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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

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

Let us pray.

Eternal God, Your love never ends. You continue to care about us through all of life's seasons. You give us confidence to work for a better tomorrow. Your grace prompts us to touch hurting lives.

Strengthen our Senators today to be good stewards of Your gifts. May they serve one another and our Nation with whatever talents they have received from You. Shine into their minds and hearts the light of Your wisdom that they may be heralds of hope in a time of despair.

Inspire us all to labor with patience, empowered by the sure hope that the harvest is certain. Continue to bless us with the precious gift of Your loving providence.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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 29, 2006.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, I wish everyone a good morning as we start a very busy day in the Senate.

Yesterday, I think we defined a good glidepath to finishing the lobbying reform bill, after which we will return to the immigration issues.

Today, following our period of morning business, we will return to the consideration of the lobbying reform bill. Yesterday, we invoked cloture by a vote of 81 to 16, and therefore I believe we will be able to finish that bill at an early hour today. The order from last night provides that all amendments must be offered no later than 11 a.m. this morning. The bill managers will be here and will be able to call up amendments if Members are unable to get to the floor by 11 o'clock. Therefore, at 11 o'clock this morning, we will be able to determine how many remaining amendments will require votes before we go to passage of the lobbying reform bill. We already have a time agreement with Senator FEINGOLD on his amendment relating to gifts, and we will vote on that issue prior to noon today.

Once we complete the lobbying reform bill, we will proceed to the border control bill under the order entered yesterday. We will begin that bill for a period of debate first before we get into the amendment process. Many Senators have indicated that there is a desire to have opening statements before we begin to consider other immigration issues. Therefore, we have provided for that period for debate, and I encourage Members to take advantage of this opportunity today, this afternoon, or this evening.

Having said that, we will be voting today on a number of lobbying amendments as well as passage of the lobbying reform bill. I also encourage Senators to keep their schedules open for the remainder of the week as we get into the border control bill and related issues. We are providing ample time for the consideration of this bill, and we need to take advantage of each day between now and the recess for this bill.

It was now over 3 months ago that we said we would spend these 2 weeks on the issues of border control, of interior enforcement, and issues such as the temporary worker issues. We will be doing that over these 2 weeks. I believe we can complete that over the course of these 2 weeks. I do encourage our colleagues to get involved early, both in the debate and taking advantage of the time we are providing beginning today, tonight, and every day and every night between now and the next recess.

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

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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.

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

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RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the majority leader or his designee and the remaining 30 minutes under the control of the Democratic leader or his designee.

The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee has voted out a historic and monumental immigration bill. The work was intense and fast, and we spent less than, perhaps, half a day dealing with the entire area of the bill that is referred to as guest workers or what to do with those who are here today illegally—perhaps 11 million to 20 million individuals.

I have reached a conclusion, having been in law enforcement for the most part of my professional career, that the enforcement provisions are not going to be adequate—although there are some good ones there, some steps forward—and our approach to those who are here and those who wish to come here in the future has been poorly thought out and unprincipled.

I strongly believe that America has a tremendous opportunity to fix a broken immigration system. The system as it operates today makes a mockery of law, and we all know that. It rewards bad behavior. It places bureaucratic hurdles and delays in front of those who want to do the right thing in coming here.

The list of the ways the current system does not work, frankly, is almost endless. We have had hearings and discussions, and you have read in the newspapers so many of the things that are disturbing about why our system does not work. Our failure to develop a lawful system has had a number of perverse consequences. But one little-noted consequence is that many Americans, even those in this Senate, have come to believe that it cannot be fixed, that it is hopeless, that we cannot get control of our borders, that it is just a natural thing we should accept, that we go through the motions of doing something about it, but it really will never be fixed.

But the good news is that is not true. The failure of our current system is the result of identifiable defects, defects that can be fixed. It is not impossible. Fixing these deficiencies is not all that difficult. Although it will cost real money, it is affordable. So what we really need is the will to do it, the belief and the will and the determination to go forward and make this system work.

T.J. Bonner, who heads the National Border Control Council and who has repeatedly expressed the frustrations of our Border Patrol agents—he represents them—told us, at our Judiciary Committee, how to make the system work. He said: First, control the borders. Second: Workplace enforcement needs to be effectually carried out; that is, to make sure people who are not legal do not get jobs because the jobs are the magnets. A third and connected step is to make our entry and exit system biometric and easier to use. That is part of the concept that would be necessary to move us to an effective legal system.

Such actions, in my view, based on my study and the hearings I have attended, will allow us to quickly reach the magic ''tipping point.'' That is the point where those who want to come to this country will receive a clear message. And that message is this: It makes far more sense to enter our country legally rather than illegally.

Now, at this time, the opposite is true. Those who desire to enter America would rather pay a fee to some transporter, some ''coyote,'' to cross illegally rather than enter lawfully. The situation is so bad that while we apprehended 1.1 million last year entering our country illegally—think of that, 1.1 million—the number who have arrived successfully has surged to almost 12 million, according to the best estimates. Many say more. How bad is that? That is not good. This is not a policy which we can take pride in or have any confidence in, that we have almost as many people illegally as legally coming.

So what do we do to fix it? You say: SESSIONS, what are you going to do about it? What do you propose? There are some steps we can do. Unfortunately, because the system has been broken for so long, we are going to have to work very hard at first to get to that tipping point, to tip from illegality to legality.

But you see what happens when that occurs, when you reach that tipping point? Then the stress on the agents, who are out arresting thousands every night, is so much less because they have fewer to apprehend. You have fewer in our deportation centers. You have much less of a problem for those who are deported—other than Mexicans, who cannot readily be deported to their country—because fewer are coming because they know if they come they are likely to be apprehended and they will be immediately sent back to whatever country they came from.

It begins to work in a way that a lot of people do not think is possible, but it is absolutely possible, and that is, once we make clear you are not going to successfully be able to enter our country illegally, that you must wait in line to come legally, we will have far fewer people come here. Right now the word is out that we are open for anyone who desires to come, even if they don't desire to come legally. That is what is causing so much problem.

One of the things we learned in the 1986 amnesty was not to give amnesty again. You want to do the right thing, and we are going to do the right thing about the people who have come here illegally. We need to spend some time on it. We need to care about every single one of them. They are human beings with dreams and hopes, creatures of our Heavenly Father. Each one of them is entitled to respect, but they are not entitled to the same benefits a lawful entrant into our country has. Who would suggest that? I don't think that is a principled approach we can defend.

We learned in 1986 that we should not give amnesty. It failed. No serious commentator believes the amnesty of 1986 worked. It was widely held to encourage illegal entry. There was a commission appointed by the Congress, a bipartisan commission, 6 years after 1986 to review what happened when the legislation passed that created amnesty at that time. They said it failed. It should not be done again.

By any standard of the definition of the word ''amnesty,'' the bill that came out of committee is that. That is a loaded word. I don't want to be a demagogue with the word ''amnesty.'' But if amnesty has any meaning, it is that people who came illegally are given an opportunity to receive every single benefit, including citizenship, as a result of their illegal act. That is how we have always meant it. That is what was done in 1986. That is what was determined to be a failure.

