So having them for 24 hours is certainly going to be of some help.

It may shock Members or others to find out that these bills in many cases were not even printed at all. In some cases I remember over the years when we actually considered them. Nonetheless, I think that is a good step forward as well.

We eliminate floor privileges for former Members, officers, and Speakers of the House if they become lobbyists. It may be somewhat of a fine point, a piece of trivia. Members may not know this. Former House Members are not allowed on the Senate floor, but a former Speaker of the House is. That is the one former Member who is allowed in this Chamber. Most of our former colleagues certainly are not lobbyists, and those Members who have come back here do so infrequently, and it is always a pleasure to see them. But if you are a lobbyist, that raises a concern. I think the perception is such that we ought to keep people off the floor while they are engaged in that business—except under very special circumstances.

We require the disclosure of employment negotiations by Members and their staff prior to their departure from the Congress—again, something that I think is a good step forward. We also make it clear that efforts to influence employment practices of private entities on the basis of partisan considerations are a violation of the Senate rules. Again, this is going back to the so-called K Street project.

My colleague from Illinois, Senator DURBIN, raised this issue. There are already existing laws in the Criminal Code which prohibit certain of these activities. But my colleagues on the committee felt if it is already existing law we ought to make it clear, as well, that part of the rules of this place ought to be such that you cannot negotiate, on the basis of partisan politics, employment for people. I congratulate my colleague from Illinois for offering this language to address the K Street project.

Finally, Senator BEN NELSON of Nebraska offered an amendment, which was adopted, expressing the sense of the Senate that restrictions should apply to the executive and judicial branches as well. My hope would be we would do that.

My colleague from Mississippi has gone over a lot of this. The point being, we had an underlying bill. There were amendments offered. We strengthened the bill. This is not a perfect bill, but it is a good bill. It is a major step forward. I think, with the efforts made with the Homeland Security bill under the leadership of Senator COLLINS, we made a major step forward.

I anticipate some of those amendments that were rejected in our committee or ruled out of order may by offered on the floor. I may offer one or two of those amendments myself.

The most comprehensive amendment offered in Committee was one I offered on behalf of the Democratic Leader, Senator REID, which took key elements of the sweeping reform bill he developed in consultation with our Caucus, the Honest Leadership Act. That bill has served to help frame this debate thus far, and set a standard for real reform. It was rejected by the Committee on a party-line vote, which I regret, but some of its provisions were eventually adopted in Committee.

I know that additional key elements of this measure will be offered by various colleagues in the coming days. I suspect there will be some amendments to the government affairs committee portion of this bill, too, some of which were rejected in Committee, some withheld for the Floor debate.

That is at it should be. Many Members will have ideas to improve the bill here on the Floor, and I am committed to working with colleagues on our side to ensure their ideas get a full and fair hearing and, where necessary, a vote. Although the combined rules/government affairs committee bill offers a good framework, it is clear that the bill can and should be improved.

Efforts to strengthen this bill will be the focus of amendments by Members on our side going forward, both here on the Floor and in conference.

I won't try to summarize in detail what is in the new bill, which merges the provisions of the Rules Committee and Government Affairs bills. Our distinguished colleagues on the Homeland Security and Governmental Affairs Committee Senator COLLINS, Chair of the committee, and my colleague from Connecticut, Senator LIEBERMAN will be describing the provisions of their bill in detail. I ask consent that a brief section-by-section summary of the Rules Committee provisions be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. The Rules Committee bill deals with those issues governing conduct of Members, as per our jurisdiction. The bill includes reform of the

gift rule to prohibit gifts from lobbyists. The Rules Committee-reported bill exempts meals from this prohibition, but does require that members and staff disclose any meals paid for by lobbyists, according to existing dollar limits.

This provision does not go far enough, in my opinion. While I recognize that much business is transacted over meals, members and staff can afford to pay for their meals at such meetings. If we are taking the step of banning coffee cups and candy from lobbyists, we should also ban the coffee and desserts.

Finally, let me say a few things about what I think is the elephant in the room on reform efforts. And that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter, and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money.

This is a much more significant issue than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

As my colleagues know, under current controlling Supreme Court precedents, including its landmark decision in Buckley v. Valeo, comprehensive reform can be accomplished either through full or partial public funding in return for a voluntary agreement by candidates to abide by spending limits. Failing that, an amendment to the Constitution to enable Congress and the States to impose mandatory spending limits is needed. The idea that we are going to adopt a constitutional amendment is remote at best.

I have fond memories of our former colleague from South Carolina, Senator Hollings, eloquently, year after year after year, beseeching this institution to adopt a constitutional amendment that would, I think, say something as simple as: For the purpose of Federal elections, money is not speech. I think that was the entire language of the amendment, or something like that.

I supported him on a couple of occasions because of the simplicity of us being able to regulate this without having to go to the alternative route, which is what we are going to be left with if we want some control, and that is public financing.

Some States have done that. Jody Rell, my Republican Governor, offered the language in Connecticut, adopted by the Democrat-controlled legislature. The State of Arizona has done it. The State of New Jersey, I think, has done some as well. So it is not without precedent, and it is the only other alternative we have, without amendment to the Constitution, to make an effort to try to reduce the kind of campaign spending problems we have.

My preferred approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. I appreciate that Chairman LOTT has recently responded positively to my urging of a hearing in our Committee on comprehensive campaign reform.

I hope this will be the first step in a longer process of developing a comprehensive reform bill, although it may be difficult to actually enact such reform in this election year. It took us years to enact the McCain-Feingold law. Hopefully, it will not take as long to enact a more comprehensive bill for public financing.

But let me offer a caution on this point. While I am equally committed to seeing Congress act to respond to the lobbying scandals of recent months and address the role of special interest and lobbyist money in campaigns, I believe we must move these reforms and campaign finance reforms on separate and independent tracks.

Real campaign finance reform is more complex than reform of lobbying rules. We must not slow lobbying reform by tacking on unrelated campaign finance measures, which many on both sides would see as a poison pill.

Chairman LOTT and I had a sort of tacit agreement that we would work to keep such campaign finance provisions off this bill in Committee. I would hope we can adopt the same approach throughout this process.

I suspect that will be difficult to achieve, since there will be those who seek to use this bill for partisan advantage. But I urge my colleagues, in the interest of enacting bipartisan lobbying reform, that we keep this bill relatively free of campaign finance provisions like 527 organization reform, tribal contribution changes, and others.

For myself, I think there is a real risk of weighing down this bill with so many campaign finance amendments that we will effectively kill it. I hope that does not happen, and I urge my colleagues to withhold campaign finance-related amendments until we get to a more appropriate vehicle for them to offer their ideas.

Let us hope we can make some progress on the campaign finance front. But I appeal to my colleagues on both sides, let us agree to do it separately from this bill, since adding these provisions could kill the very legislation that brings so many of us together.

Eventually, real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system as well, which has served Democratic and Republican candidates—and all Americans—for 25 years.

Some of us have pressed for comprehensive campaign reform for years. Current scandals offer a once-in-a-generation opportunity to address this issue in ways which both meet public demands for reform and the tests laid out by the Supreme Court since the Buckley decision.

The American public is way ahead of us on this issue. Too many people believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor seekers.

Our system derives its legitimacy from the consent of those we govern. That is put at risk if the governed lose faith in the system's fundamental fairness and its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest.

Most Americans would agree that the price of funding campaigns with clean money—so-called ''disinterested'' money—is a small price to pay to restore the confidence in our system. Comprehensive campaign finance reform, along with efforts to address the recent lobbying scandals, is necessary to return control of the process to the people to whom it belongs. That is what government of the people, by the people, and for the people has meant for over 200 years.

So, I end where I began, that is, with the concern about the confidence of Americans in Congress, our credibility, and the credibility of the legislative process being at stake. Let us not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finances. I know when we eventually have this debate, the same tired arguments we have heard year after year will be trotted out in defense of the current system: Citizen funding is ''welfare for politicians''; we spend more on toilet paper than we do on campaigns; and political money equals speech.

That is ridiculous.

Some will argue that we must not curtail the first amendment rights of citizens, including the wealthiest Americans, to engage in the political process. I say let us have that debate. I welcome it.

I think most Americans would agree that the price of public funding of campaigns with clean money, uninterested money, is a small price to pay to restore that confidence in our political process, and to return control of that process to the governed. It is time for the Senate to come forward with fresh, bipartisan ideas on how we finance our campaigns.

I thank the majority and minority leaders and the Chairs and ranking member of both of these committees for their courtesies in bringing this legislation forward. I certainly look forward to working with my colleagues

over the next several days to conclude this process with a sound, strong piece of legislation.

We are here because of scandals that have wracked this town over the last number of days and weeks. We need to try to address those issues with this legislation. I believe we can.

Again, my compliments to my friend and colleague from Mississippi for his leadership, to Senator COLLINS of Maine, my colleague from Connecticut, Senator LIEBERMAN, and the respective members of these two committees—and to TIM JOHNSON and GEORGE VOINOVICH for the wonderful job they have done as leaders of our Ethics Committee in this body over the years.

With that, I yield the floor. I hope the chairman will maybe make such a proposal, but I suggest that we are going to be looking for amendments quickly. We are prepared to have time agreements on these amendments to allow for an adequate discussion of the proposal, and votes, if they are so needed. But if you will let us know what they are, we will help move this process along.

I want this debate to end this week. I think it can be done by Thursday. My goal is to have it done by Thursday. I ask the leaders to stay in session during the evenings, if we have to, to get the job finished. I hope that is not necessary.

Let us get amendments offered. Let us know what is on your mind, and we will line it up and see if we can't pass this bill by the end of the day on Thursday.

EXHIBIT 1

SUMMARY OF S. 2349, RULES COMMITTEE-REPORTED LOBBYING REFORM MEASURE

Reported unanimously 11–0 (with remaining 7 members voting in favor by proxy)

Sec. 1: Title: Legislative Transparency and Accountability Act of 2006

Sec. 2: Out of Scope Matters in Conference Reports—

provides for a point of order to be made against individual offending provisions, rather than the entire conference report;

if the point of order is sustained, the Senate will recede and concur with a further amendment (debatable question), which if agreed to, shall return the bill to the House for its concurrence;

provides that the point of order may be waived by a vote of 3/5 of the members (duly chosen and sworn) and that any appeal of a ruling of the Chair also requires a 3/5 vote to overturn.

Sec. 3: Earmarks (as amended by Sen. Feinstein)—

creates a new Rules XLIV on earmarks;

defines an earmark to be a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance, with assistance defined as being budget authority, contract authority, loan authority, and other expenditures, tax expenditures, or other revenue items;

requires that all earmarks in any Senate bill, Senate amendment, or conference report, including an appropriation bill, revenue bill, and authorization bill, be identified by Member proposing the earmark and an explanation of the essential governmental purpose of the earmark; and

publicly disclose all earmarks on the Internet for 24 hours prior to consideration.

Sec. 4: Available of Conference Reports on the Internet—

amends Rules XXVIII to require that a conference report must be publicly available on the Internet for 24 hours prior to consideration;

requires the Secretary of the Senate to develop an website for such purpose.

Sec. 5: Elimination of Floor Privileges—

amends Rule XXIII to eliminate floor privileges for an ex-Senator, ex-Officer, and ex-Speaker of the House who is a registered lobbyist, foreign agent, or someone who is in the employ or representative of any party or organization for the purpose of influencing the passage or defeat or amendment of any legislative proposal;

allows the Rules Committee to provide regulations on exceptions for the rule for ceremonial functions.

Sec. 6: Ban on Gifts From Lobbyists—

amends Rule XXXV to ban gifts from a registered lobbyists or foreign agent;

EXCEPT for meals, which are allowed, under the current dollar amount limits, but must be publicly disclosed on a Member's website within 15 days of the meal.

Sec. 7: Travel Restrictions and Disclosure—

amends Rule XXXV to prohibit transportation or lodging to be paid for by a registered lobbyist or foreign agent;

require advance approval for the trip by the Ethics Committee;

require members to submit a certification to the Ethics Committee, provided by the sponsor of the trip, certifying that: the trip was not paid in whole or in part by a registered lobbyist or foreign agent and the sponsor did not accept funds from a registered lobbyist or foreign agent specifically earmarked for this purpose;

require members to submit to the Ethics Committee, certifying: a detailed itinerary of the trip; a determination that the trip is primarily educational; is consistent with the official duties of the Member, officer, employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreation component;

30 days after completion of travel, the member, officer, or employee must file with Ethics Committee and the Secretary of the Senate a description of the meetings and events attended, the names of registered lobbyists who accompanied the member, officer, or employee (unless such disclosure would jeopardize the safety of the individual or adversely affect national security); and post the information on the Member's website;

amend Rule XXXV to require the disclosure of any flight on a non-commercial aircraft, excluding a flight on an aircraft owned, operating, or leased by a government entity taken in connection with the duties of the member, officer or employee;

report to the Secretary of the Senate, the date, destination, and owner or lessee of the aircraft, purpose of the trip, and persons on the trip (excluding the pilot);

amend FECA to require disclosure of similar information for flights taken by a candidate (except for the President or Vice President) during the reporting period;

amend Rule XXXV to require the Secretary of the Senate to publicly disclose all filings and require Members to post such filings on their official website within 30 days of travel.

Sec. 8: Post Employment Restrictions—

amend Rule XXXVII to prohibit highly compensated employees from lobbying the entire Senate, effective 60 days after enactment.

Sec. 9: Public Disclosure by Member of Employment Negotiations—

amend Rule XXXVII to require that a Member shall not directly negotiate prospective private employment until after the election for his or her successor has been held, UNLESS such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations within 3 business days, including the name of the private entity(ties) and the date negotiations commenced.

Sec. 10: Prohibit Official Contract by a Lobbyist Spouse or Immediate Family of Member—

amend Rule XXXVII to prohibit a spouse or immediate family member of a Member who is a registered lobbyist, or is employed or retained by a registered lobbyist to influence legislation, from having official contact with the personal, committee, or leadership staff of that Member;

immediate family member means 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 the Member.

Sec. 11: Influencing Hiring Decisions (Sen. Durbin's amendment)—

amend Rule XLIII to prohibit a Member from taking, withholding, or offering or threatening to take or withhold an official act or the official act of another with the intent of influencing on the basis of partisan political affiliation an employment decision or practice of a private entity.

Sec. 12: Sense-of-the-Senate on Executive and Judicial Branch Employees (Sen. Nelson's)—

express the sense-of-the-Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.

Sec. 13: Effective Date: date of enactment, except as otherwise provided.

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

Ms. COLLINS. Mr. President, let me begin by applauding both Senator DODD and Senator LOTT for their work on the membership part of this bill, and for the outstanding statements explaining the provisions and urging us to act.

Senator LOTT mentioned that the Rules Committee bill was reported unanimously, and that the bill that came out of our Homeland Security Committee was reported with only one dissenting vote. That is a remarkable show of bipartisanship. But to my colleagues in the Senate, it is probably more remarkable to see two Senate committees working together very carefully, outlining the jurisdiction of each committee and working in concert to produce a comprehensive and well-balanced piece of legislation.

Title I of this bill is the Rules Committee bill; title II is the Homeland Security bill.

Today the Senate begins consideration of the first significant lobbying reform legislation in a decade. The bills we are debating today and over the course of this week represent the good work of their sponsors, Senator MCCAIN and Senator LIEBERMAN—and Senator LOTT and Senator DODD as well—and the hard work of the two committees I have mentioned.

The committee I am privileged to chair, the Homeland Security and Governmental Affairs Committee, marked up the Lieberman bill this past Thursday. The committee reported out the

measure, as I mentioned, on a 13-to-1 vote.

The issue we take up today is serious, and it is pressing. Recent scandals involving Jack Abramoff and Representative Duke Cunningham have brought to light Congress's need to strengthen the laws and rules governing disclosure, and to ban practices that erode public confidence in the integrity of government decisions. That is what this debate is all about.

We know that if we are to tackle the tough issues facing our country, whether it is entitlement reform or other vital issues, the public must have confidence that our decisions are not tainted by special interests and are not subject to undue influence.

I want to emphasize that all of us here today recognize that lobbying, whether done on behalf of the business community and environmental organizations or children's advocacy groups or any other cause can provide us with very useful information that aids but does not dictate our decisionmaking process. Indeed, lobbying is a right guaranteed by our Constitution—the right to petition our government. But, unfortunately, today the image of lobbying often conjures up images of expensive paid vacations masquerading as factfinding trips, special access that the average citizen can never have, and undue influence that leads to tainted decisions. The corrosive effect of this image—and in a very few cases the reality on the public's confidence—in the political process cannot be underestimated.

I think it is also important to emphasize, however, that the vast majority of people in Washington, the vast majority of elected officials care deeply about their constituents and this country, and are making decisions which they believe are in the best interests of both. Nevertheless, we in Congress have an obligation to strengthen the crucial bond of trust between those of us in government and those whom government serves.

At the committee hearing last month on lobbying reform, we heard from several of our colleagues. We heard from business and labor organizations that engage in lobbying. We heard from a representative of a lobbyist organization, and from public policy experts. I mention this because I want my colleagues to understand that we had a wide-ranging hearing that reached out to people with various views on how we could reform our lobbying disclosure laws. The package before the Senate, the comprehensive package of bills, represents the culmination of what we have learned.

Again, I thank Senators MCCAIN and LOTT for their leadership in the development of this bill, along with the ranking members of Homeland Security, Senator LIEBERMAN and Senator DODD. We have crafted a bipartisan package.

I also want to thank Senator RICK SANTORUM for convening a bipartisan working group to help us find some common ground on the principles that underlie both bills.

Before describing the details of the bill we reported last Thursday, I want to point out that the committees addressed only those issues within our jurisdiction—the Lobbying Disclosure Act and the Ethics in Government Act, and congressional organization. But here on the floor we have married the two bills to produce a comprehensive package.

Let me quickly run through some of the major provisions of what is now title II of the bill we are debating.

The first section of this bill, title II, will enhance the lobbying disclosure provision. It will require quarterly filings rather than the present semiannual filing, and it ensures that the information is made available to the public on the Internet.

To facilitate this effort, it specifies that lobbyists must submit their filings electronically. This will ensure that the public information is widely available on a more timely basis. So our goal here is to have an easily accessible, transparent, and searchable database available on the Internet so the public is fully aware and able to access these reports.

To ensure timely disclosure, the substitute doubles the maximum penalty for noncompliance to $100,000.

To increase public confidence and enforcement, the legislation requires disclosure of reports to the Justice Department for enforcement. The enhanced disclosures will make the process of lobbying far more transparent to the public.

I note that the committee also adopted an amendment that would require the disclosure of so-called ''grassroots lobbying efforts.'' I did not support this amendment because of my concern that we don't want to chill any effort to encourage citizens to contact their members of Congress, but I nevertheless appreciate the efforts of the sponsors of the amendment—Senators LIEBERMAN and LEVIN—to address some of the legitimate concerns and to craft it in a way that is far more focused than the original provisions in the underlying bill that was before our committee.

Section B of what is now title II focuses on enforcement of congressional ethics. In some cases, there have been concerns about the enforcement effort.

We have included provisions that will include auditing and oversight of lobbyists' disclosure filings by the comptroller general who will also provide recommendations on how compliance could be improved and to identify needed resources and authorities.

This section of the bill would also provide for mandatory ethics training for Members of Congress and congressional staff. It also includes a sense-of-the-Senate resolution that there should be greater self-regulation within the lobbying community. I am thinking of the kinds of self-regulatory organizations—SROs, as they are often called—such as the securities industry, for example, employs.

Subtitle C of our bill, now title II, addresses the revolving-door problem, whereby Members of Congress and high-ranking staff leave Government for jobs focused on the institution they had once served in. We made essentially two changes in this provision of the law.

First, we doubled the cooling-off period that applies to Members of Congress who become lobbyists. We require a 2-year cooling-off period rather than the 1-year that is in current law. The second important change we make is we prohibit those high-ranking former congressional staffers from lobbying the entire Senate—not just the office in which they once worked. Those are two significant provisions strengthening the revolving-door provisions of the bill that will help to promote public confidence in the integrity of decisions by ensuring there is not undue special access by people who have inside information. Those are important provisions.

I point out in response to a comment made by Senator DODD that we do extend these provisions to high-ranking members of the executive branch who are covered now by the revolving-door provisions of the Ethics in Government Act.

The next subtitle of the bill creates a commission to strengthen confidence in Congress. This is a proposal included at the recommendation of my friend and colleague, Senator NORM COLEMAN. It would establish a commission to review and make some additional recommendations if needed. The commission would report its initial findings and recommendation to Congress by July 1, 2006. This is not a big, longstanding commission. It is a commission that is expected to act quickly, where we take a look at the whole area and report back.

I am very proud of the hard work of the Senate Committee on Homeland Security and Governmental Affairs on this issue. We have produced a strong bill, a strong bill that significantly increases the disclosure, that toughens the revolving-door provisions, and that will make a real difference in increasing the oversight of ethics and lobbying.

However, we need to take another look at a provision that did not get included in the bill that was included in the mark that Senator LIEBERMAN and I put forward but was deleted as a result of an amendment. That is a provision to create an Office of Public Integrity within the congressional branch. I will be talking more about that later, but let me say that proposal by no means is an indication of disrespect for or lack of appreciation of the Senate Ethics Committee. We know the Senate Ethics Committee has a very difficult job and does a good job. The members who serve on it are individuals of great integrity. It address a problem of perception.