Secondly, we must deal with and eliminate, as T. J. Bonner said, the magnet of jobs for illegals. It will not be hard to stop the hiring of illegals by requiring biometric identifiers of foreign workers. It will be easy. Most businesses will comply with what they understand to be the plain law. If they are told they should require identification and it should be checked through the computer system that is being set up and will be set up to determine whether this is a lawful applicant, they will do so. It will not be easy to prosecute those cases. We have learned, however, that in 2004, only three cases of fines were assessed against an employer for bringing people into the country or hiring people who were here illegally. So it has never been enforced. It is a mockery of the law. You have it on the books, but nobody has ever enforced it.

Businesses will comply. We will not have to prosecute all of them. As soon as they realize this is not the policy of the United States anymore, that the policy of the United States is you should check your workers before you hire them and make sure they are here legally, they will do so. All of a sudden, this magnet can be eliminated. Again, therefore, if you want to come to the United States to work lawfully, you are tipped into the idea of waiting in line, take your time, come and have your background check done to make sure you don't have terrorist connections and don't have a criminal record,

those kinds of things, and then you can come in.

Border enforcement is not easy. We have 1,900 miles on the border. People say we should not have a fence; it is something deeply wrong with that. I don't find anything wrong with that. I always heard the slogan ''good fences make good neighbors.'' It certainly has worked in San Diego. But in the most busy areas where illegal entry is occurring, that is a perfectly normal and natural thing. If we don't do that, it is an indication that we lack the will to see the matter through.

The House has a bill that deals with this issue. It proposes up to 700 miles of fencing in the worst areas. It has worked in the San Diego area. It can work here. So it is a test. Are we committed to the enforcement question?

The committee bill did deal with some important steps on enforcement, however. It had some important steps. I don't want to diminish that. I have used a metaphor to say, unfortunately, that it is like making an 8-foot leap across a 10-foot ravine. We are almost there, but we are not there. If we do a few more things, including barriers, including biometrics, including workplace enforcement and detention, not having anymore catch-and-release programs, those kinds of things, we could get there more quickly and more easily than most people think. We have made progress, but we are not there yet.

I have discovered, as a former attorney general and prosecutor, U.S. attorney, from my local police officers in Alabama that they are not welcomed to even voluntarily contribute their abilities in immigration enforcement. For example, there is a clear message told to local law enforcement—and I meet with groups of law enforcement officers whenever I am in the State and enjoy that. I ask them how their drug laws are going, what are they seeing on the streets, what problems do they have. And I usually ask them about immigration. The standard answer is, they have been told by the immigration enforcement officers that unless they have 15 people illegally they have apprehended, don't bother to call. They won't come and pick them up. They are not interested. What does that say about our intention to have a lawful system as opposed to an unlawful one?

I saw the front page of the Washington Times a few days ago. It had an article about an officer in the Midwest or the West who apprehended 15 illegal aliens. He called the immigration people and they said: Don't bother. Don't call us.

This has been going on for years. It is the standard policy out there. So this indicates to me we are not serious about having a lawful system.

It is absolutely possible for us to reverse this trend, to allow large numbers of people to come to our country to work, people who we know are not connected to terrorism or are not criminal elements, drug gangs and organizations of that kind. We absolutely can do that. But I am afraid the legislation we have moved forward does not do so. We are going to have some discussion about the majority leader's bill, the Frist bill. It is more focused on the enforcement question. It does not attempt to settle the huge, difficult human issue of how to handle in a humane and lawful way those who are already here unlawfully. That is a big deal, and we will have to spend some time on that. But I don't understand the purpose of it. We will spend a day or so on that and then apparently go to the committee bill.

It came out of committee with a pretty large vote, six ''no'' votes on the committee. The Judiciary Committee has produced their legislation. It is on the floor now, and it will be the main part of the debate as we go forward. The only thing about which I will express concern to my colleagues is that we haven't read it yet. I see the Presiding Officer, such an extraordinarily valuable member of our committee who cares about this issue deeply. We haven't even seen it printed yet. We passed amendments, and we agreed to amendments on the floor. We passed the agriculture jobs bill that was up here a year or so ago that got blocked. We passed it in a 5-minute discussion. I think it was maybe 50 or 100 pages. This bill is over 300 pages. We substituted the Kennedy-McCain bill for the chairman's mark and passed that. Who has read that?

Then they said: Well, it wasn't quite the same as everything you have heard about our bill. We have made improvements on it. What improvements? What does it say?

I urge my colleagues to not announce too quickly that they are in support of the legislation that came out of our committee because they don't know what is in it yet. I don't know what is in it, and I am on the committee.

We are dealing with one of the most momentous challenges of our time. We need to do it in the right way. We can do it in the right way. What I believe we should do is follow the lead of the House of Representatives. People say that is a harsh bill. It is not a harsh bill. It is a bill designed to make the legal system work. What is harsh about that? Unless you believe lawlessness is the appropriate way to handle business in America, unless you don't respect the rule of law. It is not harsh to create a legal system. They have concluded that the proper response to the crisis we face, with due respect to the concerns of the American people, is to, first, demonstrate that we can create an immigration system that actually works. That is what the House decided to do. That is what they focused on, and that is what they passed. They did not attempt, with a few hours debate, to deal with the colossal issue of human concerns of those who are here and to develop an architecture for who we want to allow to come in in the future and under what conditions.

That is what we should do. That is what most of our hearings in the committee have been focused on. Then we will have some credibility with the American people.

Let me share a couple of additional thoughts about matters I believe are important. The Judiciary bill—I don't want to call it Chairman SPECTER's mark because it was so altered and changed. It had quite a bit of difference. But the bill that came out of committee did a number of different things. One, it would immediately legalize the 12 to, some say, 20 million people who are here illegally. It would give them a green card in a relatively short period. It would then put them on an automatic path to citizenship. Once they become a citizen, they are able to bring in family members and even brothers and sisters, mothers and fathers. It would double the number of legal visas, I think, to 400,000. Each one of those would not be as though you have a visa to come in. These visas are not just to come in to work for 6 months or a year and go back to your home country. This 400,000 will allow you to stay up to 6 years and then allow you, at the end of 4 years, to apply for a green card. And once you get that permanent green card, you can apply for citizenship. So it will be about another 400,000.

We think, conservatively speaking, this bill would add 30 million people to our Nation in the next 10 years. We ought to spend some time talking about that. That is a big deal. That is a 10-percent increase in our population, and we ought to be thinking about what is in it. We spent very little time and we have spent very little national discussion in which the American people have had an opportunity to listen on this issue. It is hugely important. We want to do the right thing about it.

Let me share this: The enforcement mechanisms we passed in committee—many of which are good, some of which failed that were needed—are only a promise.

This is why the American people have a right to be cynical, they have a right to be nervous, they have a right to watch this Congress like a hawk because that is what happened in 1986. Once you pass the guest worker part of the bill—which is what it is being called, and I am not sure that is a very good description of it—that becomes law; the people become legalized; they put in for citizenship, and we double the number of people coming, et cetera, and that becomes our law right now.