It is difficult for the public to trust us to set our own rules, investigate violations, act as jury and judge—which is what the current system is now. So we carefully crafted a proposal intended to strike a better balance while still recognizing and maintaining the preeminent role of the Ethics Committee. Regrettably, there was a lot of confusion about this provision in committee because it resembles a provision that has been introduced on the House side. But Senator LIEBERMAN and I modified that provision and came up with our own proposal that ensured that the Ethics Committee was involved in every step of the process. We will have a further debate on that issue, but I raise it now for the benefit of my colleagues.

Again, we can make a real difference by passing this bill which marries the two bills that were reported by the Rules Committee and the Homeland Security Committee. The Senate has a very important opportunity to make Government more transparent and more accountable. At the end of the day, the public is going to review this legislation and ask one question: Does it promote more public trust and confidence in the decisions we make? I hope when we have the final vote on this bill, we will see the same kind of strong, bipartisan support the legislation enjoyed in both the rules and the Homeland Security Committee.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask I be permitted to speak as in morning business.

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

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 2370 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the bipartisan Lobbying Transparency and Accountability Act which was reported out of the Homeland Security and Governmental Affairs Committee last Thursday and which forms a significant part of the combined Homeland Security Rules Committee bill that we are starting to consider today.

It is a pleasure to join in an unusual foursome, co-managing these two bills. It is always a pleasure to work with Senator LOTT and Senator DODD of the Rules Committee. And I am also delighted to work with the chairman of the Homeland Security Committee, Senator COLLINS.

With these two bills we now have the opportunity to vote on what I believe is the most significant lobbying and ethics reform in a generation. That means we in Congress now have a once in a generation opportunity to help restore our tattered reputation with the American public by moving swiftly and strongly to enact these proposals into law.

By ensuring full transparency for the legislative process and those who work within it, this legislation will directly answer many of the questions that have been raised about the relationship between Members of Congress and lobbyists, about the role of money in public debate and deliberations, and about whether results in Washington go to the highest bidder or to the greatest public good.

This bill draws back the curtain to let the sun shine directly and brightly on the lobbyist-lawmaker relationship for all to see, clearly and easily.

I thank my good friends, colleagues, and partners, Senators MCCAIN and COLLINS, for the work they have done to bring the legislation to the Senate. Senator MCCAIN, along with his Committee on Indian Affairs, and its ranking member, Senator BYRON DORGAN, conducted a hard-hitting investigation into the activities of the disgraced lobbyist, Jack Abramoff, helping to expose his criminal activities—in particular, his odious exploitation of Indian tribes. On the basis of that investigation, Senator MCCAIN then introduced the Lobbyist Transparency and Accountability Act, which I proudly cosponsored. Then Chairman COLLINS took up the banner in our committee and, based on Senator MCCAIN's bill, we drafted legislation and quickly brought it before the committee for markup. The bill we debate today is the product of those efforts.

Senate Democratic Leader HARRY REID and Senator BARACK OBAMA of Illinois have played critical leadership roles in pushing reform forward by introducing very strong legislation, the Honest Leadership Act, which earned the support of 41 Members of the Senate and really helped lay the groundwork for us here today. The backing of virtually the entire Democratic caucus helped move this significant legislation to the floor, and I am proud of that. In fact, this proposal from our committee contains most of the proposals laid out in the Honest Leadership Act. I look forward to supporting amendments to restore other provisions of the Honest Leadership Act that were left out of the legislation before us today.

Finally, thanks to Senator RUSS FEINGOLD of Wisconsin, who history will note was the first in this 2-year session to introduce lobbying reform legislation. He did it last year. Senator FEINGOLD is always a reliable ally when it comes to raising the public interest above special interests.

The abuses to which these bills respond, I want to stress, are the exception to the rule. Almost always lobbyists comply with the law and provide Congress with valuable knowledge and expertise. Whether they represent corporations, unions, trade associations or nonprofits, or the public interest groups that have actually lobbied us to pass this legislation, lobbyists are instrumental to the work that goes on here on Capitol Hill.

The Founding Fathers recognized the importance of such work when they enshrined, in the very first amendment to our Constitution, the right of all people ''to petition the government for redress of grievances.'' We have to remember this when we legislate in this critically important and constitutionally elevated area. Lobbyists and the people they represent are exercising a constitutional right, and we have to, therefore, be careful, as we have been in this bill, to respect that right.

Nothing in the bill that has come out of the Homeland Security and Governmental Affairs Committee, or the Rules Committee, for that matter, improperly intrudes on the people's right to be represented in Washington. But there is an equivalent right of the public to a functioning form of government, and that must also be respected.

That is precisely what our bill does, by building on previous efforts in this area. The Supreme Court, long ago, made clear that the first amendment's guarantee of the right to petition the Government did not confer a right to do so in secret. In the 1954 case of United States v. Harris, the Court upheld the constitutionality of lobbying disclosure requirements and said those requirements were consistent with the first amendment. Let me read a passage from that decision:

> Present day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet the full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise, the voice of the people may all too easily be drowned out by the voice of the special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil to which the Lobbying Act was designed to help prevent.

Those words could not be truer today, when millions and millions of Americans, whether they realize it, are represented in our Nation's capital in some way by lobbyists, not just by those of us who are privileged to have been elected as Members of Congress. Whether they are teachers or steel workers, whether they are law enforcement officers or seniors, whether they are veterans or veterinarians, small business owners or big business executives—and the list of categories in this richly and extraordinarily pluralistic society could go on—people from all walks of American life—millions and millions of them—have paid representation in this city. That is lobbying.

In fact, as I suggested before, some of the strongest proponents of lobbying reform are registered lobbyists themselves, lobbying Congress to enact reforms such as those we are discussing today for the honor of their profession and, I might say, for the honor of Congress.

The number of lobbyists in Washington has exploded over the last decade. These are interesting numbers. The Congressional Research Service reported that over 30,000 people were registered as lobbyists in 2004, and that is

an 86-percent increase over the number of registered lobbyists in 2000. The industry receives and spends enormous sums of money.

According to the Center for Public Integrity, $3 billion—$3 billion—was spent on lobbying activities in 2004. That is the last full year for which records are available. And that is double the sum that was spent 6 years before. That is big money. Add to these numbers the recent scandals and the perception too many Americans have of business in Washington as cash exchanging hands under tables or in back room deals, and we have a public cynicism that weighs down on this institution of ours and lobbying as a profession. It is a reality we have to recognize. And in these two measures brought before this Chamber by these two committees, we have a way to lift that weight.

So we find ourselves in a place where the current lobbying disclosure requirements are self-evidently inadequate, and ethics rules governing Members' interactions with lobbyists need to be tightened, especially with respect to gifts from lobbyists.

The Washington Post last December said that more than 80 Members of Congress and their staff were listed as having appeared to have accepted entertainment from a particular company, BellSouth, which exceeded congressional gift limits. Public knowledge of gifts exceeding the limits is rare because no disclosure requirements exist at this point. We are on a kind of honor system. And these provisions would change that.

So let me take a moment or two to talk about the measure that is before us to deal with these shortcomings, not just to respond to the cynicism brought on by the latest lobbying scandal—the Abramoff scandal—but to respond thoughtfully to shortcomings in the law and the rules as they exist, and to respond to deficiencies identified by the members of the Rules Committee and the Homeland Security and Governmental Affairs Committee.

The first thing the legislation from our committee would do is bring the lawmaker-lobbyist relationship into the age of the Internet. We mandate that lobbyist disclosure statements be made publicly available on a searchable Internet database, linked to the Federal Election Commission database of campaign contributions. We also require that disclosures be made quarterly instead of semiannually, as is now the case. Both of those measures will add significantly to the public's ability to monitor lobbyist-lawmaker interactions.

When combined with the Rules Committee's bill, we virtually see the elimination of gifts from lobbyists to Members of Congress and ensure that those small number that still are possible are fully disclosed. The Rules Committee bill bans all gifts, other than meals, from lobbyists to Members of Congress and their staff and requires Members to disclose on their Web sites any meals they do consume through the hospitality of a lobbyist. We, in turn, through our committee, have provided what might be called the ''belt'' to the Rules Committee's ''suspenders'' by ensuring that lobbyists must, for the first time, disclose all gifts over $20.

So the Homeland Security and Governmental Affairs Committee can regulate by law the behavior of lobbyists. The Rules Committee obviously regulates the Members of the Senate. These two bills together will ensure a very significant curtailment of these gifts and clear knowledge for the public for those gifts that are still given—remembering that the current rules prohibits any Member from accepting gifts worth more than $100 a year from a lobbyist. But disclosure has not been required up until this time for our gift rules.

The Homeland Security and Governmental Affairs Committee bill will increase transparency in a number of other ways. Lobbyists will, for the first time, have to disclose when they play any role in arranging travel for Members of Congress and executive branch officials. Lobbyists would have to disclose the purpose and itinerary of any trips, itemize expenses, and disclose all lobbyists and Members in the traveling party.

Again, this is a reaction to the notorious trips sponsored by Mr. Abramoff. He did not necessarily pay for those trips, but he was clearly organizing them and using other entities to pay for them, while avoiding the kind of detailed disclosure that our proposal would require.

We also require more disclosure about lobbyists' political campaign activities. Contribution of $200 or more to candidates, leadership PACs or parties—as well as fundraising events hosted or sponsored by lobbyists—would have to be reported on an annual basis under the Lobbying Disclosure Act. These disclosures are now available on FEC databases, but the data base is not easy to search. Chairman COLLINS and I believe this additional reporting requirement is a minimal requirement justified by the additional public disclosure.

To those who had concerns that the initial formulation of this provision unfairly forced employees who are registered lobbyists to tell their employers who they gave campaign contributions to, thus perhaps chilling their constitutional rights, let me assure you that the committee heard your concerns and responded. We no longer require that disclosure through employers but, instead, mandate direct disclosure from each lobbyist. We also make clear that the contributions that must be disclosed are the same ones already provided by campaigns to the FEC.

Our proposal takes another step forward to require lobbyists to disclose payments for events that honor Members of Congress or executive branch officials. We do not prohibit such contributions, but in the public interest we require that they be disclosed. This would include payments to organizations, such as charities, that are founded or controlled by Members of Congress.

Our proposal would increase incentives to comply with the law by doubling the civil penalty for noncompliance under the Lobbying Disclosure Act from $50,000 to $100,000. Also, for the first time, we prohibit lobbyists, by statute, from providing gifts or travel that do not comply with congressional ethics rules. This is a critical reform because, until now, there has been nothing in the law to stop lobbyists from giving Members or staff gifts that skirt congressional limits, as long as the Members and staff were willing to accept them. That is, the rules govern the behavior of Members and staff, but there is currently no law regarding the behavior of lobbyists. With this reform, lobbyists would continue that kind of behavior at their own, very serious legal peril.

Our proposal would also make greater demands on those who move back and forth between public service and lobbying. To avoid conflicts of interest, we would increase from 1 year to 2 the amount of time a former Member of Congress or a former high-level executive branch official must wait before lobbying his or her former colleagues. For congressional staff, we expand the 1-year cooling-off period to bar lobbying not just of the staffer's former office but of the entire House of Congress in which the staffer worked. Again, if the revolving door spins more slowly, so too will abuses.

I wish to take a few moments to address what has become a controversial portion of our legislation but, as Senator COLLINS indicated—though she did not support this amendment in committee—should not be seen as quite that controversial. One may agree or disagree, but I want people to understand clearly what we have done. Our committee, on a good, strong bipartisan vote accepted in markup an amendment offered by Senator LEVIN and myself in direct response to the Abramoff scandal that ignited the reform drive that brings us together today. Mr. Abramoff directed his clients to pay millions of dollars, the record shows, to grassroots lobbying firms controlled by himself and his associate Michael Scanlon, fees that were then in large part directed back to Mr. Abramoff in the form of payments, fees—one might say kickbacks. I believe if disclosure requirements had been in place, Mr. Abramoff and Mr. Scanlon would not have been able to pull off this scam.

In the past decade, orchestrated, paid-for, so-called grassroots campaigns have been a staple and important part of many lobbying campaigns. There is nothing wrong with this. The question is whether we ask for some minimal disclosure equal to the disclosure requirements on lobbyists other

than grassroots lobbyists. Last year, for example, it was hard to miss the ads paid for by lobbyists urging voters to contact their Members of Congress to vote either for or against Social Security privatization. In the first 2 months of this year alone, 2006, candidates and interest groups have already spent over $92 million on television advertising. The nomination of Justice Alito, asbestos litigation reform, implementation of the Medicare Part D, and proposals related to telecommunications regulation all have generated massive media campaigns aimed at inspiring constituent calls, letters, and e-mails to Members.

Our proposal on this matter would, for the first time, require the disclosure of money received and spent by professional grassroots lobbying firms—that is, grassroots efforts paid for by lobbyists to generate major media campaigns, mass mailings, and large phone banks with the intent of influencing Members of Congress or the executive branch.

Let me say that again because I want my colleagues particularly to be clear about what this provision does and does not do. It does not ban or restrict grassroots lobbying of any kind in any way. That would be wrong. Grassroots lobbying is another important way for people to get involved in the process and let us in Congress know how they feel. The provision merely requires—in order to inform the public and prevent the kinds of abuses that the record now shows Mr. Abramoff was involved in through grassroots lobbying firms—the disclosure of the amount of money spent on this type of lobbying when it is done in professional campaigns. The controversy over this provision is, in my opinion, unreasonable because our bill will not inhibit any grassroots lobbying in any way. In fact, Senator LEVIN and I took extra steps from the original proposal to ensure that our proposal applies only to the larger professional efforts involved in grassroots lobbying.

For example, if the grassroots lobbying effort spends under $25,000 per quarter—in other words, less than $100,000 a year—it will not have to report at all. They are exempt. Money spent on communications directed at an organization's own members, employees, officers, or shareholders is also exempt from disclosure. So, an organization could retain a firm to communicate with its own members around the country and that would not have to be disclosed. And 501 (c)(3) organizations that already report grassroots expenses to the IRS will be allowed to report that same number under the Lobbying Disclosure Act, minimizing any alleged paperwork or accounting burden on these organizations. And while this may be self-evident, we have added words in the amendment to make clear that reporting is not required for voluntary efforts by the general public to communicate their own views to Federal officials or encourage other members of the general public to do the same.

Ten years ago, when Congress passed the Lobbying Disclosure Act, Senator LEVIN unsuccessfully fought for a grassroots lobbying disclosure provision. At that time he said such campaigns spend about $700 million per year. I would be surprised if that number hasn't at least doubled since then, and Congress and the public have no accurate picture of who is spending what to influence others to lobby us. Disclosure of paid grassroots lobbying is a long time past due.

Let me stress again, the reform we are debating here does nothing to abridge the right of all the people to petition their government. Its purpose is simply to bring the grassroots lobbying community out of the shadows and to ask it to make the same simple disclosure that all other lobbyists are required to do—basically, two numbers: the amount of money received and the amount of money spent, nothing more and nothing less than all other lobbyists are required to disclose.

During the markup in our Homeland Security Committee, some Senators and members of the committee asked whether the so-called 527 groups would be covered by this provision. The 527s are already required by law to disclose far greater amounts of information to either the IRS or the Federal Election Commission. The 527 groups are required, for example, to disclose the names of anyone who contributes more than $200 a year, and they must state the purpose of any expenditure over $500. Let's put to rest the notion that we are doing something about 527 groups here, because we already require far more of them than we are asking of grassroots lobbyists.

Another question raised in the committee was about whether a broadcaster, in particular a leader of a religious group, would be subject to grassroots disclosure requirements for urging his or her audience on radio or television to write or call Members of Congress about a particular issue. Of course not. This bill requires disclosure only by paid lobbyists acting on behalf of a client.

I have described what I think are very powerful provisions in this legislation to increase disclosure, to increase the transparency of the lobbyist-lawmaker relationship, and to slow down the revolving door between government service and K Street. I have heard some people say this legislation is not strong enough because our committee did strike from the bill a proposal Chairman COLLINS and I made for an Office of Public Integrity that would have been a new, independent repository of disclosure statements, with the power to investigate complaints and issue subpoenas. I want to talk about that in a moment. The fact is, even without that provision, which I still support, this is a very strong, transformational lobbying reform proposal.

The enforcement provision Senator COLLINS and I advocated in the committee would have helped restore the confidence of the American people. The ethics process, frankly, in the other body of Congress has been dysfunctional. I do believe we have a strong Ethics Committee in the Senate, and that is not the reason we put forth our proposal. We offered our proposal to increase the staff and professional support of our Ethics Committee and to create an independent place where investigations of complaints can be made so the public has no lingering suspicion that the ethics regulation of Members of Congress involves self-protection. That is the purpose of our proposal.

In addition to restoring public trust in the ability of Congress to police itself, the Office of Public Integrity that we proposed was designed to act as a monitor, reviewer, and watchdog of filings under the Lobbying Disclosure Act. Currently, lobbying disclosure forms are filed with the Secretary of the Senate. That office has fewer than 20 people to review filings—and they work hard; this is not to criticize them at all—compared to the 400 employees of the Federal Election Commission, which many people believe is also understaffed.

Here is the point: It is very hard for 20 people to adequately supervise and review the filings of over 30,000 lobbyists. That was another reason why Senator COLLINS and I submitted the Office of Public Integrity proposal. I believe this proposal is an important part of lobbying reform at this once-in-a-generation moment. We have put forth strong measures, in the bills reported by the Senate from the Committee on Rules and our committee, to enact increased disclosure, greater transparency, the virtual prohibition on gifts to Members of Congress, and elimination of any gifts without full disclosure. But I believe a better enforcement mechanism is a critical last component of true lobbying reform legislation. That is why some of us in the Senate will be offering amendments here on the floor along the lines of the proposal to create an Office of Public Integrity, which Chairman COLLINS and I offered in the Homeland Security and Governmental Affairs Committee. We will put forth amendments to strengthen the enforcement mechanisms of our proposed reforms to make sure those reforms are enforced.

I also intend to offer an amendment with Senator MCCAIN and others to curb privately funded travel. Currently when a Member of Congress or a candidate for office uses a private plane instead of flying on a commercial flight, the ethics rules require a payment to the owner of the plane equivalent to a first-class commercial ticket price. Senator MCCAIN and I and others believe that the current rule undervalues flights on noncommercial jets and provides an end-run on limitations on what corporations or individuals can contribute to Members or give us as gifts.

We believe it is time to update our rules to close this loophole, to base

payment on the fair market value of chartering a plane.

I want to stress again, notwithstanding my intention to join with other colleagues on a few of these amendments that I believe will strengthen the measure, that the legislation before us from our committee and from the Rules Committee together present the Senate an opportunity to adopt a very strong bill, a bill with sharp teeth that I believe will reduce the influence of money in the legislative process and prevent the kinds of grotesque abuses to which Mr. Abramoff and Congressman Cunningham have now pleaded guilty. This legislation will not only shine sunlight on what we are doing here but will restore the balance of power where it belongs, in favor of the American people. I am confident that increased transparency, always described in this great democracy of ours as the disinfecting rays of sunshine, will discourage some of the abuses that have occurred. And when combined with the bill reported out of the Committee on Rules, we will be writing into law a near total ban on gifts.

Thus, to the extent that lobbyists do confer gifts or arrange for travel for Members of Congress, our constituents will be able to follow the activities of those Members of Congress on the Internet and will, I am sure, be kept well informed of these movements by our free and industrious press.

It has been said that information is power, not just knowledge. Information and, therefore, power is what we are providing the public in this legislation. These are dramatic and transformational steps that are included in both of these measures. I hope they will, together, give our constituents a renewed sense of faith in this institution. I urge my colleagues to support the legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the ranking member, the Senator from Connecticut, for his excellent statement and for his championship of this bill. He is a longtime champion of good government. It has been a great pleasure to work with him on this legislation.

I see that the Senator from Ohio is in the Chamber. I believe he has a unanimous consent request to speak as in morning business. As one of the managers of the bill, I inform the Chair that I have no objection to that request.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business.

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Parliamentary inquiry, Mr. President: We are still on the rules and lobby reform legislation?

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I do feel a need to put some statement in the RECORD about the issue of public financing of campaigns that was raised by my distinguished colleague from the Rules Committee, Senator DODD, earlier today. He talked about how he believes this is something we need to do, and he wanted to have some hearings in the Rules Committee on the public financing of campaigns issue, and I agreed that we would find a time to do that. It is always good to have a hearing and see how laws that are on the books are actually working or not working, so I will be glad to do that.

I thank Senator DODD and other members of the Rules Committee for the fact that we held the line. There were two or three amendments that were considered or were offered dealing with campaign finance law, and Senator DODD spoke against them. I ruled them out of order, and then we went on. So it was a cooperative effort, once again, that I am very proud of.

The day may come when we want to revisit campaign finance reform laws or the issue of public financing of campaigns, but this is not that day. I wish to make it clear that public financing of Senate and House races is totally a nonstarter as far as this Senator is concerned. Every year, the American people cast their vote on public financing with a resounding no. Nine out of ten Americans—90 percent—refuse to check off contributing to the Presidential election campaign fund. So what makes us think they would check off or contribute in some way through the Tax Code to our campaigns?

Our campaign financing laws may not be the best. One of the most difficult things about running for the Congress is you have to get out and raise a lot of money because it costs a lot to buy time on television or radio or billboards and all that goes into a campaign. So everybody complains about how much money it takes, but they expect you to get your message out there, and if you don't, you certainly won't get elected. But one thing I have always noticed is good candidates, men and women, all manage to raise enough money to get their message across.

I still have faith in political entrepreneurs and people contributing to the candidate of their choice. But for us now to go to some sort of a checkoff scheme for the public financing of congressional races, I don't believe the American people are ready to do that. First of all, how would you do it? How would you fund Independents and libertarians? In my own race, I have a libertarian opponent this year, and we have Independents who are running. I know the answer to that: the two parties would squeeze them out. They wouldn't have a credible chance, really. But that is just one of many problems.

In the 13 States that have checkoff schemes for public financing, and some of them were mentioned earlier today, participation has dropped from 20 percent to about 11 percent. That is nothing more than, in my opinion, welfare for politicians; one more thing that is expected to be controlled by, run by, funded by the Government, which is, after all, taxpayers' money. So I just want to say that I believe this is one of the all time worst ideas of the year.

I fought for 4 years against the McCain-Feingold legislation, but eventually, when we temporarily lost our majority over here and we had Democratic leadership, BCRA, campaign finance reform, McCain-Feingold, was passed.

My attitude was, look, we fought the good fight, we held it off for years, it finally passed, it is on the books, and it is the law. Let's at least see how it is going to work. It has only had one election cycle. I want to see how this system works.

I have joined with Senator MCCAIN and Senator FEINGOLD in a bipartisan way saying: Well, wait a minute, we just barely got this thing done, let's see how it really works. I think it is going to be better than I thought it would in some respects and worse in others. For instance, what we have seen is that soft money that used to go to the parties, which I believe is where it should have gone, has oozed over into other areas.

That is why the Rules Committee last year voted to do real campaign finance reform when we adopted the 527 reform bill. That bill has languished on the calendar ever since because for some reason we can't get clearance to call it up, I guess. I don't know whether our leadership is really opposed to calling it up or whether the Democratic leadership has resisted, but the fact is that we reported it out of the Rules Committee on a bipartisan vote and it is on the calendar, it is waiting. So I hope that at some point we could consider that 527 freestanding, or if we ever have a hearing on campaign finance reform, 527 will be an important part of it. If we really want to do something that would affect how our campaigns are conducted this fall and in 2008, this is the place where we ought to do it.

These 527s involve a huge amount of money, mostly from rich people. They wind up in our campaigns against Republicans or against Democrats, and almost always attacking, and with no real disclosure of where this big money comes from. We know a lot of it on the Democratic side comes from I guess

''moveon.org,'' or George Soros. We also know that on our side of the aisle, we have the Swift Boat Veterans that ran negative ads funded with 527 money against Senator KERRY when he was running for President.

That is just the beginning. Both parties are going to do this more and more, the amount of money is going to go up, it is the worst kind of sewer money, and it is going to embarrass both of us. We need to get a grip on this 527 area now because they are not reporting, they are not disclosing, and they are not subject to any limits on contributions. So I would hope that we would find a way to deal with this, and I can assure my colleagues that I am going to withhold on campaign finance reform, but if anybody offers a serious campaign finance reform amendment, I will second degree it with 527 because I believe we ought to be doing this anyway.

What we will require is that you have to register with the FEC. If you are involved with campaigns, why would you have to disclose what you are doing in a campaign? Now, is that a tragedy?

We had some language in the Rules Committee bill that is on the floor now that somebody said: Well, you know, if you require this group to disclose, that is an unfair punishment. Excuse me? To disclose and report your contributions or expenditures is punishment? I don't understand that. That is what I believe we ought to be doing here. The American people have a right to know how we raise our money, where we raise our money from, how much it is, and it needs to be reported early and regularly. Let them decide. If they don't like the way you raise your money, they can vote against you. That is the way to do it.

So these 527s are unregulated, not even registered with the FEC, and it also should be required that they be subject to hard money limits on what can be donated. So I believe the real danger is in this so-called 527 area.

The bill we reported provides exceptions for 527s whose annual receipts are less than $25,000, which consists solely of State or local candidates or officials, or whose activities exclusively relate to State or local elections and ballot initiatives.

There is justification for these exceptions when small amount of money are involved in trying to encourage people to vote on ballot initiatives and so forth. But these exceptions do not apply if a 527 organization transmits a public communication that promotes, supports, attacks, or opposes a Federal candidate in the year prior to the Federal election, or conducts any voter drive activities in connection with an election in which a Federal candidate appears on the ballot.

The bill would also require that at least 50 percent of the 527 organization's administrative overhead expenses would have to be paid for with hard money.

The time has come to put an end to this shift of power from political parties. By the way, what are they for? Political parties are legitimate arms to encourage people to run for office, to encourage people to get out and vote. They were getting soft money contributions which were not going directly to the candidates. We said, Oh, no, that is bad. Now it goes to these shadowy 527s that are setting the agenda in our election process.

I think this is a very dangerous area. I have told Senator DODD, and I will keep my word, I do not intend to offer an amendment on this. I hope the leadership would take that legislation up freestanding, separate from this bill. But if we get into a whole movement into the campaign finance reform, instead of the rules of the Senate with regard to gifts and traveling and so forth, this would be one of the issues that would come up. I wanted to put that into the RECORD.

HURRICANE KATRINA

Mr. President, seeing no other Senator wishing to speak, I wish to switch over to another area. I urge my colleagues to begin to think about another issue that I think is very critical. This, once again, relates to my part of the country and my home State with regard to Hurricane Katrina.

I have a long experience in dealing with disasters—five hurricanes, two tornadoes with major consequences, two ice storms, and a flood. I have been dealing with disasters since 1969 when Hurricane Camille hit my home area. I thought it was the worst disaster I had ever seen or the country would ever see. Yet we see now that Hurricane Katrina dwarfed Hurricane Camille.

Going back to 1969, we had not quite come to the thinking we have now, where the Federal Government is going to do everything for us. People on the Mississippi gulf coast were on their backs. We had been devastated by that hurricane. We didn't know how we were going to deal with it. The President of the United States flew into Gulfport, MS, and said, We will not forget you. Then they called in the Office of Emergency Preparedness, an independent agency accountable only to the President of the United States and headed by a military officer. He came down, set up offices, and it worked. Dealing with Hurricane Camille and the cleanup and the aftermath was the best after a disaster I have ever seen. The people in that area were awed and amazed, and appreciated what happened in the cleanup after that hurricane.

Now, 40 years later it is worse, not better. What happened? Why, 40 years later, have we not learned the lessons from previous disasters and the cleanup after those hurricanes so we would do a quick, efficient, effective job after hurricanes? One of my very bright young staff members said it is because it has been 40 years of accumulated bureaucracy. I fear maybe he is right. But I think it is maybe something more than that. Over the years we have evolved in emergency preparedness for natural disasters and the recovery afterward. We have gone through a number of changes in names and a number of changes in locations. We have had some good heads of the emergency entity and some not so good heads.

I remember the head of the emergency preparedness organization under President Clinton was a gentleman named James Lee Witt from Arkansas. He was excellent. He did a wonderful job. My dealings with him after one of the hurricanes in the 1990s could not have been any better. So it does partially depend on who the leader is at these entities.

But I remember sitting in the leader's conference room when we were setting up this huge, new behemoth, the Department of Homeland Security. We were discussing how big was it going to be, what agencies and departments were we going to merge into that big, new department. I remember we had quite a lengthy discussion about the Coast Guard because they wanted to put the Coast Guard in Homeland Security and some of us did not like that. Senators INOUYE and STEVENS and others put some language in there about how the Coast Guard would work in that department, so eventually we went along with it. I am not sure it was a good idea, but obviously the Coast Guard has done a good job since the hurricane and generally does a good job.

Then it came up how we were going to put the emergency management agency in this new Department of Homeland Security—FEMA. I remember I raised questions. I said wait a minute, I am not sure we want to wrap this agency in this huge bureaucracy. I am afraid they will get pushed aside or underfunded or neglected. Preparation for terrorist attacks and homeland security is very different from preparation for a natural disaster and recovery after a disaster.

But I was told no, they are totally related. When you are working on preparation for terrorism, homeland security, it definitely relates to emergencies of a natural disaster and the aftermath.

I said OK. And we did it; we created this monstrous department now that is so big, and has been going through the throes of organization and management. I think they have done a pretty good job. I thought Tom Ridge was a good Secretary of the Department of Homeland Security. I have not had a personal problem with Secretary Chertoff. It is difficult to do what they have been doing. But I must say, we were wrong. We should not have put FEMA in the Department of Homeland Security.

What has happened is that some of the people with FEMA, who are experienced heads, said: You know, we are going to get overrun. This is not going to be good. So the more experienced, qualified hands—I think a lot of them left. I found after Hurricane Katrina

the agency was rife with bureaucracy. The chain of command—I don't know where it is. I guess it is nonexistent.

It is underfunded. There are inadequate funds, and it is undermanned. I think six of the nine regional positions of leadership are ''acting'' people; temporary.

I think we made a huge mistake when we moved FEMA into the Department of Homeland Security. I found repeatedly over the past 6 months they couldn't deal with debris removal. The degree of bureaucracy is mind boggling. Congress has to act, Treasury has to release the money, OMB has to say it is OK. The money goes to FEMA and then to the Corps of Engineers, and the Corps of Engineers gives it to the big contractor in Florida who gives it to the local contractors who give it to the small guy. By the time it gets to the guy who is actually moving the debris, he is getting $6 a cubic yard while the big contract is probably $21. It is a totally unworkable situation.

I found also when you talked to the leadership here in Washington, they may say the right thing and want to do the right thing, but it doesn't get to the FEMA person on the ground. They don't get the word. Or if they get the word, they ignore it. I don't know who they work for. I could cite so many horror stories you wouldn't believe it. It makes me cry to even think about it.

I have introduced legislation to do what I thought we should have done in the first place, and that is to have FEMA as a separate, independent agency, reportable only to one person, and that person is the disaster czar. It is the President of the United States.

For instance, I watched the talk shows on Sunday. There was some complaining that the head of FEMA was going around the head of the Homeland Security Department to talk directly to the President. Why, of course. Why not? Why would you have to report through layers and layers and layers, chain of command, to get to the big guy? It is ridiculous. The guy in charge of the disaster situation and recovery and cleanup and all that should be talking to the President of the United States. He should be directly involved—not in minutia, by the way, but in the grand picture. When you are dealing with disaster, somebody has to be in charge, giving orders.

I think I am going to be joined in this effort by other Senators from the region, including hopefully Senator LANDRIEU and Senator VITTER and my colleague from Mississippi. I know Senator CLINTON of New York has similar legislation. I invite my colleagues to take a look at it. It is coming. I don't know whether it will come out of the Homeland Security and Governmental Affairs Committee, but if it doesn't in a reasonable period of time, the first time we have an opportunity to offer this legislation, it will be offered as an amendment. I don't want to surprise people with it. I want you to think about it.

Believe me, the current bureaucracy has not worked. You don't want to get hit with this if you are from a coastal area, or an area prone to tornadoes or earthquakes or forest fires. You are going to need quick, decisive, unbureaucratic, adequately funded reactions where the chain of command is very short to make sure the job is actually done.

I will be back on the Mississippi gulf coast this coming weekend. I will see how we are doing. But I think it is not enough to just complain about what has happened. I am not trying to fix blame; I want to know how it is going to be better next week. I want to know how it is going to be better next year. My house will not be rebuilt in my hometown this year, but I am going to rebuild it. And the next time we have a hurricane, I hope we could get the Corps of Engineers to bulldoze the stranded houses that have effectively been destroyed in quicker than this time.

I wanted to put that on the record and encourage my colleagues to think about this. At some point you quit complaining and start taking action. You start dealing with the problems. Quite often, you know what I have found, the problem is not the bureaucracy or the department or the President or the Governor of some State—it is us. It is the way we write the laws—convoluted, unworkable laws that we put on the books. This is one case where we made a mistake. Let's fix it.

This legislation will put back an independent, freestanding agency, and that would be the right thing to do.

Mr. President, I believe we do have some votes. We will have, two or three votes, I believe the leader said, at approximately 5:30. I believe there will be some Senators who are coming over to speak on behalf of these judicial nominations between now and then.

For now I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to executive session for consideration en bloc of Executive Calendar Nos. 517, 518, and 519, which the clerk will report.

The bill clerk read the nominations of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia; Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia; and Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mr. CHAMBLISS. Mr. President, I rise in support of the nomination of Timothy C. Batten, the President's nominee to be U.S. district court judge for the Northern District of Georgia. The Committee on the Judiciary wisely recommended that we consent to his nomination, and I join the committee in urging a favorable vote by all of my colleagues in this body.

Mr. Batten was nominated by President Bush on September 29, 2005, after Senator ISAKSON and I conveyed Mr. Batten's name for appropriate consideration. Mr. Batten is a native of Georgia and a resident of Atlanta. He graduated with honors from the Georgia Institute of Technology and cum laude from the University of Georgia School of Law. Since his graduation from law school, he has been with the Atlanta law firm of Schreeder, Wheeler & Flint. He specializes in commercial litigation representing both plaintiffs and defendants and has substantial trial experience.

Mr. Batten has distinguished himself among Atlanta lawyers and is held in high regard by judges before whom he has appeared, as well his colleagues at the bar, including opposing counsel.

Tim Batten is a devoted husband and father and brings to the Federal bench not only a wealth of legal experience but a dedication and commitment to the rule of law which is an essential qualification for any person who would serve in the Federal judiciary.

I know Tim personally. I am as excited as I can be about Tim being nominated by the President, and I look forward to his confirmation. I urge my colleagues to support his nomination. I look forward to his service on the Federal bench in the Northern District of Georgia.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise in favor of the confirmation of the nomination of Mr. Timothy Batten, the U.S. district court for the Northern District of Georgia.

In doing so, I give sincere thanks to our selection committee and review committee in Georgia which interviewed all the potential candidates for this judgeship. My three appointees: Jimmy Franklin, Dr. Ron Carlson, and Mr. Ingram, have done a wonderful job in donating countless thousands of hours to see to it that the very best nominees were sent forward to the White House. I extend my thanks to them.

I extend my thanks to all those who submitted their names, and, in particular, Mr. Tim Batten, who has been selected by the President of the United States for this judgeship.

Over the last few years in terms of the judiciary confirmation process, offering oneself for a Federal judgeship in this country is not a walk in the park.

It is not a picnic. We are very fortunate in this country to have men and women of the caliber and the standing of Tim Batten who are willing to make the sacrifices for public service and offer themselves to serve this country.

Tim and his beautiful wife Elizabeth and their six children are truly an American success story. With his confirmation and the vote by this Senate tonight, we will be adding to the U.S. district court a competent, dedicated individual, dedicated to the rule of law, the principles of this country, and the Constitution of the United States of America.

As the junior Senator from the State of Georgia, I am happy and honored to commend to the entire Senate Mr. Timothy Batten as the next district judge in Georgia.

Mr. Batten was born in Atlanta, GA, received his undergraduate degree at the Georgia Institute of Technology in 1981, and his juris doctorate degree at the University of Georgia in 1984. He has practiced law in Georgia his entire professional career at the firm of Schreeder, Wheeler & Flint, and he and his wife Elizabeth have six children.

I know Mr. Batten is very well qualified and keenly aware of the responsibilities he is about to undertake. I know that as the Members of this Chamber have considered his nomination they have learned that that he will be a jurist who understands the value and the strength and the power of the Constitution of the United States of America, and a jurist who will rule based on the law, not legislate based on the position. Mr. Batten has exceptional qualifications, and I have every confidence that Mr. Batten is equal to the position he has been nominated for.

I ask unanimous consent that personal information on Mr. Batten be printed in the RECORD.

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

TIMOTHY C. BATTEN, SR.

Birth: May 23, 1960, Atlanta, Georgia.

Legal Residence: Georgia.

Marital Status: Married, Elizabeth Parkman Batten, six children.

Education: 1977–1981, Georgia Institute of Technology, B.S. degree; 1981–1984, University of Georgia, J.D. degree.

Bar: 1984, Georgia.

Experience: 1984–present, Schreeder, Wheeler & Flint, LLP—Associate, 1984–1993; Partner, 1993–present.

Office: Schreeder, Wheeler & Flint, LLP, 1600 Candler Building, 127 Peachtree Street, NE, Atlanta, Georgia 30303–1845, 404–681–3450.

To be United States District Judge for the Northern District of Georgia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, very briefly, we are about to proceed to a vote on three judicial nominees. In my judgment, they are all well-qualified. There is no contest. One of the nominees, Thomas Edward Johnston, currently serves as the U.S. Attorney for the Northern District of West Virginia. He has been nominated for the District Court for the Southern District of West Virginia and has an excellent academic and professional background.

Timothy C. Batten has been nominated to be a judge for the District Court for the Northern District of Georgia. He has been an active practitioner with the Schreeder, Wheeler & Flint law firm for the past 22 years. Again, I believe this nomination is not controversial.

Aida M. Delgado-Colon has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. She has been a magistrate judge since 1993 and has served with the Department of Labor in Puerto Rico, the Office of the Federal Public Defender for Puerto Rico, and as an adjunct professor at Pontifical Catholic University.

That is a very brief statement of these three nominees.

I yield to my distinguished ranking member, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Pennsylvania. I note that two of the nominees, one from West Virginia and another from Georgia, are represented in the Senate for West Virginia with two Democratic Senators, both of whom support the nominee. Georgia has two Republican Senators, both of whom support the nominee. They have been moved very quickly.

I mention this because the nominees are the 229th, 230th, and 231st of the judges nominated by President Bush to be confirmed. It shows when the White House works with Members of both parties how quickly they get filled. It is an indication when the White House takes time to work with Members of both parties to fill the judgeships, they move rather quickly.

This evening we will see three more of President Bush's nominees for lifetime appointments to the Federal courts confirmed. With these confirmations, the total number of the President's judicial appointees rises to 231, including the confirmations of Supreme Court Justices Roberts and Alito. This is an impressive number, considering the time that was needed to devote to the Supreme Court vacancies over the last year—President Bush made a series of three nominations for the successor to Justice O'Connor—and the administration's slow pace of nominations for much of this year.

Tonight's nominees come from West Virginia, Georgia and Puerto Rico. Thomas Johnston of West Virginia has the support of his two home-State Democratic Senators. Thomas Batten of Georgia has the support of his two home-State Republican Senators. The nominee from Puerto Rico was not opposed in the Judiciary Committee. These nominees, the 229th, 230th and 231st judges nominated by this President to be confirmed, show once again that when the White House works with Senators from both parties, vacancies on the Federal bench can quickly be filled. It is when the White House refuses to consult with the Senate, or having mentioned nominees' names, ignores the advice of the Senate, or chooses to pick a fight for partisan purposes, that we have trouble.

Considering how hard the Judiciary Committee has worked to uphold its part in the process of confirming judges, it is unfortunate that the President is not fulfilling the commitments he made to be a uniter and to complete his work in advance of vacancies. Even after these three nominees are confirmed, there will still be more than 50 vacancies in the Federal circuit and district courts. Despite the fanfare with which the President announced that he would be sending nominations for upcoming vacancies in advance and in no event later than 180 days after a vacancy, there are at least 24 current vacancies, nearly half, for which there is no nominee at all. Some of those 24 vacancies have been sitting empty more than a year. Over and over the White House has missed the deadline the President established for himself, and today, of the 24 vacancies waiting for nominees, 10 are already more than 180 days old.

If the White House would eliminate its partisan political and ideological litmus tests from the judicial nominations process, and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier. As tonight's confirmations demonstrate, Democrats in the Senate have been cooperative.

I congratulate these nominees and their families on their confirmations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are scheduled to vote at 5:30. My watch says 5:30.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to the vote on the nominations.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the

Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—88

Akaka	Dodd	Menendez
Alexander	Dole	Mikulski
Allard	Domenici	Murray
Allen	Dorgan	Nelson (FL)
Baucus	Durbin	Nelson (NE)
Bayh	Ensign	Obama
Bennett	Enzi	Pryor
Bingaman	Feingold	Reed
Bond	Feinstein	Reid
Boxer	Frist	Roberts
Brownback	Graham	Rockefeller
Bunning	Grassley	Salazar
Burns	Gregg	Santorum
Burr	Hagel	Sarbanes
Byrd	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Inhofe	Shelby
Chafee	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Wyden
DeMint	Lugar	
DeWine	McConnell	

NOT VOTING—12

Biden	Johnson	McCain
Clinton	Landrieu	Murkowski
Hutchison	Lautenberg	Stabenow
Jeffords	Martinez	Warner

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the confirmation of Thomas E. Johnston, of West Virginia, to be United States District Court Judge for the Southern District of West Virginia.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Michigan (Ms. STABENOW), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW), would vote ''yea.''