What about the enforcement? We authorized UAV, the virtual fence. Virtual reality is all that is. That UAV is to see if somebody is out there, but that is of very little value if you don't have somebody go out and pick them up. Anyway, we increase the bed spaces and increase some Border Patrol officers by authorization. All the Judiciary Committee bill can do is authorize those actions to be made. They have no ability whatsoever to fund them and to make sure they get carried out.

What we learned after 1986 is that Congress hasn't funded the things necessary to make the border secure, and the Presidents—every one of them since that time—seem to have little interest in making sure it gets enforced. They don't come before Congress and say we have a problem at the border; we need more money, more agents, more detention space, and more barriers. They let it go. So this is a dangerous thing. I am not going to vote for any bill that is a ''let me see one hand and not the other.'' In other words, we are going to have one vote that will be a permanent decision about how to deal with those who are here illegally. But we will not be able to have any guarantee that the enforcement system is going to be made workable. That is why the House believes they should complete the enforcement mechanisms first, which is a good principle that we should be concerned about.

The stress on our system is going to be incredible. Some in the immigration system say, when they think what this will mean, they cannot imagine how this will ever work. They have a huge backlog on applications to come into the country. Our immigration service is expected to make some background checks to make sure we are not allowing criminals and terrorists to come into the country. If we more than double the number that are allowed to apply and enter, then their workload is going to be incredibly heavy. It is not working now. We can do better.

Finally, a lot of people have been unhappy with President Bush. They say he has been too much for amnesty. They say he is not serious about the border, and they have complained about that and so have I. I felt that he has not been sufficiently concerned about creating a legal system that works. But I have to tell you, the bill that came out of committee is way past that. Please know that, Senators. I heard Scott McClellan on the radio today, from the press conference he gave yesterday, and he stated the principles of the President. One of them is that those who come here illegally are not put on an automatic path to citizenship. That is what the President defines as amnesty. That is what he says he is not for.

But that is what this bill does. The bill puts the people who came here unlawfully on an automatic path to citizenship. If that is not amnesty, what is? The President does not support what is here. It is beyond what he wants to do. He has a very generous idea about immigration. He wants to do the right thing. All of us do, but we cannot defend the principle of granting amnesty because we know what happened in 1986. It did not work. The independent commissions have said that.

I will conclude by urging my colleagues to recognize how important this issue is to get right, how important it is that we do the right thing, so that 10 years from now, 20 years from now, we can be proud of what we did. And we can get there; we absolutely can. But this bill is not the vehicle to do it. We should not pass it in its present form. I say that with the caveat that nobody has seen the bill we will have on the floor. It hasn't even been printed yet. That is a pretty sad case, if you want to know the truth. It was so complex and rushed through our committee in such a hasty way.

Mr. President, I thank the Chair and my colleagues for giving me a chance to share these thoughts. I urge each and every one of them to spend some time on this issue. Let's study this legislation and let's don't be stampeded by politics or protests or that kind of thing. Let's try to do the right thing and make sure that whatever we do is something we can be proud of and our children can be proud of.

The PRESIDING OFFICER (Mr. VITTER). Does the Senator from Alabama yield back the majority's time?

Mr. SESSIONS. How much time remains?

The PRESIDING OFFICER. There is 1 minute 40 seconds.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, we have a half hour in morning business for the Democrats; is that correct?

The PRESIDING OFFICER. That is correct, and 29 minutes 15 seconds remain.

Mr. KENNEDY. I ask the Chair to notify me after I have used 12 minutes.

The PRESIDING OFFICER. The Chair will do so.

IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, I always enjoy listening to my friend from Alabama. He has been very much involved and engaged in the discussion and debate on this issue in our Judiciary Committee. But I caution those watching this debate to examine his comments, where he said: ''Any individuals that came here illegally, this bill puts them automatically on a path for citizenship.'' That statement is categorically wrong. It does not. I will explain about the provisions of the legislation. I would not support that proposal. The members of the Judiciary Committee that supported the underlying legislation, the McCain-Kennedy legislation, don't support that proposal.

We gather here today to begin debate on our effort to correct a great historic wrong.

For decades, this country has turned a blind eye to the plight of the stranger in our midst, and looked away in indifference as undocumented immigrants have been exploited at the workplace and have been forced with their families to live in constant fear of detection and deportation.

We have ignored the tough conditions endured by the undocumented, and the harmful ripple effects undocumented employment has on some U.S. workers. For decades Congress has failed to take sensible steps to end undocumented immigration, and some of our policy choices have even contributed to the current crisis.

We first confronted this problem directly in 1952, passing a law known in the parlance of the time as the ''Wetback'' bill, which made it a crime to harbor or abet undocumented immigrants. But at the same time, over the vigorous objections of President Truman, Congress carved out the Texas Proviso—so called because it was drafted by agricultural producers from that State—which made it legal to employ undocumented immigrants. This decision protected the ''economic pull factors'' which have sustained illegal migration since that time.

In 1961 the Edward R. Murrow documentary Harvest of Shame directed the Nation's attention to the miserable conditions under which migrant farm workers toiled to bring cheap fruit and vegetables to our table. Congress responded by terminating the deeply flawed Bracero guest-worker program, and strict limits were imposed for the first time on labor migration from Mexico. I was part of that effort in the Senate to end that unacceptable and outrageously exploitive program. These changes to our immigration policy were well-intentioned, but with hindsight their result was predictable: by ending legal migration, but allowing employers to bid for immigrant labor, Congress all but guaranteed a generation of undocumented immigrants would emerge.

Since that time, economic disparity between the U.S. and its neighbors increased, globalization made travel in and out of the U.S. easier, and two whole generations of foreign workers and U.S. employers came of age in an economic system organized around illegal migration.

In truth, Congress has done little since then to confront this problem. In 1986 we passed the Immigration Reform and Control Act, but IRCA's employer sanctions provisions have never been enforced. Rather than confront the structural causes of undocumented immigration, Congress has repeatedly attacked the symptoms of this disease: building more fences and placing more agents at the U.S.-Mexican border, and imposing more restrictions on immigrants' legal rights. These blunt enforcement tools have not quenched employers' thirst for immigrant workers, and they have not given families the tools to be reunited with their loved ones. Instead, enforcement-only approaches have driven immigrants farther into the desert and deeper underground.

For decades, we tolerated undocumented immigration because it seemed like a win-win exchange: employers and consumers were given access to cheap labor and low-cost goods and services; but Congress was not required to make politically difficult decisions

about expanding legal low-skilled immigration.

But, of course, undocumented immigration has not been cost-free—far from it. And recent changes make continued indifference to this crisis impossible. Undocumented immigrants now live in every State in the Nation, and whole sectors of the economy—from construction, to food services, to health care, to agriculture—depend on undocumented workers to stay in business.

Labor and business alike now demand a system in which workers' rights are respected and in which workers are no longer vulnerable to deportation.

Millions of U.S. citizens now demand a system in which their husbands, wives, parents, children, and neighbors can plan for the future. And the continued health of the American economy demands a system in which all of these workers join the formal labor force, pay their taxes, and play by the rules.

United States relations with Mexico and other countries of origin have also changed, and changed dramatically. In 1965, when the foundation for our current system was put in place, Mexico was an authoritarian state and barely a top 10 United States trade partner. Now Mexico is a flourishing democracy, a partner in the North American Free Trade Agreement, and our No. 2 trade partner in the world. Over 300 million legal border crossings occur between the United States and Mexico each year, and trade across the border totals $650 million a day. Yet this relationship and our broader regional interests are jeopardized by this humanitarian crisis at the border and by the exploitation of immigrants within the United States.

President Bush is traveling to Mexico this week, and the crisis of undocumented immigration, including the enormous strain it places on our partnership with Mexico, will be at the top of the agenda.

And, of course, the 9/11 attacks remind us that undocumented immigration creates a crisis of insecurity. America spends billions of dollars tracking entries and exits at our ports of entry, but we have no idea about the identity of millions of immigrants already living among us. The vast majority of these undocumented immigrants are honest and hard-working, but our national security requires that we identify and monitor those who are not.

We all agree that the time has come for Congress to act, but how shall we do so? Fundamentally, we must choose between two alternatives.

Some would have us build higher and longer walls at the border. They would have us further restrict migrants' legal rights and make these hard-working men and women not just subject to deportation but also do time in U.S. prisons for the crime of living and working in this country. They would go much further, actually making felons of people such as Cardinal Mahoney and tens of thousands of other clergy and social workers who are offering counseling or humanitarian support to undocumented immigrants.

Yet the United States lacks the resources or the political will to actually remove all of the 11 million undocumented immigrants among us. Doing so would cost $240 billion, it would wreak havoc with our economy, and it would destroy millions of American families. Nor in a global economy do we truly have the desire or the capacity to build an impenetrable wall around ourselves.

The idea that blunt enforcement will disrupt this deeply entrenched system of undocumented immigration flies in the face of history and economics. Rather, this enforcement-only approach would simply replicate the policy failures of the past. Down this road lie further undocumented immigration, further insecurity, further economic polarization, and further exploitation of the poorest and most vulnerable among us.

I must say, on the issue of the wall, all we have to do is look at our recent history. We have spent $20 billion over the last 10 years. We have a wall now that is 66 miles long. There are 1,800 more miles along the Mexican border, if we are talking about building walls. We have tripled the number of border guards, built the wall along the border, and we find the present system is not functioning or working. How many times do we have to learn that lesson, and how much more would it cost us if we go that particular route? It is a route that is unacceptable, expensive, and unworkable.

We propose an alternative approach. We propose to end this system of exploitation and to right this historical injustice.

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. KENNEDY. Mr. President, I yield myself 4 more minutes.

We believe that immigrants, like women and African Americans before them, have rights in this country, and the time is ripe for a new civil rights moment. We believe that a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status and that all Americans are debased by such a two-tier system. The time has come for comprehensive immigration reform.

Our opponents believe that blunt enforcement can solve our current crisis. We believe that the culture and infrastructure of illegality can only be disrupted and our security and prosperity can only be assured through a three-pronged approach.

First, we favor smarter and tougher enforcement through greater reliance on technology, better screening at our consulates abroad, more international cooperation on migration enforcement, working with Mexico and the other countries in Central America—which our opponents never think about or have asked to or have a program to try to do—and also tracking terrorist mobility and more efficient screening at U.S. work sites.

Our national security and our immigration control efforts are both weakened when we fail to distinguish the millions of undocumented immigrants making vital contributions to our economy and the handful of extremists who would enter the United States to do us harm.

How can we seriously consider diverting our scarce resources to building a fence along the border? This is a 19th century solution to a 21st century problem. A fence—muro de muerte is the alternative, and we are saying that is the kind of wall we are going to build, with all the technology we have? It is a bankrupt policy.

The focus on the border will not prevent undocumented immigration. Almost half of all undocumented immigrants enter through legal channels, and others will always find ways to go over, under, or around the wall. More importantly, a United States-Mexico border fence does nothing to help us identify and track terrorists who would almost certainly choose other strategies for entry, including the use of fraudulent or legitimate documents, or entry anywhere along an unguarded northern border or coastline.

Second, in an economy which depends on immigrant labor, we favor the creation of legal opportunities so that all American workers have the right to labor with dignity and the protection of our laws. More opportunities must be created for workers and families to obtain green cards through our permanent visa system. And the 400,000 or so undocumented immigrants now joining our workforce each year must be offered access to temporary visas and to a spot in the formal economy when employers cannot find U.S. workers to take these jobs.

Our temporary worker program differs in fundamental ways from the failed approaches of the past. We include robust wage guarantees to ensure that temporary workers will not depress the wages and working conditions of American workers, which is happening at the present time, and we back up these guarantees with strong complaint procedures and protections for whistleblowers. We believe guest workers must not be tied to a single employer but, rather, must have the right to vote with their feet by changing jobs when employers would exploit them. And we believe workers must have the right to adjust to permanent status if their situation changes and they choose to remain in the United States.

Third, immigration reform will be fundamentally incomplete without a plan for bringing the undocumented immigrants already among us out of the shadows and into legal status. Our national security requires the United States to know who resides in our

country. Our economic prosperity requires that undocumented immigrants—5 percent of all workers in the United States—join the legal economy.

The PRESIDING OFFICER. The Senator has used his additional 4 minutes. There is 13 minutes remaining.

Mr. KENNEDY. Mr. President, I see my friend from Illinois here. I am going to take 1½ more minutes, and then I will yield the floor.

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

Mr. KENNEDY. Mr. President, countless American families want their undocumented relatives to have the opportunity to become residents. One million immigrants rallied in communities across the country last week, and the crowds included thousands of families waving American flags and celebrating America as their adopted homeland.

No one believes in amnesty for these immigrant workers and families, but we do believe in giving them a chance to earn—earn—legal status. That is the difference. Amnesty is a pardon. We are not pardoning any undocumented immigrants. What we are basically saying is: Come out of the shadows, pay a fine, pay your taxes, learn English, and after all those who are in line to come to the United States at the present time and have come to the United States, go to the back of the line and work your way to citizenship by playing by the rules. There are 70,000 permanent resident aliens who are serving in Iraq and Afghanistan. If you don't play by the rules, then you are subject to deportation. That is earning legal status, and that is the process we follow.

All undocumented immigrants deserve this chance, but only those who pay the stiff fines, work for 6 years, pay their taxes, learn English and pass a civics test will be permitted to remain in the United States.

Today, we embark on a historic debate. We have an opportunity to correct these historic wrongs. I look forward to the coming debate. Together, let us move forward, not backward, on genuine immigration reform.

Mr. President, I have been here when Republicans and Democrats have come together to accept the challenge of an issue that is not going away. This issue is not going away. We now have Republicans and Democrats working together. The President has talked about this issue as well. Surely we ought to be challenged to find a way where this Nation can make progress with Republicans and Democrats and hopefully even the administration working together to help do something that is sensible, responsible, workable, humane, and consistent with our national traditions.

I yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, my colleague from Iowa has come to the floor and wants 15 minutes to speak. I ask unanimous consent for 5 minutes and my colleague from Iowa 15 minutes and that morning business be extended the necessary time for that to occur, and an equal amount offered to the other side, if they care to use it.

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

Mr. DURBIN. So it is my understanding, Mr. President, that after I speak for 5 minutes, the Senator from Iowa will be recognized for 15 minutes.

Mr. HARKIN. I thank the Senator.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts who has just spoken. Senator KENNEDY has led so many important fights in the Senate. This may be one of the most historic. We know our immigration system is broken. It just does not work.

In my office in Chicago, almost 90 percent of all of the work we do is on immigration. The stories will break your heart. There are people who have come to this country and, for reasons that often cannot be explained, are not in legal status today. As Senator KENNEDY said, approximately half the undocumented people in America arrived here legally. What happened? They were going to school on a visa and they didn't take the necessary course work to be a full-time student. They lost their legal status. They were part-time students. They started again as full-time students, and they are undocumented as a result, or they came and stayed beyond their visas or they came into circumstances that, frankly, created family situations so they could not leave: A woman falls in love with an American citizen, is married, and has children. Her husband is an American citizen, all her children are American citizens, but she is not. She is an undocumented person in this country.

But let me tell you one story or one group of stories that I think dramatizes some of the injustices of the current system that I think should be addressed. A few years ago, Senator ORRIN HATCH and I worked together in a bipartisan effort to pass what is known as the Dream Act. Senator HAGEL, Senator LUGAR, and I are now cosponsoring it on a bipartisan basis. It came to my attention because we got a phone call from a woman in Chicago, a Korean-American woman who works at a dry cleaners in Chicago 12 hours a day. She said she had a problem. Her problem was her daughter, who came to the United States at the age of 2 and became a musical prodigy. She played the symphony piano by the age of 8. She has played with the Chicago Symphony. She is an amazing, talented musician.

She was recruited by Julliard School of Music—the best in America—to develop her skills as a musician. When she started to fill out the application, she turned to her mother and said: It says here: Nationality. American, right? And her mother said: No, we never filed your papers. And here she was, a bright future ahead of her, and she called my office and said: What am I to do? We called the Immigration and Naturalization Service and they said: The answer is obvious. She has to go back to Korea.

Back to Korea? She had been in this country for 16 years. Through no fault of her own, she was not a documented citizen or in legal status. She had fallen through the cracks, one of the 11 million.

Let me tell you another story. It is about Diana, who was brought to Chicago at the age 6 by her family from Mexico. Diana is undocumented. She has lived her entire life in the United States. There is a 50-percent dropout rate among undocumented students in America—50 percent. She didn't drop out of school; she did the opposite. She stayed in school and made the dean's list all through high school. She graduated with a 4.4 average out of 4.0, taking advanced placement classes to pursue her dream of being an architect. She was accepted at Northwestern University and was so excited. She came to learn that because she was undocumented, she couldn't get financial assistance. She couldn't go to Northwestern. She went to another college. She is still trying to be an architect.

Tell me: Is America a better place if those two girls leave or is it a better place if they stay?

The Dream Act gives young people such as that a chance, people who came to the United States, young people, through no decision on their own—their parents made the decision. They did the right thing, followed the rules, didn't break any laws, went to school, were good students, studied, aspired, and dreamed of the opportunity in this country, and then learned, to their bitter disappointment, they were reaching a point where they could not pursue their education.

The Dream Act says this: If you are one of those people, if you have been here 5 years or more, if you entered the country under the age of 16, if you are in high school, you have a chance, and the chance is this: Complete high school and then either 2 years in college or a college degree in the next 6 years, or serve in our military for 2 years, and we will then give you a chance to start a long path toward citizenship. That is important.

I can't tell you the people who come up to me in the city of Chicago, students, for example, who are undocumented, who want to teach. We need them so badly. They want to teach math and science and critical languages. Yet, being undocumented, they can never be licensed to teach in my State of Illinois or virtually any other State.

Should these young people have a chance? Should they be allowed now to become part of America and our future? I think they should. The Dream Act is part of this immigration reform, and I urge my colleagues to support it. I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, first let me commend Senator DURBIN for his leadership on the Dream Act and making sure that it is now a part of the bill that came out of the Judiciary Committee. I was a cosponsor of that Dream Act, and I support it being a part of the bill.

For me, the current debate on immigration strikes very close to home. Those words at the base of the Statue of Liberty, ''Give me your tired, your poor, your huddled masses, yearning to breathe free,'' have a profound personal meaning to me.

On my wall in my office, I have a picture of the house in which my mother was born and raised until she was 20 years of age in the small town of Suha, Slovenia. It is a small house with a dirt floor. Yes, my mother was born and raised in a house with a dirt floor until she was aged 20. Then she got steerage on the SS Argentina and came to America. She was going to land at Ellis Island, but landed in Boston because of bad weather. I have a copy of the documentation from when my mother landed here in America, it had her name and where she was from, and what she owned. She had one suitcase, a train ticket to Des Moines, IA, and $7. That is how my mother came to America. When she came, though, she was welcomed into the American community. She got married, obviously raised a family. She has since obviously passed away, but she became a productive citizen, a loyal American who gave a lot back to her adopted homeland.

I know the current debate has stirred up a lot of passions, but this is nothing new. Across the centuries, successive waves of immigrants—Germans, Irish, and again on my father's side my great-grandfather, who was an immigrant from the northern part of Ireland; Chinese, Italians, Greeks, others—every time they have come here they have aroused strong emotions. But in every case, Americans eventually rose above their economic fears and ethnic prejudices. We were true to those Statue of Liberty words and, as a result, America has become stronger and richer and fairer. We are indeed the envy of the world.

Today, once again, we are in the midst of a difficult and often emotional national debate about immigration. I am optimistic that we can arrive at a bill that addresses legitimate national security and law enforcement concerns, while also being faithful to our tradition and history as a nation of immigrants. I commend the senior Senator from Pennsylvania, Senator SPECTER, for his skill and leadership in reporting a bipartisan bill from the Judiciary Committee that takes us in the right direction. I want to commend his ranking member, Senator LEAHY, and Senator KENNEDY for his strong work on getting this bill through and making it a decent, fair, but yet strong bill to protect our national security and to protect our law enforcement in this country.

My State of Iowa, I am proud to say, has a long history of welcoming new immigrants. We have a growing immigrant Muslim population from Asia and the Middle East. In fact, Cedar Rapids, IA, is home to the oldest mosque in America, and we are proud of that. A quarter of a century ago, responding to the plight of Vietnamese and Laotian boat people, former Governor Robert Ray introduced programs to bring more than 30,000 of these refugees to our State. Because of his courageous humanitarian leadership, thousands of Iowans opened their homes and their hearts to these new immigrants.