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—89

Akaka	Dodd	McConnell
Alexander	Dole	Menendez
Allard	Domenici	Mikulski
Allen	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Obama
Bingaman	Feingold	Pryor
Bond	Feinstein	Reed
Boxer	Frist	Reid
Brownback	Graham	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Salazar
Burr	Hagel	Santorum
Byrd	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Inhofe	Sessions
Chafee	Inouye	Shelby
Chambliss	Isakson	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Wyden
DeWine	Lugar	

NOT VOTING—11

Biden	Landrieu	Murkowski
Clinton	Lautenberg	Stabenow
Hutchison	Martinez	Warner
Jeffords	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senate will vote on the confirmation of Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 2320, the LIHEAP funding bill, and that the Kyl amendment be temporarily set aside so I may offer a first-degree amendment. It is amendment No. 2898. I further ask that following my statement on the amendment, the Senate then proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

Pending:

Kyl/Ensign amendment No. 2899, to make available funds included in the Deficit Reduction Act of 2005 for allotments to States for the Low-Income Home Energy Assistance Program for fiscal year 2006.

AMENDMENT NO. 2898

(Purpose: To reduce energy prices)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2898.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. INHOFE. Mr. President, this is simply what I have called the energy price reduction amendment. Each year proponents of LIHEAP funding complain that energy prices have increased and therefore more assistance is needed. Yet subsidizing high prices does nothing to lower prices. Increasing the funding for today's LIHEAP without acting to reduce the price of energy tomorrow is not an acceptable solution.

Home energy prices are excessively high because of two simple facts, two critical reasons: First, the demand for energy has increased along with the economic output. However, because natural gas is regarded as an environmentally preferable fuel, demand for natural gas has increased dramatically as more of it is used for electricity generation. We have gone through this with coal-fired plants. We have tried to have major advancements in clean coal technology, which we are doing right now. But right now, the one thing that is environmentally pure is natural gas and, for that reason, the demand is up. Second, with the rise in demand, the market should have responded with a corresponding increase in supply.

I have here a chart, and this is from the Energy Information Administration. Domestic production of natural gas has actually declined. Not many people understand this, that the supply has actually declined. So not only do we have an increase in demand, but the supply has reduced, as is pointed out in this chart. I want my colleagues to recognize that I am reporting clear facts. I am ignoring partisan rhetoric, relying on recognized, unbiased experts from the EIA, not from the New York Times, not from the industry representatives. The EIA's consumer guide, ''Residential Natural Gas Prices: What Consumers Should Know,'' states that:

One of the most significant factors why prices are so high is due to weak production, noting that production decreased by only .6 percent in 2004, declining below the 2002 level and reaching the lowest production levels since 1999.

The fact is that demand has increased and production levels have not. As a result, our constituents—the very same residents desperate for LIHEAP assistance—are facing artificially high natural gas prices.

This chart is from the EIA. It illustrates how much residents of each of our States are paying for natural gas. Now I would encourage my colleagues to look and see what it is, and look at one of the higher elevations. It is from $16 in those regions there, all the way down to—I can't read it from here, but you can see it. It is such a disparity as you go around the Nation, and I think people need to know what their constituents are being forced to pay.

EIA data has shown that production of natural gas has decreased dramatically. The National Petroleum Council, which is a nonpartisan entity charged by the Secretary of Energy, concluded that significant gas resources were effectively off limits for various reasons.

The American Gas Association, a strong supporter of increased LIHEAP funding, came to the same conclusion. Both entities called for a better, more efficient process for producing natural gas.

My amendment provides a more certain process for energy-related decisionmaking on public lands. It requires the Secretary to act on an energy-related application within 120 days. If the application is not approved, then the Secretary must inform the applicant as to the reasons and allow the applicant to modify its application.

What is happening here is that these applications to produce on these lands, public lands, sit there and there is never any decision. Certainly it should be shorter than 120 days, but that should be adequate.

Further, it clarifies existing practice and requires that a reviewing court accord a rebuttable presumption to the Secretary's determination that an energy project as mitigated does not have a significant environmental impact. The recently enacted Energy bill included significant energy efficiency improvements. In fact, it included so many that EIA modified its energy projections in some ways to incorporate the new law.

My amendment would improve natural gas efficiency through the EPA's Natural Gas Star Program. This is a good program. It works, and it is being voluntarily complied with. Under my language, the EPA would be authorized to provide grants to identify and use methane reduction technologies, and the Administrator would be required to conduct a series of methane emission reduction workshops in oil and gas-producing States. The less gas that is leaked means more gas is available to consumers. It is a no-brainer.

The lack of sufficient domestic refining capacity has received significant media attention. The public understands that tight capacity translates to higher prices of motor fuels.

Yet some LIHEAP proponents might not realize that home heating oil, which the Northeast desperately needs, as you can see on this chart, is a middle distillate along with diesel fuel. Therefore, according to the Congressional Research Service:

Because the residential and transportation sectors are in potential competition for the same part of the barrel, any unusual circumstances affecting the price and supply of one of these fuels affects the supply and price of the other.

Increasing refining capacity not only lowers the price of motor fuels but reduces the price of home heating oil as well.

Although States have a significant role in permitting existing or new refineries, they face particular technical and financial constraints when faced with these extremely complex facilities. It wasn't long ago that I authored the Gas Price Act, and it was one that never even made it out of my committee. Yet it would have dramatically reduced the cost of refining. Right now we are at 100-percent refining capacity in America. Yet nothing is being done about it. Quite frankly, those individuals who are feeling the heat the most, who are not getting the heat the most in the Northeast are the ones who objected to the Gas Price Act.

This amendment does not have the same provisions as the Gas Price Act; it merely establishes a Governor opt-in program that requires the EPA Administrator to coordinate and concurrently review all permits with the relevant State agencies. This program does not waive or weaken the standards under any environmental law that seeks to assist States and consumers by providing greater certainty in the permitting process.

In fact, the Environmental Council of the States—an organization representing the State environmental directors—stated in a letter of support for similar language that the language:

Does not weaken the standards and allows each State to choose its best course.

This improved process does more than just increase the process for production of heating oil; it also redefines one's idea of a refinery. My amendment provides Federal assistance to States for the permitting of ethanol plants or bio refineries, as well as facilities to produce ultraclean diesel or jet fuel from coal.

Assisting the expansion of bio refineries and coal-to-liquids facilities provides even more slack in the system that will lead to lower home heating oil prices in the future.

In its consumer guide, EIA points out that prices could even increase if there were disruptions to liquefied natural gas pipeline delivery systems, two very real points, especially to my friends in the Northeast. Keep in mind that if you divide the country up into sectors, the Northeast uses 31 percent—31 percent of the people residing in the Northeast use home heating oils, that in contrast with the Midwest, 3.2 percent; the South, 2.1 percent; and the West, 0.7 percent. That is a huge disparity. They are the ones who are opposing the various things that we can do to refine the home heating oils as well as diesel fuel.

Something has to be done. You can't say we want to have cheaper energy, we want to have a LIHEAP program to make it more affordable for people in the Northeast, and yet the legislators in the Northeast oppose consistently any major changes in our refining capacity. As I said, we are already 100-percent refining capacity now, and that was before Katrina, I might add.

On the subject of liquefied LNG, I was astonished to learn that two members of the Massachusetts House delegation inserted a provision in the transportation bill in the dark of the night—I know this, I was the author of that bill—it happened in the middle of the night before it was taken up the next morning, to the detriment of the Northeast region. They slipped in a provision that blocks the construction of an already approved LNG terminal by maintaining an old bridge scheduled for demolition because it has been classified as a navigational hazard. This short-sighted stunt by a few Members means that the Northeast region will be deprived of supply that would reduce wholesale natural gas prices by up to 20 percent—up to 20 percent. It was an LNG already accepted terminal in Massachusetts.

My amendment repeals that offensive provision so harmful to the entire Northeast. Bipartisan Members of this body, from the senior Senator from Maine to the senior Senator from New York, interested stakeholders from the AARP to the National Conference of Black Mayors, have all expressed their concern over how high energy prices are hurting their constituents.

Members, voting for this amendment means you are voting to lower those prices. A vote for this amendment means you are voting to help the LIHEAP beneficiaries. This is something that makes so much common sense and something that is hard to understand here in Washington, DC. We

have to do something about increasing the supply of natural gas as well as home heating oils through the refining capacity as well as doing something to affect the supply.

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from Iowa.

HONORING A. ERNEST FITZGERALD

Mr. GRASSLEY. Mr. President, a patriotic civil servant is going home. Mr. A. Ernest Fitzgerald has finally called it quits. His 42-year career, including Navy service in World War II, came to a close on Friday, March 3. He has walked out of the Pentagon for the last time. He has retired.

Although Mr. Fitzgerald's first name is Arthur, most of us know him fondly under the name of Ernie. Ernie is probably the most famous whistleblower of all time, and I think of him as the father of all whistleblowers, the chief whistleblower. He set an example for all of the whistleblowers who have followed in his footsteps.

Ernie is a man of great courage and integrity.

I dreamed for a long time that someday some duly certified whistleblower would be honored by a President, even this President, at a Rose Garden ceremony. Ernie is a perfect candidate for such a Rose Garden ceremony, but I don't think that he is going to get that honor. It may never happen. At least it may not happen in my lifetime. But of course I believe it should happen because that would be the right thing to do, to send a signal from the highest levels of Government all the way to the bowels of the bureaucracy that patriotic people who are willing to blow the whistle on something that is wrong in Government would be honored for being that patriotic person.

Courageous souls such as Ernie Fitzgerald make our Nation and our Government stronger and better. They help to strengthen and keep the public trust. They help to make the Government transparent and accountable, and that is exactly what the citizens of this country want and what the citizens of this country ought to expect.

That is why we must always help whistleblowers such as Ernie Fitzgerald. Being a whistleblower is a tough business. They need our constant support and protection because within the bureaucracy they are treated like a skunk at a picnic. Those, such as Ernie, who have stepped forward and put their careers and reputations on the line in the defense of truth in Government deserve the highest honor.

Ernie did not make it to the Rose Garden, but he got pretty close. He got the next best thing. He left the Pentagon with his dignity and honor intact.

In a moment I want to explain how that happened. But first I wish to speak briefly about what Ernie did because he was always a source of inspiration to this Senator. Early in my Senate career, I heard about Ernie Fitzgerald. His work convinced me that I needed to get involved in oversight, generally, and at that time specifically oversight of the Defense Department, oversight of the Pentagon. Ernie's work, along with that of a person by the name of Chuck Spinney, was a huge contribution. They were the inspiration behind my historic amendment to freeze the Defense budget that was approved by the Senate in May of 1985. Ernie was the inspiration behind my efforts to put the brakes on the spare parts overpricing.

Ernie was also the inspiration behind my efforts to expose and clean up the Department of Defense books of account and broken accounting practices. Ernie was the inspiration behind so many whistleblower protection laws that are now on the books.

Ernie's unwavering devotion to saving the taxpayers' money has always been an inspiration to this Senator. Ernie never lost sight of this lofty and honorable goal, not for one second. And he would pursue it to the end of the Earth, if that is where it took him. To Ernie, saving the taxpayers' money was never just a goal. It was much more than that. It was more like a calling to him. It was a matter of faith to him, keeping faith with the taxpayers, stopping waste of taxpayers; money was a religion to Ernie Fitzgerald.

Ernie had fellowship with the taxpayers.

He did everything in his power each day to ensure that not a penny was wasted and every cent was properly accounted for.

Ernie followed his calling in a place called the Pentagon—not exactly what I would call a taxpayer-friendly environment. That is the place that the world's most powerful generals and admirals call home. And the generals and admirals never looked kindly on the likes of a whistleblower named Ernie Fitzgerald. But that didn't phase Ernie one bit.

The Pentagon brass is praising him today as he leaves the Pentagon for good, but they hammered him relentlessly for what he was and for what he did. The Pentagon is the place where Ernie dug in his heels, took his stand, and kept the faith.

The most fateful day in the life of Ernie Fitzgerald was November 13, 1968. That was the day Erie appeared before Senator Proxmire's Joint Economic Committee to testify on the C–5 transport aircraft program. He was an official witness of the U.S. Air Force. And Ernie did the unthinkable—he ''committed truth.'' He told the Congress about a $12 billion C–5 cost overrun. Back then, $2 billion was real money.

Ernie's truthful testimony about the C–5 cost overrun created a firestorm of controversy, and that is what caused President Nixon to issue his famous order caught on those famous tapes. The quote was: ''Get rid of that SOB.'' For speaking the truth, Ernie paid the ultimate price: He got fired, he got blackballed, and he was put on the official hit list. His career was over. And that was November 13, 1968. For speaking the truth—that is what it was all about, just speak the truth—about a $2 billion cost overrun on an airplane that somehow people wanted to cover up. As most of us know, though, Ernie got his job back, but it took him 12 years to get his job back. That is how much whistleblowers are appreciated in the bureaucracy at the Pentagon, or anyplace else. And when he did get it back, it was not given back willingly; it had to be taken back. It took a court order signed by U.S. District Judge William B. Bryant on June 15, 1982. That is 14 years after he appeared to talk about the C–5 $2 billion cost overrun.

Judge Bryant's order made Ernie the Management Systems Deputy of the Air Force. It was a high-sounding title with far-reaching responsibilities. On paper, it looked like a perfect fit. Unfortunately, Ernie was never given the authority to perform the job specified in the court order. The ''over-dogs,'' as Ernie Fitzgerald called them, effectively isolated him then and the 25 years since. As far as I know, the only time Ernie was able to do his job was when he was officially detailed to my staff for short periods of time.

The last such project was 1997–1998 when Ernie worked with my staff on what we called the Joint Review of Internal Controls at the Defense Department. He and my staff examined several hundred invoices from an office in the Pentagon where fraud had occurred. They followed those invoices step by step through the entire cycle of transactions from purchase order to payment by the Treasury. They found overpayments, underpayments, erroneous payments, and even potentially fraudulent payments. No one payment had been done correctly.

One of the biggest problems uncovered had to do with ''remit'' addresses. Remit addresses are so important because that is where the money goes. The staff found people who were handling invoices and paying bills also had authority to put addresses on checks going out the door. That was a major violation of the separation-of-duties principle. It left the door wide open to fraud.

Ernie helped us close that door.

Despite constant bureaucratic roadblocks, Ernie went to his cubbyhole-

size office day in and day out for all those 25 years. Each day, he did what he could to keep the faith and honor his commitment to those taxpayers.

Then came another fateful day: September 12, last year. That was the day Judge Bryant, after 25 years, pulled the plug on Ernie's court order, precipitating another crisis in Ernie's life and bringing us to this place in time.

I feel like we have arrived at a very important point in time. We didn't make it to the Rose Garden this time, but we came pretty close. So we are making progress. Maybe next time.

Earlier, I promised to explain how we came close to the Rose Garden. On Monday, February 27, this year, the inspector general at the Defense Department presented our most famous whistleblower, Ernie Fitzgerald, with the Distinguished Service Medal. I do not know if anything like this has ever happened before. As I said a moment ago, Ernie is retiring with honor and dignity. One person has made all this happen: Mr. Tom Gimble, acting inspector general at the Department of Defense. After Judge Bryant struck down Ernie's court order after those 25 years, it was readily apparent that Ernie was in another tight spot. However, Ernie was willing to retire under the right conditions.

Tom Gimble, as acting inspector general, seized the initiative. He took charge of the negotiations between Ernie and the Air Force. He kept them moving in the right direction. He did everything he could to ensure that Ernie was treated fairly and given the full protection of the law. Under his able leadership, those negotiations were brought to a successful conclusion.

Mr. Gimble effectively brought Ernie in under the protective umbrella provided by the Office of Inspector General. He gave Ernie a safe haven in the IG's building—a place to work. He had Ernie's entire collection of official records moved to that secure facility. With the help of a team of document specialists provided by Mr. Gimble, Ernie was able to get the job done.

All of his records now have been shipped to the National Archives—400-plus boxes in all. In time, Ernie's papers will be open to the American people. They will be able to judge Ernie's work for themselves.

From the beginning of this process to the very end, all sorts of little kinks kept popping up all along the way. But Mr. Gimble was always there ready to step in and help iron them out. Mr. Gimble is the first inspector general to personally reach out to Ernie and help him in such meaningful ways.

Mr. Gimble, I stand before all my colleagues and say thank you from the bottom of my heart for what you did to help Ernie in these closing days of his career—after 42 years working for the Federal Government. I thank you for doing what inspector generals should do. You did that.

And Ernie Fitzgerald, I thank you, too, for what you did and for your courage and dedication to make our Government stronger and better and to help restore the public trust. I salute you as a person who more Americans ought to follow, that one person determined to make a difference can, in fact, make a difference.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 2349, the lobbying reform legislation; provided further that the substitute amendment be agreed to, and that it be considered as original text for the purpose of further amendment.

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

The amendment (No. 2907) was agreed to.

MORNING BUSINESS

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

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

CONTRIBUTIONS OF JACK HANNA

Mr. FRIST. Mr. President, from the tender days of his youth growing up in Knoxville, Jack Hanna knew he was destined to work with animals. His commitment seemingly knew no limits as he would eagerly climb aboard public buses to nurture his budding interest by working at a local animal clinic for a meager $10 a week.

Yet back then, even he probably couldn't sense that his unique passion would one day blossom and inspire him to a career as an acclaimed author, television host and animal conservationist who would touch the lives of millions.

After stops at Muskingum College and then Florida, it wouldn't be long before the man now affectionately nicknamed ''Jungle Jack'' was serving as executive director of the Columbus Zoo in Ohio. When he first arrived, the zoo was in poor shape. Attendance sagged, and the animal habitats were outmoded.

Yet over time, molded by his steady hand, the zoo was gradually revitalized and restored. And with Hanna at the helm, the Columbus Zoo grew into the world-class facility it is today.

He maintains a relentless travel schedule—wearing a beaten path to exotic locales all over the globe. But no matter whether he is visiting with the bears and whales in the frigid arctic or the cheetahs in the lonesome wild of Africa, he remains fueled by a genuine love of animals and a deep passion for sharing the majesty of nature with children and adults in communities throughout the world.

No matter whether an animal prowls, stomps, slithers or crawls, Jack Hanna craves the opportunity to share its unique importance with any and all who will listen. He is a fervent advocate for conservation, and his efforts have broadened the horizons of untold millions of readers, listeners and viewers.

While Jack Hanna is no stranger to big name stages—he is a regular on mainstream media shows like ''Good Morning America'' and ''The Late Show with David Letterman''—it is not the fame or excitement that has drawn him onto TV and into the homes of millions of Americans. Rather, it is the opportunity to educate people across the Nation about the magic and wonder of the animal kingdom.

He rejects the notion of his celebrity, insisting he serves only as an ''ambassador for animals in the wild.''

Not surprisingly, Hanna's altruism extends far beyond animal interests. He is passionate about addressing the needs of the human condition as well. He has shown a true commitment to helping communities in some of the most impoverished and war-torn regions of the world. During a recent taping in Rwanda, he reminded fans that ''if you don't help the people first, you won't be able to help the animals, either.''

Just last December he made a point of halting his manic travel schedule to share his love of animals with patients at the Walter Reed Medical Center right here in suburban Washington, DC. His eager and youthful style was a tremendous hit among the troops. The visit shared the healing presence of animals and buoyed some of our Nation's finest men and women's spirits.

The Knoxville News Sentinel aptly describes Jack as ''a whirlwind of activity, always on the go.'' But looking beyond his busy exterior, it is clear to all that Jack Hanna is a man of deep humility and genuine compassion.

His work has heightened appreciation for untold numbers of animal species from all regions of the world. And his efforts have enriched the lives of humans and animals alike. He is a special individual and an embodiment of the Tennessee volunteer spirit.

NOMINATION OF JUDGE JACK ZOUHARY

Mr. DEWINE. Mr. President, I rise today to speak in strong support of the nomination of Judge Jack Zouhary, whom the President has nominated to be U.S. District Court Judge for the

Northern District of Ohio. Judge Zouhary currently is serving on the Lucas County Common Pleas Court. His service there has been outstanding and is an excellent indication of the type of judge he will be on the Federal bench.

I would like to share with my Senate colleagues just a few of the numerous admirable qualities that make Judge Zouhary such an outstanding nominee. Both as a professional and as a person, he is exactly the sort of individual we want to be serving on the Federal bench.

Judge Zouhary grew up in Toledo. He is a first-generation American, whose parents immigrated from Lebanon to the United States and instilled in their son a respect for the values of education, religion, and community service. After graduating as the valedictorian of his high school, he attended Dartmouth College, where he received his undergraduate degree before returning to his hometown to earn his law degree from the University of Toledo College of Law. Judge Zouhary then embarked on what would become a long and accomplished legal career—a career with 30 years of legal experience that has given him the background and understanding of our legal system to successfully take on the role of a Federal judge.

He began his legal career with the law firm of Robison, Curphey & O'Connell, where he worked as an Associate and then as a Partner. During his 23 years there, he had a varied practice, representing individuals and businesses on a range of legal issues, with an emphasis on civil trial practice and corporate matters. In 2000, Judge Zouhary became the Senior Vice President and General Counsel for S.E. Johnson Companies, Inc., a large highway contractor and asphalt producer.

In 2004, Judge Zouhary accepted a position as ''Of Counsel'' with the law firm of Fuller & Henry. He remained with Fuller & Henry until 2005, when Ohio Governor Bob Taft appointed him to the Lucas County Common Pleas Court. In Ohio, the Common Pleas Court is the highest State trial bench and hears all major civil and criminal cases.

During his time as an attorney in private practice, Judge Zouhary distinguished himself as an excellent litigator and was honored by being selected as a member of the prestigious American College of Trial Lawyers. Membership in the American College of Trial Lawyers is by invitation only and is limited to the best of the trial bar.