More recently, tens of thousands of immigrants have come to Iowa from Latin America and elsewhere. They have come here in search of two things: work and freedom. Work, in order to feed and clothe their families; and freedom, to learn and to develop their talents, and to grow. In most cases, they have found work. The Iowa economy is hungry for immigrants who are willing to do jobs that basically are physically demanding, oftentimes dangerous, one example, of course, being the meat packing industry.

But not all of these new immigrants have found freedom—the freedom to learn and to grow and to develop their talents. Earlier this month, at United Trinity Methodist Church in Des Moines, I met with a group of new immigrants, an undocumented family. They told me about the hardships they face. They live in constant fear. They live in the shadows. What do they want? They want to become loyal, contributing Americans, to pursue the American dream, to contribute as my mother did, as my great-grandfather and his descendants did, to building this country we call America. But, instead, they are living an American nightmare of anxiety, exclusion, and exploitation.

So it is time for us to find a constructive and positive way to bring these people out of the shadows and into the sunlight. One thing we all agree on is that the current immigration system is broken and needs reform. It is totally out of sync with today's social and economic realities. It is time to come up with a just and fair immigration system, one true to our values and our tradition. I know we can come up with a bill that is a win-win for all of us.

To that end, we need at least three things: One, we need tough, consistent, effective enforcement of reformed immigration laws. Two, we need to enforce sanctions against employers who hire immigrants unauthorized to work. Three, we need a temporary worker program with documentation that gives immigrants a reasonable path to earning full American citizenship. As Senator KENNEDY said earlier, we are not talking about amnesty. That would be wrong. We are talking about a process of earned legalization, giving people who are here a practical way to earn citizenship by working, paying taxes, paying a fine, learning English.

We need to deal with the reality before us. We have 11 million to 12 million undocumented people in this country, many of whom—as we listened to Senator DURBIN talk about—have lived here for many years, and many who came here as young children, as babies. Many of them who are here have children. They have other family members who are U.S. citizens. They are contributing to our prosperity. They are making a big contribution to our society. They may be undocumented; they may be living in the shadows; but make no mistake: They are de facto members of our American community. They are integrated into the fabric of our national life. They are filling jobs that, in most cases, go unfilled, and they are not going away. Frankly, we would face huge problems if they did. As the U.S. Chamber of Commerce said recently: ''If you kick out 11 and-a-half to 12 million people, it will bring our economy to a screeching halt.''

So let us acknowledge the reality. Let's establish a legal framework within which these immigrants can work and learn English and pass security background checks, pay a fine, the penalties that are necessary, and then earn the right to eventually become a U.S. citizen. At the same time, let's not delude ourselves with so-called simple solutions that are unworkable, unaffordable, or just plain mean-spirited. For example, the House has passed a bill that calls for criminalizing undocumented immigrants, rounding them up and deporting them, and charging with crimes anyone who might help, including clergy and church members.

Does anyone seriously believe we can round up 11 million to 12 million undocumented immigrants? Who is going to do it? Are we going to spend the $140 billion it would take to hire a vast army of agents to do this? And even if it were physically possible to round up 12 million people, how do you do it humanely? For example, would we be willing to break up families? Would we deport mothers and fathers but allow their U.S. citizen children to remain here? Would we deport an undocumented immigrant who is here, married, has children? Would she or he take the children with them, or leave them here? What is going to happen to all these people? How do you deal with this humanely?

Others advocate we spend tens of millions of dollars to build a 700-mile wall, a fence, across our southern border. That is nonsense. Did the Great Wall of China work? Maybe for a month or two. Think of the Berlin Wall. Just remember the Berlin Wall. And think about a wall between the United States

and Mexico. Now we are going to build a wall across the Canadian border, too? Let's get serious. This is nonsense, absolutely nonsense.

And does anyone want to talk about those who come to the U.S. and overstay their visas? There are an estimated 4 million people in the United States who have overstayed their visas. They get visas, they are here, they are working. They overstay their visa and do not go back to their home countries; they decide to stay here illegally.

It is time to acknowledge why immigrants continue to come across our border, making enormous sacrifices, risking their lives. They are coming for economic opportunity to better themselves and to reunite, a lot of times, with their families. In other words, they are coming for exactly the same reasons that my mother came to America—to get reunited with family members who were here, to work, to raise a family, to better her life and to better the lives of her children. The difference is they are coming now as undocumented because we failed to create a documented, legal avenue for our economy to get the workers we need. It is not their fault, it is our fault—because we have not designed a good immigration system.

We have heard it said that undocumented immigrants drive down wages for American citizens at the low end of the economic scale. According to this argument, undocumented immigrants are so desperate to work for the minimum wage or less, they will tolerate harsh, unsafe working conditions. Unfortunately, there is a lot of truth to that argument. So what is the answer, kick them out? No. The answer is to bring them out of the shadows. If they are given documentation and legal status, then employers will have to pay them a decent wage and treat them fairly. This will raise the floor. It will raise wages at the bottom rungs of the ladder, and this will benefit all American workers.

There is another huge cost and danger to allowing the status quo to continue. The current system has driven undocumented workers deep underground. We are not able to document, track, or control who is within our borders. This is the ideal environment for al-Qaida and others who aim to penetrate our society. Because of our preoccupation with chasing down undocumented immigrants, we are diverting scarce resources from addressing the real threats to our national security, and this needs to change. Instead, we are tracking down gardeners and dishwashers, let's focus on those who really want to do us harm.

Throughout America's history, the subject of immigration has lent itself to fearmongering, demagoguery, and simplistic so-called solutions. But to our credit—and to America's great social and economic benefit—we have listened to the better angels of our nature. We have refused to slam the door. We have been true to our tradition as a nation of immigrants.

Today, once again, we are challenged to rise above fear and prejudice and to do the right thing. Legally or illegally, immigrants will continue to come to America as they have for four centuries. We need smart immigration reform, reform that will protect our borders, crack down on employers who hire those who are unauthorized to work, while creating a guest worker program that gives immigrants the opportunity to earn legalization and to have family reunification.

In closing, I commend the Judiciary Committee for sending to the floor a bipartisan bill that would accomplish these important things. It would bring undocumented immigrants out of the shadows so we know who they are, where they live, where they are from, and so we can identify any who could be a threat to our homeland security. It would allow earned legalization for those who pass security background checks.

It is going to take more than 10 years for an undocumented immigrant to demonstrate that he or she is a person of good moral standing, is paying taxes, learning English, and has paid the necessary fines. These people will not jump ahead of anyone who is already in line for citizenship. I want to stress that point. There is a thought: Oh, they will get in front of everybody. That is not true, not under the bill from the Judiciary Committee. They would work 6 years before they could apply for legal permanent residency or green card status, and after that they would work for another 5 years before they could apply for citizenship. During this process, they would have to pay a fine, and with those fines would help pay for this system.

Last, we don't need a wall around our borders. We can use unmanned aerial vehicles, sensors, guard posts. We can do this without building a wall, and we can protect our borders much better than we are doing now. That is what is in the Judiciary bill. It is an excellent starting point.