Judge Zouhary has long been committed to the ideals of civility and professionalism in the legal field. Friends and colleagues often describe him as ''a gentleman.'' I agree with that assessment. He is well regarded for his honesty, his integrity, and his intelligence, and those who have known and worked with him through the years speak warmly of his even-temper and cordial demeanor.

Not surprisingly, given his interest in preserving a less combative approach to the law, Judge Zouhary frequently has presented lectures focusing on legal ethics and civility in the practice of law for Continuing Legal Education Seminars. His commitment to serving the community as a professional also is exemplified by his membership in the Toledo Rotary Club, as well as his participation in a broad array of other charitable activities, ranging from pro bono work for a local church to service at a community soup kitchen.

Judge Zouhary has certainly distinguished himself on the bench. He has worked diligently to clear a very large backlog of cases from his crowded docket and has made a good deal of headway in that effort. Most important, attorneys who have appeared before him—criminal and civil, prosecution and defense—speak in glowing terms of his talent, fairness, and excellent judicial temperament.

With Judge Zouhary's impressive record as a legal professional and community leader, it should come as no surprise that the American Bar Association was unanimous in giving him its highest rating of ''well-qualified.'' Judge Zouhary is in every way an outstanding nominee, who will serve the people of Ohio and of this country well.

Mr. President, I strongly support the nomination of Judge Jack Zouhary as a Federal District Court Judge for the Northern District of Ohio.

I thank the Chair and yield the Floor.

HONORING OUR ARMED FORCES

MARINE CORPORAL ANDRE L. WILLIAMS

Mr. DEWINE. Mr. President, I rise today to pay tribute to a fellow Ohioan—an honorable young man who lost his life while protecting the freedom of others. Marine CPL Andre L. Williams died on July 28, 2005, when his convoy came under attack with small arms fire from enemy forces in Western Iraq. He was 23 years old.

Mr. President, Corporal Williams was a brave Marine from the Columbus-based Reserves' Lima Company, 3rd Battalion, 25th Regiment unit. Born on August 9, 1981, in Galloway, OH, Andre—fondly referred to as ''Dray'' by his friends and family—lit up the lives of his family and friends with his shining smile. As his older sister Robyn Williams recalled, ''His smile was angelic. There's no other way to describe it.''

Andre was friendly, level-headed, and sensitive to those around him. He was always willing to help resolve disputes between the people he cared about. According to his friend Harry Cuccio, ''It didn't matter what kind of mood you were in, if he was smiling you were smiling.'' Many people described Andre as having infectious optimism. His mother, Mary, recalled that her son ''loved to make other people laugh and make them feel good.'' She also said that ''if there was anything he could do to make someone's life better, that's what he would do.''

Mr. President, Andre Williams was an ambitious and determined young man, with a talent for drawing and a love for OSU football and the Cincinnati Bengals. Graduating from Westland High School in 1999, he hoped to attend college after his service in Iraq, and one day open his own successful night club.

Andre's brave spirit and unwavering patriotism compelled him to join the Marines after the September 11 terrorist attacks. He felt a strong duty to protect his country and his family—especially his young daughter, Lea Lea, and young son Dominique Juan.

Andre was loved by his family and by many close friends, evidenced by the over 300 people who attended his funeral service. It was standing room only. As Andre's father, Robert, remarked, ''Seeing how many people he touched [was] unbelievable.'' At the emotional ceremony, Andre's mother said that Andre was [her] hero before he ever joined the Marines, and now, he's the world's hero.

Andre's parents have two other sons in the military—Army SGT Robert Leslie and Air Force Technician SGT Robert Williams. Both were able to come to their brother's funeral. Two of Andre's other brothers, Kevin and Joshua, chose to wear Andre's dog tags instead of neckties.

One of Andre's best friends with whom he served in Iraq was Sergeant Justin F. Hoffman, who was among 10 Ohio Marines killed just 3 days before Andre's funeral. Justin had hoped to fly home and pay his respects to his close friend, but 5 days after Andre's death, Justin also lost his life. Robert Hoffman, Justin's father, attended Andre's funeral in his son's absence—a promise he made to Justin, just in case he wasn't able to return home for the services.

Another good friend, Ron Cunningham, expressed his appreciation for Andre's friendship. This is what he had to say:

I would like to give thanks for Dray being such a good friend to me and to so many other people. He was a great person, and I am glad that he was a part of my life. He was very close to me, my family, and to my cousin who served with him in Iraq. You're a true hero my friend. It hurts that you're gone, but I know you're in a good place and don't worry, I'll see you again.

Teresa Norris, mother of one of Andre's best friends, Gary Norris, and his proclaimed ''second mother,'' offered thanks for Andre's heroic actions and reminisced about the special times they used to spend together. She has this to say:

Dray, you are a true Hero, and will always be my Hero. How I will miss that beautiful smile, and our long talks. You will never be forgotten, honey. I am honored to have been a part of your life, and will keep you a part of mine forever. We love you and always will.

Mr. President, I would like to conclude my remarks with a poem that was posted on an Internet website in

tribute to Andre. It is written by Tinisha Tolber of Galloway, OH:

Though fallen, you are not forgotten.
Remembered . . .
In every American flag across the Nation.
In every tear that your battle brothers cry.
And, although freedom is supposed to be free, you have paid the ultimate price for the people like me.
The government rewards you with a flag and a Purple Heart, but we pray for your families that have been torn apart.
Rest in peace, Dray, knowing you are remembered always.

Mr. President, Andre leaves behind a loving family to cherish his memory: parents Mary and Robert; siblings Josh, Kevin, Rob, Robert, Brian, Robyn, and Roshonda; ex-wife Kirsten and children, Lea Lea and Dominique Juan. My wife Fran and I continue to keep them in our thoughts and prayers.

MARINE LANCE CORPORAL NICHOLAS B. ERDY

Mr. President, I rise today to pay tribute to a valiant, young, Williamsburg, OH, Marine named LCpl Nicholas B. Erdy, who was killed in Iraq on May 11, 2005. He was 21 years old.

A 2002 graduate of McNicholas High School, Nicholas—Nick to family and friends—was dearly loved by all who knew him. They say that Nick was special—that he was courageous, that he never complained, and that he had a knack for making his friends and family laugh. He also just loved being a Marine.

Nick's father, Bill, says that his son used to help him with his landscaping business, with talk of possibly working there full-time when he was older. But, after high school graduation, it was clear exactly what Nick wanted to do. He wanted to become a Marine.

A movie buff who loved his ''muscle'' car, Nick had always wanted to be in the military. He built forts as a child and read books on weapons and war strategies. His high school football coach, John Rodenberg, said that ''Nick was a great kid, really focused on everything he was doing. . . . He [always] had a plan. He knew he wanted to go into the armed forces. He was focused on serving his country.''

Indeed, Nick was unfalteringly devoted to the Marines and to our country. Even his favorite holiday, not surprisingly, was the Fourth of July. Nick joined the Marines after graduation in 2002 and was in Iraq by March 2005.

He was killed on May 11, 2005, when his armored vehicle hit a land mine.

After Nick's death, family friend and former football coach, Patrick McCracken, reminisced about Nick, whom he first met when Nick was, as he put it, a ''spindly-legged, somewhat awkward'' seventh-grade football player with the Titans football team. During one game, the Titans were losing 46-to-0 at halftime when Coach McCracken decided to put Nick in the game and see if he could turn things around.

He said Nick was calm, in control, and flawless. ''I'd stare straight into his eyes . . . expecting perfection out of a seventh-grade, eighth-grade kid—and I got it.''

On an Internet tribute website for Nick, Coach McCracken wrote a heartfelt letter to him shortly after Nick was killed. This is what he wrote:

Dear Nick:

We have started football. I think of you every day. . . . You make me so proud. I need to find some quarterback who knows all my crazy signals like you did. I think we may have a couple. These new Titans are great kids, just like you. You are always in my heart. I promise to help take care of your mom, dad, Erin, Ashley, and other family members when they need it. I wish I was half the Marine you and the other guys are.

We owe so much to you guys. We will stay strong for you. What is a Titan? He is a Marine—he is Nick Erdy. I love you, Semper Fi.

Mr. President, when Nick's body was brought home, the funeral procession—stretching two dozen vehicles long—passed under an arch formed by two ladder trucks from the Miami Township and Goshen fire departments. As the hearse rolled by, hundreds of people clapped and waved American flags. Elizabeth Hoskins, of Milford, was holding a homemade sign that read simply, ''Nick's Our Hero.''

Andrew Clements watched the funeral procession, as well. Though he never met Nick, he was touched by him and had this to say:

I never had the privilege of meeting Nick, but over the past few days I feel like I have. He's simply a hero to everyone. I stood outside McNicholas High School while Nick's funeral was happening. The faces on the people said it all. Nick Erdy will never be forgotten.

Father Pat Crone of St. Xavier Catholic Church described well Nick's selfless nature and how his life made a difference to so many in so many ways. This is what he said:

Nick is a blessing. We can celebrate this life, because it so important—because Nick was doing things so important. Freedom is important. A young man, who could have stayed back here with all the blessings of this country, decided to go and spread those blessings to those less gifted and lucky than us.

A resolution by the Ohio House of Representatives aptly tells us about Nick's life by stating:

It is certain the world is a better place, his having been in it.

Without question, the world is a better place for Nicholas Erdy having been in it. Nick was the model of what we all hope our children will become. He was a young man with a sparking personality, a wonderful sense of humor, a compassion for others, and a dedication to his country.

A friend named Martin wrote the following in tribute to Nick and Dustin Derga, a fellow Ohio marine and friend of both, who was killed in Iraq three days before Nick:

Derga and Erdy were the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. 1st platoon will never be the same without them and the others we lost. They were great guys, and they will be remembered in our hearts forever.

Nick was very proud of what they were doing overseas. However, his zeal for the military was tempered by his desire to be home to start a family with his fiancée and high-school sweetheart Ashley Boots. On December 29, 2004, a week before his unit left Columbus for training in California, Nick proposed to Ashley. They made plans to wed this past November, sometime after Nick's expected return.

Another plan following Nick's return was to go to Disney World with Ashley, fellow Marine Dustin Derga, and Dustin's girlfriend Kristin. In anticipation of the vacation, they had flipped through brochures and even watched a promotional Disney DVD. Back home in Ohio, their girlfriends couldn't wait for the trip. Ashley said that they just wanted to go someplace fun and relax. Tragically, these plans were never realized.

Dustin's girlfriend Kristin wrote the following to Nick:

Hey buddy . . . I miss you. . . . I wish that I could be greeting you on Thursday so you, Ash, Dustin, and I could go to Disney. . . . It would have been so great . . . but you did your job. . . . You got your friends home safely and laid to rest as a hero. . . . You are a hero Nicholas Erdy—and we love and miss you every day. . . . You just better make sure Dustin is being good up there!

Yes, Mr. President, Nick Erdy and Dustin Derga are certainly both American heroes.

My wife Fran and I continue to keep Nick's parents Jane and Bill, his sister Erin, his fiancée Ashley, and the rest of his family in our thoughts and in our prayers.

THREE DECADES OF WATER LEADERSHIP

Mr. CRAPO. Mr. President, today is a significant day in the agriculture industry in southeast Idaho. Effective and judicious water management is critical to communities in Idaho. Allocation of this scarce resource, particularly in the extended drought over much of the last decade, requires a vision of the future, application of valuable experience and lessons learned in the past, and an appreciation of the wide spectrum of water users. Today, Ron Carlson, Snake River Watermaster of District No. 1, is retiring after over 30 years of service to southeast Idaho.

Ron revolutionized irrigated agriculture in Idaho, bringing it into the 20th century with the introduction of computerized accounting and data collection in 1978 and the creation of the Water Bank, a formal water renting process. Ron ushered in technological advances into irrigated agriculture that gave water administrators the capability to create a model of river flows and reservoir capacity that compares baselines of yearly conditions. This system allowed for unprecedented river management and water supply projections for the Snake River system in Idaho. Ron's extensive knowledge and wisdom has helped maintain a critical balance between the multiple demands on this system by all legitimate

water users, from tribes to the State to local entities.

Ron not only has dedicated his life to managing critical natural resources in southeast Idaho, he has also carried on the tradition of his parents in reaching out caring arms to disadvantaged youth. It is this calling that he intends to pursue in retirement, managing the Pearl House Project in Idaho Falls, a full-service residential youth center for children in crisis. I am certain that his vast management knowledge gained from years as watermaster will serve him well in this endeavor. I congratulate Ron and his family on his retirement and wish him well. Idaho's agriculture community's loss is the youth of southeastern Idaho's gain.

WOMEN'S HISTORY MONTH

Ms. MIKULSKI. Mr. President, as Dean of the Senate Women, I rise on this day in Women's History Month to honor the unique contributions women have made to America since its beginning and to pay my respects to all the forgotten women who have served this country. Women's roles in history are often overlooked and undervalued. But we have shaped, and continue to shape, society—not only in terms of battles fought and won—but through great social movements.

Women were the driving force behind the abolitionists, who helped end slavery and fought for the fourteenth amendment. And, of course, women led the suffragist movement, which sought to curb domestic violence by ending drinking and gave women control of their lives with the right to vote. The list goes on and on—and it is still growing.

Last month, we said goodbye to a true pioneer for women's rights—Betty Friedan. Ms. Friedan opened Americans' minds to the possibility of a new role for women in our country with her book, ''The Feminine Mystique.'' She provided the spark in 1963 to launch another movement for women's rights. And she kept that fire going—dedicating her life to fighting for equality, founding the National Organization for Women and NARAL, and cofounding the National Women's Political Caucus with Gloria Steinem and myself.

Last month, Maryland and the world also said hello to another female star in her own right—Kimmie Meissner of Bel Air, MD, who took sixth place in Olympic women's figure skating. Every March, we point to those women who have come before us and who have paved the way for current advances, but it is only right and proper that we also salute the ones who are making history as we speak and inspiring other young women to follow their dreams. This year, we salute Kimmie Meissner and the honor she brought Maryland and our great Nation with her talent, skills and sportsmanship.

The passion that inspired both of these women is the same that helped me to realize my own dreams—giving me the courage to break the glass ceiling as a social worker, a Baltimore City councilwoman, a U.S. Congresswoman and now as a U.S. Senator. That is why I sponsored legislation as a Congresswoman in 1981 to establish a Women's History Week and then in the Senate to expand the observance into Women's History Month in 1987.

As the first Democratic woman elected to the Senate in her own right in 1986, I have seen the Senate women grow to the nine Democratic women Senators and 14 total women we have now. Today, I am Dean of the Senate Women—welcoming and guiding women Senators when they first take office and building coalitions to get things done once they are here.

Together, we have been working to add to the legacy of women's history, and every year during this month we are especially reminded of our ongoing fight for equality. Since 1992, women Senators have tripled funding for domestic violence shelters, increased funding for child care by 68 percent and small business lending to women by 86 percent. And we have passed such important legislation as the Family and Medical Leave Act, the Violence Against Women Act, and the Breast Cancer Research Stamp Act.

One of the issues that has been most important to me is women's health. When I first came to the Senate, women's health wasn't a national priority. But since then I have helped to establish an Office of Research on Women's Health at the National Institutes of Health, to increase women's involvement in clinical drug trials, and to increase funding for breast cancer research by 700 percent since 1992. I will continue to fight to make sure that women's health remains a priority in the Federal checkbook and that women are not left behind when it comes to their survival.

This year in the Senate I have also been fighting to save American workers' pensions. Women are more likely to have either lower pensions than men or no private pension at all. That is why it is so important to make sure their retirement is secure. And that is why I fought with my colleagues to improve retirement security for women by ensuring better survivor benefits and better rights for divorced women in the new pension legislation.

Because women are less likely to have these private pensions, make less money than men on average, and are more likely to work fewer years than men due to family responsibilities, Social Security is also of particular importance to us. Last year, I successfully fought to protect Social Security from privatization so that women and all people are guaranteed lifetime, inflation-proof Social Security. I truly believe that privatization of Social Security would have been a bad deal for women and would have increased poverty among them. Whether mothers are at home raising children or in the workplace, Social Security must remain a guaranteed benefit, not a guaranteed gamble. That is why I will continue to stand sentry to keep the 'security' in Social Security.

And I will continue fighting to close the wage gap between men and women. Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But even in 2006, women who work full-time year round earn only 76 cents for every $1 their male counterpart makes.

There are many terrific accomplishments we have made and are continuing to make in the ongoing struggle for women's equality. I am so proud of the women who I serve with in the Senate and the work that we do, but I am reminded, especially during this month, that we can do more. Betty Friedan, Kimmie Meissner, and millions of women past and present serve as models for unwavering advocates for equality, justice, women and positive change. So during this Women's History Month I not only honor their courage and hard work, I vow to carry on their legacy.

ADDITIONAL STATEMENTS

A PROUD TRADITION

• Mr. CRAPO. Mr. President, I would like to recognize two outstanding young Idahoans who are here this week, getting a little taste of what it is like to work in and around the U.S. Senate. In the top 1 percent of Idaho students, Kortnee Hurless and Tenaya Pina, both from Camas County High School, were selected to participate in the U.S. Senate Youth Program this week. Kortnee and Tenaya have been able to attend policy addresses by Members of this body as well as Cabinet members, officials from the Department of Defense, directors of various Federal agencies, and will meet with a Justice of the Supreme Court.

Kortnee and Tenaya were selected for this program because they have demonstrated superior achievement and leadership at school and in their community. Idaho is very proud of these young women. Vision, purpose, commitment to challenging goals such as Tenaya and Kortnee have shown do not typically remain hidden in the background. I wouldn't be surprised to hear their names in leadership roles in the not too distant future. Past graduates of this 44-year program include my colleague, the distinguished Senator SUSAN COLLINS from Maine, Presidential advisers, and former Lieutenant Governor of Idaho, David LeRoy. Tenaya and Courtney carry on a fine tradition of Idaho's involvement in the leadership of our country at the high school level. I congratulate them on this tremendous achievement. They are shining examples of the abilities and promise of Idaho's youth.•

RECOGNITION OF THE MORMON TABERNACLE CHOIR

● Mr. HATCH. Mr. President, today I wish to recognize and pay tribute to the Mormon Tabernacle Choir in recognition of their 4,000th broadcast of ''Music and the Spoken Word.'' This is the longest continuous broadcast on network radio and television in the history of our country.

''Music and the Spoken Word'' first aired on July 15, 1929, using a single microphone for the organ, choir, and announcer. The first signal was given to the announcer and he began: ''From the crossroads of the West, we welcome you to a program of inspirational music and spoken word.'' Now more than 75 years and 4,000 broadcasts later, those same words are spoken each week to start the broadcast on more than 2,000 radio and television stations and cable systems.

''Music and the Spoken Word'' is the hallmark program of a choir that had very humble beginnings. The choir first began practicing and performing in an adobe building. It was accompanied by an organ that was shipped from Australia to California and then pulled by 12 mules across rugged terrain to Salt Lake City. This choir has definitely come a long way.

The list of accomplishments and honors the choir has accumulated is legendary and well deserving including Grammy and Emmy Awards, five gold records and two platinum records, induction into the National Association of Broadcasters Hall of Fame, two Freedom Foundation Awards, and the National Medal of Arts. In addition, the choir has performed in 28 countries and 71 foreign cities for millions of people.

The choir is truly ''America's choir'' as so aptly described by President Ronald Reagan. Members have sung for every President of the United States beginning with President William Howard Taft. The choir has also performed at several Presidential inaugurations, including that of our current President George W. Bush, and in arenas and concert halls throughout America. The choir first made history when it participated in an experiment with Dr. Harvey Fletcher of Bell Telephone Laboratories in the first recording of his newly developed stereophonic, or multiple-track process. This was later demonstrated in 1940 at Carnegie Hall.

The Mormon Tabernacle Choir is comprised of 360 singers who are accompanied by an orchestra of 110 musicians—all volunteers. Choir members come from all walks of life and range in age from 25 to 60. They practice and perform weekly, and all share a love for music, faith, and service. The perfect blending of magical voices with the accompaniment of supremely talented musicians has provided inspiration and solace to millions and left a lasting imprint on souls throughout the globe. Choir members willingly give of their time and talents each week to brighten the lives of others.

Perhaps the most popular and requested song of the choir is its rendition of ''The Battle Hymn of the Republic.'' The choir first recorded this in 1959 with the Philadelphia Orchestra and received a Grammy Award for its performance. You cannot listen to the choir sing this powerful song without feeling to the depth of your soul its majesty and power. It has stirred feelings of patriotism and love for America among audience members in every corner of our nation.

As you can see, the Mormon Tabernacle Choir is an extraordinary organization. Its members are wonderful Americans who voluntarily share their talents for the betterment of our society. Sir Thomas Beecham once said, ''Great music is that which penetrates the ear with facility and leaves the memory with difficulty. Magical music never leaves the memory.'' I truly believe this choir has been creating magical music that will leave a lasting imprint on the fabric of America forever. I congratulate all of the staff, directors, and members of the Mormon Tabernacle Choir once again on their 4,000th broadcast and wish them continued success and majesty for many more years. May God bless the Mormon Tabernacle Choir.●

ON THE 125TH ANNIVERSARY OF THE FOUNDING OF SOUTH DAKOTA STATE UNIVERSITY

● Mr. JOHNSON. Mr. President, I rise today to celebrate the 125th anniversary of the founding of South Dakota State University. In a society where education is an essential asset, SDSU has been providing students with a high-quality, affordable education for generations. Graduates have gone on to be extraordinary community and professional leaders.