Again, I commend Senator SPECTER and the committee. They have done a great service to the Senate and to our country. I hope this Senate will do the right thing in passing that bill.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point, morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

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

The assistant legislative clerk read as follows:

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2930, 2965, 2995, EN BLOC

Mr. DODD. Mr. President, on behalf of Senator OBAMA, of Illinois, I ask that it be in order to call up three amendments, and once the amendments are reported, that they may be set aside.

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

Mr. DODD. I call up amendments No. 2930, No. 2965, and No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. OBAMA, proposes amendments numbered 2930, 2965, 2995, en bloc.

The amendments are as follows:

AMENDMENT NO. 2930

(Purpose: To clarify that availability of legislation does not include nonbusiness days)

On page 5, line 21, after ''hours'' insert ''or 1 business day, whichever is longer,''.

On page 6, line 7, after ''hours'' insert ''or 1 business day, whichever is longer,''.

AMENDMENT NO. 2965

(Purpose: To ban employment negotiations to become lobbyists by Members of Congress and required recusal for senior congressional staff while in office)

At the appropriate place insert the following:

SEC. ____. BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) SENATE.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

''(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

''(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.''.

(b) CRIMINAL PROVISION.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROHIBITION ON EMPLOYMENT NEGOTIATIONS WHILE IN OFFICE.—

''(1) IN GENERAL.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

''(2) PENALTY.—A violation of this subsection shall be punished as provided in section 216.''.

AMENDMENT NO. 2995

(Purpose: To expand the prohibition on lobbying in the year after leaving service to the Senate to include a prohibition on paid coordination activities)

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

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

''13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.''.

Mr. DODD. Mr. President, I ask that the pending amendments be set aside.

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

AMENDMENT NO. 2960

Mr. DODD. On behalf of Senator LEVIN of Michigan, I call up amendment No. 2960, and once it is reported, I ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, proposes an amendment numbered 2960.

The amendment is as follows:

AMENDMENT NO. 2960

(Purpose: To require electronic filing and establish a public database for lobbyists for foreign governments)

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

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

''(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.''.

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

''(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

''(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registration statements and updates filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

''(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.''.

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENT NO. 2963

Mr. DODD. Mr. President, on behalf of Senator FEINGOLD, I call up amendment No. 2963, and once it is reported, I ask that it be set aside as well.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. FEINGOLD, proposes an amendment numbered 2963.

The amendment is as follows:

AMENDMENT NO. 2963

(Purpose: To remove lobbyists all together from Member trips)

On page 9, after line 10, insert the following:

''(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

''(iv) registered lobbyists will not participate in or attend the trip;''.

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENTS NOS. 3181 AND 3182, EN BLOC

Mr. DODD. On behalf of Senator BYRD of West Virginia, I ask that it be in order to call up two amendments, and once the amendments are reported, that they be set aside.

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

Mr. DODD. I call up amendment No. 3181 and amendment No. 3182.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. BYRD, proposes amendments numbered 3181 and 3182, en bloc.

The amendments are as follows:

AMENDMENT NO. 3181

(Purpose: To clarify the termination date of the Commission)

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Two years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

AMENDMENT NO. 3182

(Purpose: To clarify the subpoena powers of the Commission)

On page 46, after line 7, insert the following:

(d) LIMIT ON COMMISSION AUTHORITY.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

Strike Sec. 266(a)(2) and (b).

The PRESIDING OFFICER. The amendments are set aside without objection.

AMENDMENTS NOS. 2980, 2981, 2983, 2961, 3175, 2970, 2936, 2937, AND 2982, EN BLOC

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to call up the following amendments en bloc and that they be temporarily set aside after they have been called up: amendments Nos. 2980, 2981 and 2893, introduced by Senator ENSIGN; amendment No. 2961, introduced by Senator CORNYN; amendment No. 3175, introduced by Senator COBURN; amendment No. 2970, introduced by Senator SUNUNU; and amendments Nos. 2936, 2937, and 2982, these by Senator INHOFE.

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

The amendments are as follows:

AMENDMENT NO. 2980

(Purpose: To include Federal entities in the definition of earmarks)

On page 5, line 2 strike ''a non-Federal'' and insert ''an''.

AMENDMENT NO. 2981

(Purpose: To clarify the treatment of out of scope matters in conference reports)

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term ''unauthorized appropriation'' means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term ''new or general legislation'' has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term ''new matter'' means any matter not committed to conferees by either House.

(4) The term ''nongermane matter'' has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

AMENDMENT NO. 2983

(Purpose: To permit a Senator to raise a single point of order that several provisions violate Section 102)

On page 3, line 12, strike ''shall be made and voted on separately for each item in violation of this section'' and insert ''may be made and voted on separately for each item in violation of this section.

It shall be in order for a Senator to raise a single point of order that several provisions of a conference report or an amendment between the Houses violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.''

AMENDMENT NO. 2961

(Purpose: To require lobbyist to distinguish whether clients are public or private entities)

On page 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.''.

AMENDMENT NO. 3175

(Purpose: To require full disclosure of all entities and organizations receiving Federal funds)

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) IN GENERAL.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

(4) the location of the entity and primary location of performance, including the city, State congressional district, and country;

(5) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

(6) any other relevant information.

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity''—

(A) includes—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) any other legal business entity;

(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

(viii) any State or locality; and

(B) does not include—

(i) an individual recipient of Federal assistance;

(ii) a Federal employee; or

(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

(2) FEDERAL FUNDING.—The term ''federal funding''—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

(B) does not include credit card transactions or minor purchases.

(3) SEARCHABLE DATABASE WEBSITE.—The term ''searchable database website'' means a website that allows the public to—

(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

(B) download data included in subparagraph (A) including outcomes from searches.

(c) WEBSITE.—The database website established by this section—

(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

(2) shall provide an opportunity for the public to provide input about the utility and of the site and recommendations for improvements; and

(3) shall be updated at least quarterly every fiscal year.

(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.

AMENDMENT NO. 2970

(Purpose: To revise the time period for Internet availability in the provisions relating to earmarks and availability of conference reports from 24 hours to 48 hours)

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

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 48 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 48 hours before its consideration.''.

AMENDMENT NO. 2936

(Purpose: To provide a 1-year prohibition against lobbying for senior career staff of executive branch agencies)

On page 40, after line 2, insert the following:

(c) SENIOR EXECUTIVE PERSONNEL GENERALLY.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

''(4) ONE-YEAR RESTRICTIONS ON CERTAIN EMPLOYEES OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level

14 position in the General Schedule (GS–14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.''.

AMENDMENT NO. 2937

(Purpose: To amend the Lobbying Disclosure Act of 1995 to extend coverage to all executive branch employees)

On page 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

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

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

(3) by adding at the end the following:

''(6) any other employee of the executive branch.''.

SEC. 222. EFFECTIVE DATE.

AMENDMENT NO. 2982

(Purpose: To provide criminal penalties for lobbying by exempt organizations)

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: ''An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.''.

The PRESIDING OFFICER. Without objection, the amendments are set aside.