Founded in 1881 in Brookings, SDSU is South Dakota's only land grant university, and enrollment has now grown to more than 11,000 students. Charged with advancing agricultural and biological sciences, SDSU has constructed six biodiverse experiment stations, 14 interactive technology centers throughout the State, and extension specialists and educators in all 66 counties. SDSU is on the cutting edge of research in such important fields as agriculture, children's health, ethanol, and other renewable fuel sources.

SDSU is driven by a core of dedicated professionals. More than 70 percent of the instructors have doctorate or terminal degrees, and nine out of ten classes are taught by full-time professors. There are nearly 200 student clubs and organizations active on campus. In the sporting arena, SDSU recently made the jump to Division I athletics, competing with nationally recognized sports programs. Additionally, SDSU was the first university in the region to offer $4,000 over 4 years to any first-time student who scored 24 or higher on the ACT; this scholarship was termed the ''Jackrabbit Guarantee.''

In the arts, agriculture, sciences, and a score of other areas, SDSU is at the forefront of academic and cultural achievement. For 125 years, the university has helped students realize their potential through quality education and a positive social environment. SDSU students are equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. With alumni as accomplished and varied as former Senate Majority Leader Tom Daschle to New England Patriots field goal kicker Adam Vinatieri, SDSU continues to live up to its motto: ''You can go anywhere from here!''●

CONGRATULATIONS TO MICHIGAN OLYMPIANS

● Mr. LEVIN. Mr. President, I take this opportunity to congratulate all of the athletes who competed in the 2006 Winter Olympic games in Torino, Italy. The Olympics provides an opportunity for athletes from many different disciplines and from around the world to display their skill and determination on a world stage. It was truly gratifying to see so many athletes from across the globe come together in peaceful competition.

Throughout the Olympics and in the many years leading up to the games, athletes must make many personal sacrifices and embody the attributes of perseverance, hard work, and determination in pursuit of personal goals and Olympic medals. Michigan was represented by a strong group of athletes competing in seven different sports, winning five medals for the United States, including one Gold, two Silvers and two Bronze Medals. The accomplishments of these men and women are impressive and an inspiration for all of us. I am extremely proud of the men and women with ties to Michigan who competed in the 2006 Winter Olympics in Torino.

Michigan continued its long tradition of sending world-class athletes to the Winter Olympic games by sending more than three dozen athletes with ties to Michigan, many of whom benefited from spending time at the Olympic Education Center, OEC, at Northern Michigan University, NMU, in Marquette. The OEC, which currently trains athletes in boxing, short track speed skating, greco-roman wrestling, and weightlifting, has been an integral part of the success of many athletes since its inception in 1985. This year, 28 athletes who utilized these facilities represented the United States in these games.

One of the games' most memorable and historic moments was provided by Northern Michigan University speed skater Shani Davis, who earned the distinction of being the first African American to medal in an individual Winter Olympic event when he secured Gold in the 1,000 meter and Silver in the 1,500 meter. Continuing our strong

speed-skating tradition, Alex Izykowski and fellow USOEC athletes J.P. Kepka, Apolo Anton Ohno, and Rusty Smith won the Bronze Medal in the 5,000 meter relay. Also representing the United States on the speed-skating track were Kip Carpenter and Anthony Lobello in the 500 meters and Kimberly Derrick in the 3,000 meter relay and the 1,000 meter. Derrick competed courageously in the 1000 meter after losing her grandfather the day before that event.

Tanith Belbin and Ben Agosto provided an especially gratifying moment in securing the first medal in ice dancing for the United States since 1976. Belbin and Agosto, skating in their first Olympics, won the highest medal the United States has ever received in ice dancing. Jamie Silverstein and Ryan O'Meara also represented the United States with grace and an abundance of pride. Training in Michigan at the same rink as Belbin, Agosto, Silverstein, and O'Meara were Canadian ice dance pair Megan Wing and Aaron Lowe. The U.S. pairs skating team of Marcy Hinzmann and Aaron Parchem from Bloomfield Hills demonstrated the skill and talent necessary to compete in this challenging sport.

The U.S. cross-country ski team included four Northern Michigan University alumni. First-time Olympians Chris Cook, Abby Larson, Lindsey Weier, and Lindsay Williams each took on the challenge of multiple events in one of the most grueling disciplines in the Winter Olympics. The Luge and Bobsled teams were led by Olympic veterans from Michigan. Waterford native Jean Prahm competed as the driver for the bobsled with partner Vonetta Flowers. Four-time Olympian and two-time medalist Mark Grimmette competed in the doubles luge.

The U.S. women's hockey team won the Bronze Medal by defeating Finland by a score of 4 to 0. Angela Ruggiero, a three time Olympian from Harper Woods, played in all five games as a defensemen, scoring two goals and tallying four assists to help the U.S. win the Bronze.

In men's hockey, Team U.S.A. was represented by Chris Chelios and Mathieu Schneider of the Detroit Redwings and by several other U.S. players with ties to Michigan, including John-Michael Liles, Derian Hatcher, Mike Knuble, Mike Modano, Brian Rafalski, Doug Weight, and Brian Rolston. Nine other Detroit Redwings participated in the Olympic games representing their home countries. Thomas Holmstom, Niklas Kronwall, Nicklas Lidstrom, Stefan Liv, Mikael Samuelsson, and Henrik Zetterberg provided the nucleus of the Sweden team that won the Gold. Robert Lang assisted the Czech Republic team to a Bronze Medal finish. In addition, Pavel Datsyuk represented Russia, and Kris Draper represented Canada.

I know I speak for all Michiganians in expressing appreciation and congratulations to all of the Michigan athletes, coaches, and administrators who took part in the 2006 Winter Olympic games. The games last a few short weeks, but the memories will be ingrained in the minds of all who saw them and shared vicariously in the efforts of these great athletes. For their commitment, drive, and competitive spirit, I congratulate all the athletes of the 2006 Olympic games, but it is with particular pride that I salute the athletes from Michigan.●

TRIBUTE TO OFFICERS FIGHTING AGAINST METH EPIDEMIC

CAPTAIN THOMAS M. JACKSON
SERGEANT STACEY MURLEY

● Mr. TALENT. Mr. President, today I wish to salute Captain Thomas M. Jackson and Sergeant Stacey Murley, Missourians who have valiantly fought against the meth epidemic and who strive every day to make their community safer from this drug menace. I commend each of them for their exemplary service, and join the Office of National Drug Control Policy in honoring them for their efforts.

Sergeant Murley, under the command of Captain Jackson, has run a chemical diversion task force that has disrupted the precursor market for meth cooks throughout the country. In the past 4 years alone, the task force has accounted for the seizure of over 300,000 cold tablets that were undoubtedly going to be used in the manufacture of methamphetamine. These cases have led to nearly a thousand arrests and hundreds of State and Federal cases. The members of the task force work daily to identify meth cooks as they shop at hundreds of stores throughout St. Louis County for common household items used to manufacture meth. Because of their dedication, these officers have been able to locate hundreds of clandestine labs in Missouri and Illinois.

Mr. President, the efforts of Captain Jackson and Sergeant Murley have been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.●

SHERIFF JOHN J. JORDAN

● Mr. President, I also salute Sheriff John J. Jordan, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

In 2000, Sheriff Jordan worked to establish the Missouri Sheriff's Methamphetamine Relief Team, MOSMART, in cooperation with Missouri sheriffs and regional task forces to fight the growing problem of methamphetamine in Missouri. The project continues to offer vital assistance to sheriffs and rural drug task forces in their fight against clandestine methamphetamine laboratories.

This program has helped to hire officers throughout the State and train them to investigate and dismantle thousands of labs across Missouri. Sheriff Jordan's advocacy has been instrumental in providing rural sheriffs' departments and local task forces with the resources they need to tackle the meth problem.

Mr. President, the efforts of Sheriff Jordan has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

CAPTAIN KEVIN M. O'SULLIVAN

● Mr. President, I now salute Captain Kevin M. O'Sullivan, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

Captain O'Sullivan is the head of the Metro Meth Task Force, one of the oldest methamphetamine lab task forces in the State. This task force has been working meth labs for over a decade and has been a leader for other task forces in the State. The Metro Meth Task Force has formed great partnerships with numerous State and local agencies in Missouri and has worked with the State of Kansas in tracking meth lab operators across State lines. The Metro Meth Task Force is a shining example of cooperation in the fight against meth labs.

Mr. President, the efforts of Captain O'Sullivan has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

CHIEF BRADLEY W. HARRIS

● Mr. President, I also salute Unit Chief Bradley W. Harris, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

In order to address concerns from multiple law enforcement agencies around the State about the problems associated with cleaning up meth labs, Chief Harris developed a State meth lab cleanup program that has developed into a national model. After securing funding from the EPA, Chief Harris established a program to ensure that the State of Missouri safely and legally removes and destroys the hazardous waste removed from meth labs. This program allows State and local officers who have received training to safely transport hazardous waste to 1

of 20 containers in the State that are operated by local fire and law enforcement officials and maintained by the Missouri Department of Natural Resources. Since the first container was opened in October 1998, the 20 containers have processed meth lab waste from 9,525 labs across the State. This accounts for 378,491 pounds of hazardous waste and has saved the State approximately $22 million over conventional waste handling.

Mr. President, the efforts of Chief Harris has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

SERGEANT JASON J. GRELLNER

● Mr. President, I wish to salute SGT Jason J. Grellner, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

Sergeant Grellner, in his work for the Franklin County Sheriff's Office and the Franklin County Narcotics Enforcement Unit, has been influential in efforts to curb meth production. His unit within the sheriff's department has implemented many local and statewide programs aimed at stopping meth labs as well as ending and preventing addiction to substance abuse. These programs include CHEM, Companies Helping Eliminate Meth; PARTY, Peers Acting Responsibly in Teenage Years; the Franklin County Families in Transition Program; and the Anhydrous Ammonia Tank Lock Program.

Sergeant Grellner has contributed to the vigilant enforcement of meth laws in Franklin County, leading to the investigation and seizure of over 650 labs. As part of several State task forces and State and national coalitions, he has helped to bring together prevention, rehabilitation, and law enforcement experts to fight to keep Missouri safe from meth labs.

Mr. President, the efforts of Sergeant Grellner has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

SERGEANT SONYA ZIMMERLE

● Mr. President, I salute SGT Sonya Zimmerle, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make her community safer from this drug menace. I commend her for her exemplary service and join the Office of National Drug Control Policy in honoring her for his efforts.

In her current assignment with the Franklin County Sheriff's Department, Sergeant Zimmerle has assisted in the creation and maintenance of the Multi-Jurisdictional Narcotics Task Force and Drug Endangered Children Task Force, which have served as vital resources for numerous law enforcement and government officials in Missouri. Additionally, Sergeant Zimmerle has been an integral component of a multistate working group that has sought to address the proliferation of methamphetamine throughout the country and is responsible for disseminating significant information shared by the group's members and maintaining cohesiveness as the membership continues to grow.

Mr. President, the efforts of Sergeant Zimmerle has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share her accomplishments with my colleagues, and I wish her all the best for the future.●

MAJOR JAMES F. KEATHLEY

CAPTAIN RONALD K. REPLOGLE

● Mr. President, I also wish to salute MAJ James F. Keathley and CPT Ronald K. Replogle, Missourians who have valiantly fought against the meth epidemic and who strive every day to make their communities safer from this drug menace. I commend each of them for their exemplary service and join the Office of National Drug Control Policy in honoring them for their efforts.

As the current and past directors of the Missouri State Highway Patrol's Division of Drug and Crime Control, Major Keathley and Captain Replogle have been instrumental in bringing much needed training to State and local officers regarding the safe investigation and handling of hazardous materials involved with methamphetamine labs. Through a partnership with the Missouri Department of Natural Resources, the Missouri State Highway Patrol has been able to provide clandestine methamphetamine lab training to over 800 law enforcement officers throughout the country. They have been instrumental in securing funding to help fund local multijurisdictional task forces throughout the State.

As members of State and Federal narcotics agents' coalitions, they represent officers throughout the country who have been on the front lines of the meth battle for over a decade. Through this involvement, they have influenced the national debate on comprehensive methamphetamine legislation and assisted in passing the Combat Meth Act.

Mr. President, the efforts of Major Keathley and Captain Replogle have been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.●

HONORING ROCKY FLATS COALITION OF LOCAL GOVERNMENTS

● Mr. SALAZAR. Mr. President, I wish to honor and celebrate the accomplishments and service of an outstanding civic organization, the Rocky Flats Coalition of Local Governments. Having accomplished its task of working with Federal and State officials to transform Rocky Flats from a nuclear weapons facility to a wildlife refuge, the coalition will cease to exist on March 6, 2006. It is fitting that we pause to reflect on and to learn from the record of service and success of the governments and people of this coalition.

The Rocky Flats Coalition of Local Governments was established in February 1999 by agreement of the seven local governments that neighbored the Rocky Flats nuclear production site in central Colorado—Boulder County, Jefferson County, the city and county of Broomfield, the city of Arvada, the city of Boulder, the city of Westminster, and the town of Superior. The coalition was formed to serve as the representative of these local communities and to advise the State and Federal governments in the cleanup and closure of Rocky Flats and the future use of the site.

Since its inception, the coalition has provided an effective vehicle for communities to work together on issues such as workforce safety, outreach, and advocacy, as well as future use and long-term stewardship of the site. The Rocky Flats Coalition of Local Governments created a forum for governments and elected officials to come together to proactively discuss and address extremely complex issues and contributed to a rapid, successful, and cost effective resolution. The Rocky Flats Coalition of Local Governments has shown us by example what can be accomplished through effective advocacy expressed in a spirit of cooperation.

As Colorado's attorney general, I worked closely with the coalition to refine cleanup standards to better match community interests. Together, we developed strategies to address long-term management needs of Rocky Flats, issues concerning mineral rights, and other concerns central to the protection of Rocky Flats as an asset for future generations. The coalition also worked with Senator ALLARD and Congressman UDALL in developing and securing the passage of The Rocky Flats National Wildlife Refuge Act of 2001, one of their most significant achievements, and a milestone in the history of the Rocky Flats cleanup.

I rise today not only to recognize the Rocky Flats Coalition of Local Governments but also to celebrate the successful completion of its work and to acknowledge the significance of the coalition's accomplishments to the State of Colorado and to the Nation. The site has come a long way since the closure of the weapons plant that once stood there. After years of cleanup, hazardous material disposal, and rehabilitation, the Rocky Flats nuclear weapons facility is well on its way to becoming the Rocky Flats National Wildlife Refuge.

The dissolution of this coalition coincides with the completion of the physical cleanup and the beginning of the process to transfer oversight over much of the site from the Department of Energy to the U.S. Fish and Wildlife Service. As the focus of efforts shifts from cleanup to future management, the members of the coalition now join with other local governments, organizations, and individual representatives to form the Rocky Flats Stewardship Council, which will continue local oversight of postclosure plans for the site. The Stewardship Council will facilitate ongoing discussion between Federal and local officials and will ensure that the best interests of Colorado citizens will be served as Rocky Flats makes its transition to wildlife refuge.

For their devoted advocacy of the interests of fellow citizens, for the work they have done to ensure the safe and thorough cleanup of the Rocky Flats weapons facility, for the example that they have given us of what can be accomplished when governments work together, and for the tremendous success they have helped to achieve at Rocky Flats, I offer my sincere thanks and congratulations to the members of the Rocky Flats Coalition of Local Governments.●

RECOGNITION OF MICHIGAN'S ALEX ''IZY'' IZYKOWSKI

● Ms. STABENOW. Mr. President, I rise today in recognition of Michigan's own Alex ''Izy'' Izykowski and to pay tribute to his recent accomplishment in winning a bronze medal in the 5,000-meter short track relay at the 2006 Winter Olympics in Turin, Italy.

I join my colleagues and everyone across the great State of Michigan in honoring Izy's outstanding representation of his team, his State, and his country. Izy's medal winning performance on behalf of Team USA was the culminating achievement of an athlete's career that has embodied the finest in both the American spirit and the Olympic ideal.

From his earliest days as a member of the Bay County Speedskating Club, Izy's career has stood as an example of excellence. His hard work, dedication, and focus have resulted in success at every level of his sport, leading to Izy's stellar performance last week in the pinnacle of athletic contests, the Olympic Games.

It is not just Izy's success on the speedskating track, though, that I stand to pay tribute to today. Izy's journey to the Olympic medal podium has been one that makes us all proud. The manner in which this fine young man has conducted himself should stand as an example to all of us and as a tribute to the support and love of his family. The Izykowski family, and the extended family of Bay City, should take special pride in knowing that they played an essential role in molding a young man who truly embodies the Olympic creed: ''The most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph, but the struggle.''

I rise today in honor of Alex Izykowski's bronze medal winning performance at the 2006 Winter Olympics. Success in a sport as physically and mentally demanding as short track speedskating requires years of dedicated and regimented training focused into intense bursts of incredible effort. The personal sacrifice, self discipline, and competitive spirit required to earn an Olympic Medal are attributes to which we should all aspire and Izy clearly embodies all of these qualities. It is because of young men and women like Izy that I remain confident in the continued success of our great State and Nation. I honor Izy for representing the values that are so essential to our Michigan way of life on the world stage.●

DRAFT OF PROPOSED LEGISLATION ENTITLED ''LEGISLATIVE LINE ITEM VETO ACT OF 2006''—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

In my State of the Union Address, I asked the Congress to give the President a line item veto. Today, I am sending the Congress a legislative proposal to give the President line item authority to reduce wasteful spending. This legislation will help to limit spending and ensure accountability and transparency in the expenditure of taxpayer funds.

Although the Congress achieved significant spending restraint this past year, appropriations and other bills that are sent to my desk still contain spending that is not fully justified, is a low priority, or is earmarked to avoid the discipline of competitive or merit-based reviews. When this legislation is presented to me, I now have no ability to line out unnecessary spending. In 1996, the Congress gave the President a line item veto—an important tool to limit wasteful spending—but the Supreme Court struck down that version of the law in 1998.

My proposed legislation, the ''Legislative Line Item Veto Act of 2006,'' would provide a fast-track procedure to require the Congress to vote up-or-down on rescissions proposed by the President. There has been broad bipartisan support for similar proposals in the past. Under this proposal, the President could propose legislation to rescind wasteful spending, and the Congress would be obligated to vote quickly on that package of rescissions, without amendment. The same procedure would apply to new mandatory spending and to special interest tax breaks given to small numbers of individuals.

Forty-three Governors have a line item veto to reduce spending. The President needs similar authority to help control unjustified and wasteful spending in the Federal budget. I urge you to promptly consider and send me this legislation for enactment to reduce unnecessary spending and help achieve my goal of cutting the deficit in half by 2009.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 6, 2006*.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 3, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. STEVENS).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 6, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B Series, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 Series Turboshaft Engines'' ((RIN2120-AA64)(200-NE-01)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes'' ((RIN2120-AA64)(2005-NM-016)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146-100A and -200A Series Airplanes'' ((RIN2120-AA64)(2005-

NM-083)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5887. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15 and DC-9-15F Airplanes; Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes'' ((RIN2120-AA64)(2002-NM-105)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5888. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes; and Model Astra SPX, and 1125 Westwind Astra Airplanes'' ((RIN2120-AA64)(2005-NM-120)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5889. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jet Route J 158; ID'' ((RIN2120-AA66)(Docket No. 04-ANM-26)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5890. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Prohibited Area P-50; Kings Bay, GA'' ((RIN2120-AA66)(Docket No. 03-AWA-5)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5891. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class C Airspace and Revocation of Class D Airspace, Orlando Sanford International Airport, FL; and Modification of the Orlando International Airport Class B Airspace Area, FL'' ((RIN2120–AA66) (Docket No. 04–AWA–8)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5892. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Class E Airspace; Del Rio, TX'' ((RIN2120–AA66) (Docket No. 2005–ASW–18)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5893. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Minneapolis Class B Airspace Area, MN'' ((RIN2120–AA66) (Docket No. 03–AWA–6)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5894. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Routes; Southwestern and South Central United States—CORRECTION'' ((RIN2120–AA66) (Docket No. 05–ASW–2)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Routes; Southwestern and South Central United States'' ((RIN2120–AA66) (Docket No. 05–ASW–2)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace, Modification to Class E; Rogers, AR'' ((RIN2120–AA66) (Docket No. 2004–ASW–12)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Front Range Airport, Denver, CO'' ((RIN2120–AA66) (Docket No. 05–AWP–13)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nondalton, AK'' ((RIN2120–AA66) (Docket No. 05–AAL–25)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Tok Junction, AK'' ((RIN2120–AA66) (Docket No. 05–AAL–29)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Arctic Village, AK'' ((RIN2120–AA66) (Docket No. 04–AAL–06)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hillsboro, TX'' ((RIN2120–AA66) (Docket No. 2005–ASW–19)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; New Stuyahok, AK'' ((RIN2120–AA66) (Docket No. 05–AAL–24)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–5903. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning U.S. Government Accountability Office (GAO) employees who were assigned to congressional committees during fiscal year 2005 and a report on the cost and staff days of GAO work for fiscal years 2002 to 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–5904. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's report on purchases of foreign goods made from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–5905. A communication from the General Counsel, Office of Budget and Management, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Administrator, Office of Information and Regulatory Affairs; to the Committee on Homeland Security and Governmental Affairs.

EC–5906. A communication from the Deputy CHCO/Director, HCM, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Energy Efficiency and Renewable Energy; to the Committee on Energy and Natural Resources.

EC–5907. A communication from the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the Department's Report on Carryover Balances for Fiscal Year Ended 2005; to the Committee on Energy and Natural Resources.

EC–5908. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of President, Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC–5909. A communication from the National Treasure, Navy Wives Clubs of America, transmitting, pursuant to law, an audit report for fiscal year September 1, 2004 through August 31, 2005; to the Committee on the Judiciary.

EC–5910. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled ''U.S.-Oman Free Trade Agreement: Potential Economy-wide and Selected Sectoral Effects''; to the Committee on the Judiciary.

EC–5911. A communication from the Deputy Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to Section 25(a)(6) of the Arms Export Control Act; to the Committee on Foreign Relations.

EC–5912. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the elimination of the requirement of the Department to submit a report to Congress on Arms Control, Nonproliferation and Disarmament Studies; to the Committee on Foreign Relations.

EC–5913. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on March 2, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–5914. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2006 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5915. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska during the 2006 Season'' (RIN1018–

AU39) received on March 2, 2006; to the Committee on Environment and Public Works.

EC–5916. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2006 Trade Policy Agenda and 2005 Annual Report on the Trade Agreements Program as prepared by the Administration; to the Committee on Finance.

EC–5917. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Dominican Republic—Central America—United States Free Trade Agreement'' (RIN1505–AB64) received on March 2, 2006; to the Committee on Finance.

EC–5918. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-Classical, Classical and Imperial Roman Periods'' (RIN1505–AB63) received on March 2, 2006; to the Committee on Finance.

EC–5919. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD: Procedures for Administrative Review of a Determination that an Authorized Recipient has Failed to Safeguard Tax Returns or Return Information'' ((RIN1545–BF22)(TD9252)) received on March 2, 2006; to the Committee on Finance.

EC–5920. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Reporting for Widely Held Fixed Investment Trusts'' (Notice 2006–29) received on March 2, 2006; to the Committee on Finance.

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. SPECTER (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. SUNUNU, Mr. FEINGOLD, Mr. CRAIG, Mr. HAGEL, Mr. DURBIN, Mr. SALAZAR, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. KERRY):

S. 2369. A bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mr. BIDEN, Mr. DEMINT, Ms. MIKULSKI, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. TALENT, Mr. ALLEN, Mr. FRIST, Mr. BURNS, Mr. THUNE, Mr. REID, Mr. SALAZAR, Mr. KERRY, Mr. BUNNING, Mr. LIEBERMAN, and Mrs. BOXER):

S. 2370. A bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Mr. JOHNSON):

S. 2371. A bill to permit the use of certain funds for recovery and mitigation activities in the upper basin of the Missouri River, and for other purposes; to the Committee on Environment and Public Works and the Committee on Environment and Public Works.

By Mr. KERRY:

S. 2372. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of appropriations, new direct spending, and limited tax benefits; to the Committee on the Budget.

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

S. 2373. A bill to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 2374. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRAIG (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COCHRAN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, Mr. CRAPO, Ms. LANDRIEU, Mr. SALAZAR, Mrs. CLINTON, Mr. BUNNING, Mrs. LINCOLN, Mr. DEWINE, Mr. INOUYE, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. DODD, Mrs. BOXER, Ms. MURKOWSKI, Mr. JOHNSON, Mr. KOHL, Ms. SNOWE, and Mr. FRIST):

S. Res. 390. A resolution designating the week beginning March 13, 2006, as ''National Safe Place Week''; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 391. A resolution to authorize representation by the Senate Legal Counsel in the case of Timothy P. Toms v. Alan Hantman, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 334

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 334, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 424

At the request of Mr. BOND, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maine (Ms. COLLINS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 481

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 481, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1005

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1005, a bill to amend the Richard B. Russell National School Lunch Act to permit certain summer food pilot programs to be carried out in all States and by all service institutions.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1218

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1218, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1263

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1615

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2128

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2128, a bill to provide greater transparency with respect to lobbying activities, and for other purposes.

S. 2178

At the request of Mr. SPECTER, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2206

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2206, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2333

At the request of Mr. SCHUMER, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. 2355

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2355, a bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

S. CON. RES. 60

At the request of Mr. TALENT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

S. RES. 385

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 385, a resolution expressing the gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and woman to serve in the United States military, particularly in support of the global war on terrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. LEAHY, Ms. MURKOWSKI, Mr. SUNUNU, Mr. FEINGOLD, Mr. CRAIG, Mr. HAGEL, Mr. DURBIN, Mr. SALAZAR, Mrs. FEINSTEIN, Mr. OBAMA, and Mr. KERRY):

S. 2369. A bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to offer legislation which would amplify the PATRIOT Act, which we expect to be passed by the House of Representatives tomorrow, with these amendments to restore the provisions of the PATRIOT Act to the provisions of the Senate bill which was passed unanimously by the Judiciary Committee on which the Presiding Officer sits, as do I, and was then adopted by unanimous consent by the Senate.

The PATRIOT Act has had a complex procedural history where the House passed a version which was substantially different from the Senate version. Then we hammered out a conference report which, in my view, was an acceptable compromise. It did not have all of the provisions which I would have preferred. It did not have the provisions of the Senate bill. But in a bicameral legislature, we learn to work with the art of the possible. That was accommodation.

We worked closely with Chairman SENSENBRENNER in the House and crafted a bill which was acceptable. There were certain key concessions made to the Senate which I believed were important, perhaps indispensable, the leading one being the sunset provision which was finally established at 4 years. That had been the provision in the Senate bill. And by sunset, for anyone who may be watching on C–SPAN2, that is the provision which terminates the bill, and then it has to come back to Congress for reevaluation to see if we want to give the expanded powers to law enforcement officials. The House bill had 10 years; the Senate bill had 4 years. The House wanted a compromise at 7 years, and the Senate held fast. And the compromise was reached so we finally put a provision in at 4 years.

The PATRIOT Act was passed shortly after the terrible tragedies of 9/11, when the United States was victimized by a terrorist attack. It was an effort to give law enforcement officials more power to deal with terrorism. There is always a balance to be struck between civil liberties on the one hand and sufficient power for law enforcement on the other. There came into a coalition representatives of both extreme ends of the political spectrum, the so-called far left, the so-called far right, joining together with the insistence on more civil liberties. It seemed to me that the point was well taken.

The legislation I am introducing today, I introduce on behalf of myself, Senators LEAHY, MURKOWSKI, SUNUNU, FEINGOLD, CRAIG, HAGEL, DURBIN, SALAZAR, FEINSTEIN, OBAMA, and KERRY. The cosponsors are the four Republicans who did not vote for cloture when the bill was before the Senate. They had decided not to vote to cut off debate, which might have given us the leverage at that time to pass the conference report, but insisted on some modifications. With the leadership of Senator SUNUNU, those modifications have been enacted in a companion bill which is going to the House of Representatives for House action tomorrow. It is my expectation that the legislation will be passed. There is an enrolling ceremony set by the Speaker of the House and the majority leader for Wednesday morning, so that is a pretty good sign that we are en route to having the PATRIOT Act enacted.

I do not think that ought to be the ending point. That is why I am introducing this supplemental legislation today. What this legislation does is reinstate provisions of the original Senate-passed bill. For example, on the delayed notice search warrants, the

House bill had called for 180 days. The Senate bill had called for 7 days' notice. The conference report compromised out at 30 days, which I thought was acceptable, while not as good as I would have liked it. So in this new bill, the delayed notice provision is set at 7 days. That means that when a search warrant is authorized, where the subject of the search warrant is not told—ordinarily if you have a search and seizure, law enforcement officials come in and in broad daylight make the search and seizure. The resident, the owner of the residence knows about it. But a delayed notice search warrant is structured so that the recipient does not know about it, where there is cause shown that the investigation would be impeded if the recipient were to be told at that time. This cuts the time to 7 days.

There had been considerable controversy over the provisions of section 215 where the Senate bill had a three-part test, and a fourth provision was added to the conference report where the judge had the discretion to grant the order if there was adequate showing in the opinion of the court to pursue a terrorist investigation. But the new bill comes back to the three-part test of the original Senate bill so the records sought must, first, pertain to a foreign power or an agent of a foreign power; second, are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or, three, pertain to an individual in contact with the suspected agent of a foreign power.

The third provision provides for a judicial review of national security letters. It would eliminate the conclusive presumption with respect to national security letters that the court would automatically uphold nondisclosure—that is, a gag order—upon the Government's good faith certification that disclosure may endanger the national security of the United States or interfere with diplomatic relations. The bill introduced today would allow the judge to review all of the factors and would not be controlled by this conclusive presumption.

The bill introduced today also makes a change on judicial review of section 215, which eliminates both the conclusive presumption which was added in on the legislation sponsored by Senator SUNUNU, and it eliminates the mandatory 1-year waiting period.

The sunset on national security letters is an additional provision which adds a 4–year sunset to national security letters, which is the same sunset in the balance of the conference report. National security letters had not been subjected to the PATRIOT Act but were included in the Senate version this time. That provision is added.

We are having an oversight hearing with the Director of the FBI later this month. It is my intention, as chairman of the Judiciary Committee, to include in that oversight hearing these provisions. We want to see exactly how important they are, what the FBI is doing with them. We want law enforcement to have the tools it needs.

I know this is a subject near and dear to the heart of the Presiding Officer who was the U.S. attorney in Alabama for law enforcement and attorney general, and something of which this Senator has very substantial concern based in part on my tenure as district attorney of Philadelphia. So we want law enforcement to have the tools which are needed. At the same time we want to achieve an appropriate balance with civil liberties.

The statement has been made that it is not anticipated that the House will act on such legislation this year. It is a long year. We will wait and see. We will see what the developments are. We will see how our fight against terrorism goes. We will see what the oversight provisions are. But this bill will be useful as a marker to promote further reconsideration of that original Senate bill that passed last year. It was a significant occasion, if not monumental, to have all 18 members of the Judiciary Committee agree on a bill which, as the Presiding Officer knows, as do I and people who are familiar with the Judiciary Committee, we have representatives at opposite ends of the political spectrum. That is what is attractive about the Judiciary Committee. Notwithstanding our divergence of views, we have had remarkable success in the past 14 months passing the bankruptcy bill, the class action bill, and the asbestos bill out of committee.

We stumbled a little. We are one vote short on the budget point of order. That is going to be coming back.

We are taking a look at some of the provisions I am personally talking to Senators about on an individual basis. There is a recognized need for asbestos reform. There is only disagreement as to what it ought to be. I am asking Senators to take a look at the bill and tell me what it is they would like to see done in order to have the bill receive the requisite support here to overcome the budget point of order—I think we have the votes already there—but to overcome cloture and to have a bill that can be enacted.

Then our committee led the way in the confirmation of the new Chief Justice of the Supreme Court, Chief Justice Roberts, and Justice Alito. We are now in the midst of working on immigration. I think the renewal of the PATRIOT Act is a significant step forward—something the President has been anxious to have done and something which will give law enforcement the tools it needs with appropriate balance.

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

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

S. 2369

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

SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f)(2) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended

(1) in subparagraph (A)(i)—

(A) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(B) by striking ''Not less than 1 year'' and all that follows through the end of the clause;

(2) in subparagraph (A)(ii), by striking ''production order or nondisclosure''; and

(3) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''If, at the time of the petition,'' and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking ''If the recertification that disclosure may'' and all that follows through ''made in bad faith.''.

SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii) either—

''(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and''.

SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

''(c) OTHER SUNSETS.—

''(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

''(A) Section 2709 of title 18, United States Code.

''(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

''(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

''(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

''(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''.

SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing

Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

Mr. LEAHY. Mr. President, the PATRIOT Act reauthorization legislation that the Senate may vote on this week still has serious flaws and troubling omissions. I have spent several months working closely with Members from both parties in an attempt to improve these defects. Even after the Bush administration and congressional Republicans hijacked the House-Senate conference, I tried to get this measure back on the right track. Working with a bipartisan group of Senators, we were able to achieve some improvements. I regret that the final package is not better and that the intransigence of the administration has prevented a better bill with better protections for the American people.

I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the current reauthorization of the PATRIOT Act. I am therefore pleased to join Senator SPECTER, Senator SUNUNU, Senator CRAIG, Senator FEINGOLD, and others in introducing a bill to improve the reauthorization legislation in several important respects.

Most importantly, the Specter-Leahy bill corrects one of the most egregious ''police state'' provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. There is no justification for this mandatory waiting period for judicial review, and our bill eliminates it. Our bill also eliminates provisions that allow the Government to ensure itself of victory by certifying that, in its view, disclosure ''may'' endanger national security or ''may'' interfere with diplomatic relations. These un-American restraints on meaningful judicial review are unfair, unjustified, and completely unacceptable.

I sought to make these changes to the gag orders provisions in an amendment I filed to Senator SUNUNU's bill, S. 2271, which modified the conference report in various respects. Senator FEINGOLD filed other amendments aimed at bringing the conference report more in line with the bipartisan reauthorization bill that every Member of the Senate approved last year. Regrettably, the majority leader chose to prevent any effort to offer amendments to S. 2271 and effectively stifled open debate.

In addition to fixing the gag order provisions, the Specter-Leahy bill adopts the Senate-passed standard for obtaining secret court orders under section 215 of the PATRIOT Act. Under this standard, the Government can obtain private, confidential records such as library and medical records only if there is some connection between those records and a suspected terrorist or spy. The Specter-Leahy bill also restores the pre-PATRIOT Act rule, adopted by the Senate, that notice of ''sneak and peek'' searches may be delayed for no more than 7 days unless extended. The conference report sets a 30-day rule for the initial delay, more than three times what the Senate, and pre-PATRIOT Act courts, deemed appropriate. Finally, the Specter-Leahy bill adds a 4 year sunset to the national security letter authorities created in the conference report. This sunset provision, like those included in the original PATRIOT Act at the insistence of myself and House Majority Leader Dick Armey, would facilitate oversight and ensure accountability for the use of these administrative subpoena authorities.

Reauthorization of the PATRIOT Act has been a more difficult and far more painful process than it should have been. Under the leadership of Chairman SPECTER, the Judiciary Committee managed in just a few weeks to produce a bipartisan bill that passed the Senate unanimously. The House-Senate conference took a different course and produced a bill that Members on both sides of the aisle found unacceptable. It has been improved, but critical problems remain. The Specter-Leahy bill corrects the worst of these problems, and I will work with the chairman to enact these commonsense reforms before the end of the year.

By Mr. MCCONNELL (for himself, Mr. BIDEN, Mr. DEMINT, Ms. MIKULSKI, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. TALENT, Mr. ALLEN, Mr. FRIST, Mr. BURNS, Mr. THUNE, Mr. REID, Mr. SALAZAR, Mr. KERRY, Mr. BUNNING, Mr. LIEBERMAN, and Mrs. BOXER):

S. 2370. A bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Relations.

Mr. MCCONNELL. Mr. President, today, along with my friend, the senior Senator from Delaware, Mr. BIDEN, I send to the desk the Palestinian Anti-Terrorism Act of 2006 and ask that it be referred to the appropriate committee.

Senator BIDEN and I are joined in our efforts today by Senators DEMINT, MIKULSKI, MARTINEZ, Senator NELSON of Florida, HAGEL, Senator NELSON of Nebraska, DEWINE, TALENT, ALLEN, FRIST, BURNS and THUNE, all of whom are original cosponsors of this legislation. This is a bipartisan bill, and I thank my colleagues on both sides of the aisle for their leadership on the important issue of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The Palestinian elections of January 25 produced a majority of Hamas supporters in the Palestinian parliament. Perhaps the Palestinians were frustrated with the corruption of the ruling Fatah Party, or perhaps they were tired of the slow pace of reforms. Either way, the Palestinian people cast their ballots for an organization that supports terrorism and rejects Israel's very right to exist. That is antithetical to our security interests in the Middle East, and it should be unacceptable to this Senate.

In light of the recent election, Senator BIDEN and I are submitting this legislation for the Senate's consideration which we hope will send an unequivocal message to the Hamas leadership: renounce terror, recognize Israel and live up to the commitments made by the previous Palestinian government.

In short, this legislation urges the Palestinian people to take another step toward joining the community of peaceful nations and a step away from the ranks of terrorism.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless it is determined that no PA government ministry is controlled by terrorists, that the PA publicly acknowledges Israel's right to exist, that the PA has recommitted itself to all its prior agreements with Israel, that the PA has made progress toward dismantling terrorist infrastructure, and that the PA has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation and other basic human needs. Thus, humanitarian assistance that does not go through the Palestinian government will continue. Moreover, funding for democracy programs will also be continued. Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions its future government may take. Our concern is with the new regime taking power and in giving them the proper incentives to embrace peace and to abandon the pro-terror stance they have taken up until now.

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few weeks back reflect this fact. International observers indicate that the Palestinian elections were essentially free and fair—which in and of itself is certainly a good thing.

I strongly support democratic elections. That said, any right-minded person deplores the result of those elections.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas

takes power and persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to Israel, then they should be held accountable for their actions and for the foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is supported in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Along these same lines, I must say I am somewhat mystified at the recent diplomatic efforts undertaken by Russia. Russia broke from the Middle East Quartet and hosted representatives from Hamas in Moscow.

In so doing, the Russians granted Hamas a measure of international legitimacy Hamas had hitherto lacked, while the Russians appear to have received no meaningful concessions in return. I am afraid I fail to see the benefit in Russia's actions other than emboldening other nations to follow a similar course of dealing with a terrorist organization. I suspect the Russians would be less than elated if Israel hosted Chechen separatists in Jerusalem.

Foreign aid is not an entitlement. It is assistance from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It is not to be given to organizations that actively work against those interests. Hamas, as it now stands, is just such an organization.

The ball is squarely in Hamas' court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a revolutionary group to the profound detriment of its citizens.

Mr. LIEBERMAN. I thank Senator MCCONNELL for the excellent statement. I have not had a chance to look at the legislation, but I am sure I will want to be added as an original cosponsor.

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. 2370

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 ''Palestinian Anti-Terrorism Act of 2006''.

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ''Roadmap'');

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

''SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

''(a) LIMITATION.—Assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

''(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

''(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless Hamas has—

''(A) publicly acknowledged Israel's right to exist as a Jewish state; and

''(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

''(2) the Palestinian Authority has made demonstrable progress toward—

''(A) completing the process of purging from its security services individuals with ties to terrorism;

''(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

''(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

''(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

''(E) ensuring the financial transparency and accountability of all government ministries and operations.

''(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

''(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

''(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

''(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

''(e) NATIONAL SECURITY WAIVER.—

''(1) WAIVER.—The President may waive the limitation in subsection (a) with respect to the administrative and personal security costs of the Office of President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the appropriate congressional committees that—

''(A) it is in the national security interests of the United States to provide such assistance; and

''(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

''(2) CONSULTATION REQUIRED.—The President shall consult with the appropriate congressional committees prior to making a certification under paragraph (1).

''(f) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

''(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.''.

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

''SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

''(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

''(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

''(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

''(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

''(3) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

''(A) determines that the provision of such assistance will further the national security interests of the United States; and

''(B) not less than 45 days prior to the obligation of amounts for the provision of such assistance—

''(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

''(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

''(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering such assistance or would have a significant adverse effect on the implementation of that assistance.

''(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.''.

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 or any other provision of law, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

A visa should not be issued to any alien who is an official of, affiliated with, or serving as a representative of the Palestinian Authority, other than the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term ''international financial institution'' has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for

the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term ''Palestinian Authority'' has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

Mr. BIDEN. Mr. President, I am pleased to join the Senator from Kentucky as the lead cosponsor of the Palestinian Anti-Terrorism Act of 2006.

This bill sends a clear message: The United States will not provide a single penny to a Hamas-led government unless it renounces violence, recognizes Israel, and accepts past agreements between Israel and the Palestinian Authority. These requirements are clear, and they reflect the will not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, an objective that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assistance to Hamas. In addition, it places restrictions on diplomatic contacts and movements by representatives of Hamas.

At the same time, the bill makes clear that we want to continue to support the basic needs of the Palestinian people. Assistance to the Palestinians for things such as food, water, medicine, and sanitation through non-governmental organizations will be permitted under this * * *

Instead of moving urgently, we dithered. Several months into last year, the President made a smart move by appointing Jim Wolfensohn the Quartet's special envoy to the Middle East, but he failed to strongly support his efforts. It wasn't until November that Secretary Rice got directly involved by brokering a breakthrough agreement on Gaza. That was welcome, but it was too little, too late.

I don't want to dwell on the past, but I think it's important that we try to learn from it.

It's also well known that Israel had deep misgivings about proceeding with these elections. Their views should have been considered more closely—after all, the consequences affect them directly.

Overall, I think this Administration has made the mistake of confusing democracy with elections. Elections are necessary but not sufficient—they do not a democracy make. Democracy is about building durable institutions—including political parties, transparent and effective government, civil society and a strong private sector.

We see what happens in the Middle East when you have elections with weak institutions—including in Egypt, Muslim Brotherhood, Lebanon, Hezbollah, Iraq, SCIRI, and now the Palestinian Authority. All of us support the spread of democracy, but we should also support the hard work and investments it takes to build it.

Regarding the Palestinian vote, what should we do now? Obviously, Hamas's victory casts a pall on the future of the peace process.

First, Israel cannot be expected to negotiate with a party that calls for its destruction, engages in terrorism and maintains an armed militia.

Second, we should build international support for the position of the Quartet—no assistance to a Hamas-led government until it agrees to recognize Israel, renounce violence, and accept past agreements.

Third, we need to press the Arab Gulf states not to rush in and financially support a Hamas-led government. That would take the pressure off Hamas, and it would reveal the hypocrisy of the Arab governments who say they support peace, but were unwilling to be more generous with Abbas's government.

Hamas is now ''the dog that caught the car.'' It must respond to international demands and, even more importantly, it must be responsive to the Palestinian public which wants reform, but doesn't want isolation, poverty, and radicalism.

The legislation I have introduced with my colleague, the senior Senator from Kentucky, is our attempt to clarify the choices for Hamas, and to make clear our rejection of a group that is committed to terror.

By. Mr. KERRY:

S. 2372. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of appropriations, new direct spending, and limited tax benefits; to the Committee on the Budget.

Mr. KERRY. Mr. President. I am pleased to introduce legislation today that establishes a constitutional line item veto, which would allow the President to reduce pork barrel spending and save taxpayers billions of dollars. Congress has an opportunity this week in our debate on lobbying reform to take ethics reform seriously and take action to rid the federal budget of special interest projects. Giving the President the ability to target projects placed in the budget at the last minute at the request of a single lawmaker is a step in the right direction and a critical move toward needed transparency.

It is no secret that President Bush and I do not agree on many policy matters, but I fully support giving him this line item veto authority and I applaud the President's comments earlier today. I hope that Congress immediately takes up and passes this legislation, and I hope that President Bush will be able to use this new veto authority soon to get tough on wasteful spending.

Under the Republican-led House and Senate, pork-barrel spending has skyrocketed. Nearly $30 billion a year is being spent on projects that have never even been debated. For fiscal year 2005, appropriators added 13,997 projects into the 13 appropriations bills, an increase of 31 percent over last year's total of 10,656. In the last two years, the total number of projects has increased by 49.5 percent. The cost of these projects in fiscal year 2005 was $27.3 billion, or 19 percent more than last year's total of $22.9 billion. Billions of taxpayer dollars are being wasted on things like research to enhance the flavor of roasted peanuts and the infamous ''bridge to nowhere.'' We have the largest deficit in American history and Congress and the President must take action to get spending under control.

In 1996, the Congress passed and President Clinton signed into law the ''Line Item Veto Act'', P.L. 104–130. Two years later, however, in Clinton v. City of New York the Supreme Court concluded that the method used to give the President line item veto authority was unconstitutional. The Court noted that presidents may only sign or veto entire acts of Congress. The Constitution does not authorize them to enact, to amend, or to repeal statutes.

We can restore the line item veto and be consistent with the Constitution.

The key difference between what I am proposing and what the Supreme Court struck down is the legal effect of the President's actions. The ''Line Item Veto Act'' allowed the President to cancel provisions in their entirety, but the Supreme Court rejected this arrangement. The Line Item Veto Act of 2006 is different. It will empower the President to suspend provisions until the Congress decides to approve or disapprove of that suspension with an up or down vote. The provisions are not cancelled out of the legislation. I believe this change addresses the Supreme Court's concerns.

I agree with President Bush's comments earlier today, it is indeed 'time to bring this important tool of fiscal discipline to Washington, D.C.' I look forward to working with my colleagues on both sides of the aisle to pass the Line Item Veto Act and I look forward to President Bush using this authority to reign in pork-barrel spending.

By Mr. COLEMAN:

S. 2374. A bill to amend the Homeland Security Act of 2002 to limit foreign control of investments in certain United States critical infrastructure; to the Committee on Banking, Housing, and Urban Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation, the Foreign Investment Transparency and Security Act of 2006, be printed in the RECORD.

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

S. 2374

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 ''Foreign Investment Transparency and Security Act of 2006''.

SEC. 2. LIMITS ON FOREIGN CONTROL OF INVESTMENTS IN CERTAIN UNITED STATES CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

''Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

''SEC. 241. DEFINITIONS.

''As used in this subtitle—

''(1) the term 'foreign government controlled entity' means any entity in which a foreign government owns a majority interest, or otherwise controls or manages the entity; and

''(2) the term 'general business corporation' means any entity that qualifies for treatment for Federal taxation purposes under subchapter C or subchapter S of the Internal Revenue Code of 1986, established or organized under the laws of any State.

''SEC. 242. LIMITATION ON FOREIGN INVESTMENTS.

''(a) IN GENERAL.—A foreign government controlled entity may acquire, own, or otherwise control or manage any critical infrastructure of the United States only through the establishment or operation of a foreign owned general business corporation that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—For purposes of this section, a general business corporation shall have—

''(1) a board of directors, the majority of which is comprised of United States citizens; and

''(2) a chief security officer who is a United States citizen, responsible for safety and security issues related to the critical infrastructure.

''(c) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to restrict or otherwise alter the authority of the President or the Committee on Foreign Investment in the United States (or any successor thereto) as the designee of the President, under section 721 of the Defense Production Act of 1950.

''SEC. 243. REGULATIONS REQUIRED.

''Not later than 6 months after the date of enactment of this subtitle, the Secretary of the Treasury, in coordination with the Secretary, shall promulgate final regulations to carry out this subtitle.

''SEC. 244. EFFECTIVE DATE.

''(a) IN GENERAL.—Section 242 shall apply beginning on the date that is 6 months after the date of enactment of this subtitle.

''(b) EXISTING ENTITIES.—A foreign government controlled entity that owns or otherwise controls or manages any critical infrastructure of the United States on the effective date of this subtitle shall comply with the requirements of this subtitle not later than 180 days after that effective date.''.

(b) CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 237 the following:

''Subtitle E—Limits on Foreign Control of Investments in Certain United States Critical Infrastructure

''Sec. 241. Definitions.
''Sec. 242. Limitation on foreign investments.
''Sec. 243. Regulations required.
''Sec. 244. Effective date.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—DESIGNATING THE WEEK BEGINNING MARCH 13, 2006, AS ''NATIONAL SAFE PLACE WEEK''

Mr. CRAIG (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COCHRAN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, Mr. CRAPO, Ms. LANDRIEU, Mr. SALAZAR, Mrs. CLINTON, Mr. BUNNING, Mrs. LINCOLN, Mr. DEWINE, Mr. INOUYE, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. DODD, Mrs. BOXER, Ms. MURKOWSKI, Mr. JOHNSON, Mr. KOHL, Ms. SNOWE, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the youths of today are vital to the preservation of the United States and will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences such as child abuse, substance abuse, and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the country's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make Safe Place available at nearly 15,000 locations;

Whereas more than 87,000 youths have gone to Safe Place locations to get help when faced with crisis situations and 88,000 youths received counseling by phone as a result of Safe Place information they received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that Safe Place is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage communities to establish Safe Places for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 13 through March 19, 2006, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in, the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 391—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF TIMOTHY P. TOMS V. ALAN HANTMAN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas, in the case of Timothy P. Toms v. Alan Hantman, et al., No. 1:05–CV–01981, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Carolyn E. Apostolou, Clerk of the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Carolyn E. Apostolou in the case of Timothy P. Toms v. Alan Hantman, et al.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

SA 2903. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2904. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2905. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2906. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2907. Mr. LOTT (for himself and Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process.

SA 2908. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2909. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''$250,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006''; and

(C) in paragraph (2), by striking ''$750,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

SA 2903. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike subparagraphs (B) and (C) of paragraph (1) and insert the following:

(B) in paragraph (1), by striking ''$250,000,000 for fiscal year 2007'' and inserting ''$400,000,000 for fiscal year 2006''; and

(C) in paragraph (2), by striking ''$750,000,000 for fiscal year 2007'' and inserting ''$600,000,000 for fiscal year 2006'';

SA 2904. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike paragraphs (1) through (4) and insert the following:

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''$250,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006''; and

(C) in paragraph (2), by striking ''$750,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006''; and

(2) in subsection (b), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

SA 2905. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''fiscal year 2007'' and inserting ''fiscal year 2006''; and

(C) in paragraph (2), by striking ''fiscal year 2007'' and inserting ''fiscal year 2006'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

SEC. 2. EFFECTIVE DATE.

This Act takes effect 1 day after the date of enactment of this Act.

SA 2906. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''fiscal year 2007'' and inserting ''fiscal year 2006''; and

(C) in paragraph (2), by striking ''fiscal year 2007'' and inserting ''fiscal year 2006'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).''; and

(4) in subsection (c) (as redesignated by paragraph (2)), by striking ''September 30, 2007'' and inserting ''September 30, 2006''.

SEC. 2. EFFECTIVE DATE.

This Act takes effect 2 days after the date of enactment of this Act.

SA 2907. Mr. LOTT (for himself and Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2006''.

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

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

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

''(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an identification of the Member or Members who proposed the earmark; and

''(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 24 hours before its consideration.''.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

''7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 24 hours before its consideration.''.

(2) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Enrolling Clerks of the Senate and House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop and establish a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting ''1.'' before ''Other'';

(2) inserting after ''Ex-Senators and Senators elect'' the following: '', except as provided in paragraph 2'';

(3) inserting after ''Ex-Secretaries and ex-Sergeants at Arms of the Senate'' the following: '', except as provided in paragraph 2'';

(4) inserting after ''Ex-Speakers of the House of Representatives'' the following: '', except as provided in paragraph 2''; and

(5) adding at the end the following:

''2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

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

''(2) is 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.

''(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.''.

SEC. 106. BAN ON GIFTS FROM 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)(i) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.

''(ii) Notwithstanding division (i), a Member, officer, or employee may accept a meal or refreshment from a registered lobbyist or an agent of a foreign principal subject to the monetary limits in this clause. A Member shall list on the Member's official website the value of any meals or refreshments permitted by this division to the Member or employee of the Member and the name of the person who paid for such items not later than 15 days after such meals or refreshments are received.''.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

''(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent; and

''(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

''(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

''(i) a detailed itinerary of the trip; and

''(ii) a determination that the trip—

''(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

''(II) is consistent with the official duties of the Member, officer, or employee;

''(III) does not create an appearance of use of public office for private gain; and

''(iii) has a minimal or no recreational component; and

''(C) obtain written approval of the trip from the Select Committee on Ethics.

''(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the

Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.''.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

''(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(C) by adding at the end the following:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.''.

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

''(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.''.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

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

''14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.''.

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

''10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

''(b) In this paragraph, 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 the Member.''.

SEC. 111. INFLUENCING HIRING DECISIONS.

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

''6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence the official act of another.''.

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 200. SHORT TITLE.

This title may be cited as the ''Legislative Transparency and Accountability Act of 2006''.

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the ''Act'') (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and inserting ''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 day if that day is not a business day''; and

(C) by striking ''such semiannual period'' and inserting ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

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

''(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the lobbyist;

''(2) the employer of the lobbyist;

''(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution

equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.''.

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: ''and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

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

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or employee listed as a lobbyist provided, or directed or arranged 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—

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

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

''(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

''(D) the identity of the listed sponsor or sponsors of travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

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

''(C) 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

''(D) 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;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.''.

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

''(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;''.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

''No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.''.

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting ''(a)'' before ''The Secretary of the Senate'';

(2) in paragraph (8), by striking ''and'' at the end;

(3) in paragraph (9), by striking the period and inserting ''; and'';

(4) after paragraph (9), by inserting the following:

''(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis''; and

(5) by inserting at the end the following:

''(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.''.

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

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

''(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives.''.

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end of the following:

''(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

''(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

''(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

''(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

''(i) pays dues or makes a contribution of more than a nominal amount to the entity;

''(ii) makes a contribution of more than a nominal amount of time to the entity;

''(iii) is entitled to participate in the governance of the entity;

''(iv) is 1 of a limited number of honorary or life members of the entity; or

''(v) is an employee, officer, director or member of the entity.

''(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.''.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: ''For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.''; and

(2) by inserting after paragraph (3) the following:

''(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) inserting ''or a grassroots lobbying firm'' after ''lobbying firm'';

(2) in paragraph (4), by inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(3) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

''(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

''(1) Estimates of income or expenses shall be made as follows:

''(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

''(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

''(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

''(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.''.

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

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

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

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''; and

(B) in subsection (b)—

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

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

(iii) by adding at the end the following:

''(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.''.

SEC. 221. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2007.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking ''within 1 year'' and inserting ''within 2 years''.

(b) RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''within 1 year'' and inserting ''within 2 years'';

(2) by striking paragraphs (2) through (5) and inserting the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or

employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.—The persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed.'';

(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 (3); and

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

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

''SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

''(a) PROHIBITION.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

''(b) PENALTY.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.''.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Commission to Strengthen Confidence in Congress Act of 2006''.

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the ''Commission to Strengthen Confidence in Congress'' (in this subtitle referred to as the ''Commission'').

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 503; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) subject to subsection (b), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(b) SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued under this subsection only—

(A) by the agreement of the chair and the vice chair; or

(B) by the affirmative vote of 6 members of the Commission.

(2) SIGNATURE.—Subject to paragraph (1), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(c) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same

manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2006; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—At such time as a majority of the members of the Commission determines that the reasons for the establishment of the Commission no longer exist, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

SA 2908. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 34, between lines 6 and 7, insert the following:

SEC. 221. APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

''(1) IN GENERAL.—In this section, the term 'corporation' includes an unincorporated Indian tribe.

''(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2006.

SA 2909. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

''SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

''It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

''(1) the spouse of such candidate or Federal office holder; or

''(2) any person whom such candidate or Federal office holder claimed as a dependent on the most recent Federal tax return filed by such candidate or Federal office holder.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 114. EFFECTIVE DATE.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, March. 6, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The U.S.-Oman Free Trade Agreement''.

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

UNANIMOUS CONSENT AGREEMENT—S. 2320

Mr. FRIST. I ask unanimous consent that it be in order to have second-degree amendments to S. 2320 filed at the desk by 10:30 a.m.

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

NATIONAL SAFE PLACE WEEK

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of S. Res. 390, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 390) designating the week beginning March 13, 2006, as ''National Safe Place Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I look forward to the U.S. Senate passing this resolution and designating the week of March 13–17, 2006, as National Safe Place Week. I thank my colleague Senator FEINSTEIN for her work on this issue. I would also like to the other cosponsors of this resolution: Senator DURBIN, Senator COCHRAN, Senator LAUTENBERG, Senator INHOFE, Senator MIKULSKI, Senator CRAPO, Senator LANDRIEU, Senator SALAZAR, Senator CLINTON, Senator BUNNING, Senator LINCOLN, Senator DEWINE, Senator INOUYE, Senator LIEBERMAN, Senator FEINGOLD, Senator DODD, Senator SNOWE, Senator BOXER, Senator MURKOWSKI, Senator JOHNSON, and Senator KOHL. This action will recognize the importance of Project Safe Place and send a message that we will keep working to protect our children. In countless hours of selfless work, volunteers truly do make a difference every day, and in passing this resolution, the Senate will be applauding the tireless efforts of the thousands of dedicated volunteers across the nation for their many contributions to the youth of our nation through Project Safe Place.

Events of the day may turn our attention overseas, but it is essential to remember those who are fighting an ongoing battle right here at home. This battle has been raging for generations and consists of fighting to protect this Nation's most valuable resource: our children. Young people are the future of this Nation; they need to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is threatened daily.

I come to the Senate today to talk about a tremendous initiative between the public and private sector that has been reaching out to youth for over 20 years. Project Safe Place is a program that was developed to assist our Nation's youth and families in crisis. This partnership creates a network of private businesses trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that young people can easily recognize a ''safe place'' for them to go to receive help.

The goal of National Safe Place Week is to recognize the thousands of individuals who work to make Project Safe Place a reality. From trained volunteers to seasoned professionals, these dedicated individuals are working together with the resources in their local communities and through their ties across the Nation to serve young people. Because of Project Safe Place, this

all happens under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are more likely to seek help in locations that are familiar and non-threatening to them. By creating a network of Safe Places across the Nation, all youth will have access to needed help, counseling, or a safe place to stay. However, though the program has already been established in 42 States, there are still too many communities that don't know about this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource so that young people who are abused, neglected, or whose futures are jeopardized by physical or emotional trauma will have access to immediate help and safety in your community. To create more Project Safe Place sites in Idaho, the staff in several of my State offices have completed the training to make them Safe Place sites, and now have the skills and ability to assist troubled youth. In the coming years, Project Safe Place hopes that every child in America will have the opportunity to connect with someone who can provide immediate help by easily recognizing the Safe Place sign.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble 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. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S.RES. 390

Whereas the youths of today are vital to the preservation of the United States and will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences such as child abuse, substance abuse, and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the country's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 700 communities in 40 States make Safe Place available at nearly 15,000 locations;

Whereas more than 87,000 youths have gone to Safe Place locations to get help when faced with crisis situations and 88,000 youths received counseling by phone as a result of Safe Place information they received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that Safe Place is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage communities to establish Safe Places for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 13 through March 19, 2006, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in, the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 391, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) to authorize representation by the Senate legal counsel in the case of Timothy P. Toms v. Alan Hantman, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a civil action filed by a former employee of the Architect of the Capitol against an employee of the Senate along with various employees of the Architect of the Capitol and a Capitol Police Officer. The plaintiff in the case claims that the defendants conspired to retaliate against him in his employment because he had tried to report misconduct in the operations of the Architect of the Capitol. The plaintiff seeks damages from the defendants in this case for allegedly violating his constitutional rights.

The claims against the Senate employee, whose involvement in this suit arises solely out of her oversight role as a staff member on the Appropriations Committee, are subject to dismissal on numerous legal grounds, including failure to state a claim upon which relief can be granted, and legislative and qualified immunity from suit. This resolution authorizes the Senate Legal Counsel to represent the Senate employee in this case and to move to dismiss the claims against her.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble 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. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 391

Whereas, in the case of Timothy P. Toms v. Alan Hantman, et al., No. 1:05–CV–01981, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Carolyn E. Apostolou, Clerk of the Subcommittee on the Legislative Branch of the Senate Committee on Appropriations;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Carolyn E. Apostolou in the case of Timothy P. Toms v. Alan Hantman, et al.

CONGRESSMAN BILL THOMAS

Mr. FRIST. Mr. President, before closing, I am going to make a brief comment—and there will be a lot more to say later in the year—on my friend and colleague Chairman BILL THOMAS in the House of Representatives.

He has an old saying: ''I came here to make law.'' Well, when he retires at the end of his 14th term serving the 22nd District of California, Chairman THOMAS will be able to look back on an illustrious public career that not only made law but made history.

BILL THOMAS is smart. He is tenacious. He is steeped in the traditions of the House. He knows an awful lot about the traditions in the Senate as well. He has worked hard for over 25 years to deliver meaningful solutions to the American people.

As chairman of the powerful Ways and Means Committee, the chairman has authored and managed some of the most significant legislation to come before the House. His skillful leadership has led to major victories in reducing trade barriers, cutting taxes, stimulating the economy, and protecting the interests of all Americans.

During the Medicare modernization debate, I spent 6 months in the chairman's Capitol office hammering out intricate, complex, tough, challenging policy details. I think it is fair to say that in those 6 months I had more than my lifetime's share of pistachios, which he always had sitting on that table and which habitually you could not help but dive into, as we talked about those many issues.

A former political science professor, he is known on both sides of the aisle for his keen intellect and also his political savvy. He is known for what has been called his ''singular personality.''

Over the years, he has been, at times, passionate; he has been emotional; he has been outspoken; he has been headstrong—all qualities that have propelled him even beyond the national stage.

He leaves behind a huge legacy, a storied legacy. And his presence will be missed when he retires.

Back in 1995, Chairman BILL THOMAS told the Los Angeles Times:

People say I'm not as touchy feely as I should be. But I never ran for the job to be touchy feely.

I salute the chairman for his commitment to principle and his unflagging service to his country.

I wish him and his lovely wife Sharon all the best as they embark on the journey ahead.

I had the opportunity to meet with him at the end of last week, and we talked about the future, we talked about the short-term future. He made it very clear he has a lot to do over the next several months right here in the Congress.

ORDERS FOR TUESDAY, MARCH 7, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, March 7. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2320, the LIHEAP funding bill, for 1 hour of debate equally divided between Senators SNOWE and ENSIGN or their designees; further that following that time, the Senate proceed to a vote on the motion to invoke cloture, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, today the Senate began debate on the lobbying reform package which we will continue to consider over this week. Tomorrow morning, shortly before 11, we will have a cloture vote on the LIHEAP bill. We expect to invoke cloture, and I hope that if cloture is invoked, we can work out an agreement to finish that bill in short order. That will allow us to return to the lobbying reform measure tomorrow and hopefully make good progress on that measure. I anticipate the Senate will stand in recess to accommodate the weekly policy luncheons tomorrow, and we will lock in that order tomorrow. Members are reminded that we have a full week ahead and to plan their schedules accordingly.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Tuesday, March 7, 2006, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, March 6, 2006:

THE JUDICIARY

TIMOTHY C. BATTEN, SR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA.

AIDA M. DELGADO-COLON, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.