Mr. LOTT. Mr. President, I believe we are ready to go forward with amendments postcloture. We did get an agreement last night to go to the Feingold amendment. I see the Senator from Wisconsin is on the Senate floor, so I yield to him to call it up at this time.

AMENDMENT NO. 2954

Mr. DODD. Mr. President, I ask my colleague to yield just to make a request.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask that an amendment by Senator BAUCUS of Montana, amendment No. 2954, be called up and that amendment be laid aside as well.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is called up and set aside.

The amendment is as follows:

AMENDMENT NO. 2954

(Purpose: To prohibit Members from using 501(c)(3) organizations for personal or political gain)

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A Member of the Senate shall not use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization,

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2962

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2962.

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

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

The amendment is as follows:

AMENDMENT NO. 2962

(Purpose: To clarify the application of the gift rule to lobbyists)

On page 8, after line 16, insert the following:

''(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.''.

Mr. FEINGOLD. Mr. President, first of all, I commend my friend from Connecticut and also the Senator from Pennsylvania for their amendment on meals that was offered before the recess, and also the Senator from Mississippi, the chairman of the Rules Committee, for accepting it. If we are going to have a lobbyist gift ban, it clearly has to include meals. The provision in the underlying bill that allowed for Senators and staff to continue dining at the expense of lobbyists as long as those meals are disclosed on the Senator's Web site would have been an administrative nightmare and also created a subculture of lawbreaking just as, unfortunately, the $50 limit has done.

The way we avoid that is just to ban meals from lobbyists, as we have banned gifts in the underlying bill.

I am obviously not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I do not think anyone can say that all lobbyists are buying these meals out of the goodness of their heart. At this point, no reform bill is going to be credible that does not contain a strict lobbyist gift ban. And no one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you cannot. Just take out your wallet and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has had such a policy for some 30 years and I brought it here with me to Washington. And I certainly have not gone hungry.

We ought to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. It leads to abuses. So I support the Dodd-

Santorum amendment on meals and I am glad that it was adopted.

Here is the problem that I seek to address in my amendment. We have just said that we want to ban all gifts from lobbyists—tickets, meals, presents, everything. But it is a little known fact that the Ethics Committee already has in place an interpretation of the term ''registered lobbyist'' that narrows it somewhat. That interpretation might make some sense for the prohibitions on lobbyists that are currently in our rules. But that same interpretation, if it is applied to this gifts and meals ban, will create a huge loophole.

Here is how it works. As my colleagues know, the Lobbying Disclosure Act requires organizations, trade associations, and companies that employ in-house lobbyists to file a single registration. The registrant is the organization, and it lists its individual lobbyists on its registration form. For purposes of the gift rules now, the Ethics Committee treats the actual listed lobbyists as registered lobbyists, but not the organization. If you do not believe me, look on page 43 of the Ethics Manual. Here is the language:

> For purposes of applying the special restrictions on lobbyists in the Gifts Rule, an organization employing lobbyists (outside or in-house) to represent solely the interests of the organization or its members will not be considered to be a ''lobbyist.''

If that interpretation is applied to the gift and meals ban, that means that the organization can continue to offer gifts and meals to Senators and staff.

So, for example, a company can give a Senator free tickets to a show or a baseball game, as long as a lobbyist doesn't actually offer or handle them. If the lobbyist's secretary makes the call or the organization's CEO president, that would be permitted, or a lobbyist can invite a Senator or staffer to dinner, as long as he brings along someone else from the organization to pick up the tab with the company credit card.

Let me read some of the companies and organizations that have registered under the LDA because they have in-house lobbyists. All of the organizations I am about to list, and hundreds more, will be able to continue to give gifts unless my amendment is adopted: Chamber of Commerce for the U.S.A.; Association of Trial Lawyers of America; General Electric Co.; American Medical Association; Northrop Grumman Corp.; Edison Electric Institute; AFL–CIO; Verizon Communications Inc.; Business Roundtable; Pharmaceutical Research & Manufacturers of America; National Association of Realtors; ExxonMobil Corp.; SBC Communications Inc.; Boeing Co.; Lockheed Martin; AT&T Corp.; General Motors Corp.; American Association of Retired Persons (AARP); Sprint Corp.; Microsoft Corp; American Council of Life Insurance; Pfizer Inc.; National Association of Broadcasters; Citigroup; J.P. Morgan Chase & Co.; Securities Industry Association; American Bankers Association; The Seniors Coalition; Ford Motor Co.; Merck & Co.; American Bankers Association; American Farm Bureau Federation; IBM Corp.; National Cable and Telecommunications; Association and state affiliates; Eli Lilly and Co.; Brown & Williamson Tobacco; American International Group Inc.; General Dynamics Corp.; Motorola Inc.; Southern Co.; BellSouth Corp.; ChevronTexaco; Investment Company Institute; Alliance of Automobile Manufacturers, Inc.; GlaxoSmithKline; DaimlerChrysler Corp.; Textron Inc.; Bristol-Myers Squibb Co.; United States Telecom Association; Intel Corp.; National Association of Manufacturers; Health Insurance Association of America; Time Warner; Marathon Oil Corp.; American Association of Health Plans; Abbott Laboratories; Union Pacific Corp.; American Chemistry Council; BP Amoco; Shell Oil Co.; United Technologies Corp.; Mortgage Insurance Companies of America; Honeywell, Inc.; Qwest Communications International Inc.; Property Casualty Insurers Association of America; Aircraft Owners and Pilots Association; Wyeth; Walt Disney Co.; Biotechnology Industry Organization; Prudential Financial Cos.; Merrill Lynch & Co. Inc.; Monsanto Co.; CTIA—The Wireless Association™ (formerly the Cellular Telecom Industry Association); The Bond Market Association; Asbestos Study Group; Johnson & Johnson, Inc.; Schering-Plough Corp.; Procter & Gamble Co.; American Forest & Paper Association; National Federation of Independent Business; American Institute of CPAs; Raytheon Co.; Visa USA Inc.; American Airlines; and International Paper Co.

These are all companies that have registered under the Lobbying Disclosure Act because they have inhouse lobbyists. So let me repeat. All of the organizations I just listed, and hundreds more, will be able to continue to give gifts, tickets, and meals unless my amendment is adopted. By the way, each of the organizations I just listed has reported spending between $15 and $200 million on lobbying activities between 1998 and 2004. So let me make this very clear. If these companies can still give gifts, we won't have a real lobbyist gift ban. We won't be able to look the American people in the eye and say, ''we just banned gifts from lobbyists,'' because we didn't.

We ought to just stop the practice of eating out at the expense of others. But we need to make sure it's a real ban. My amendment will do that. It simply says that for purposes of the gift ban only, the term ''registered lobbyist'' means any person or entity who is registered under the LDA and any employee of that entity. Very simple, and very fair.

Now let me point out one other thing before people get all worried. All of the exceptions in the current gift rule continue to apply to the meals and gift ban. That means it does not impact our colleagues, relatives, personal friendship, widely attended events, food and drink of nominal value, etc. So that means that employees of these organizations can still have their friends who work on the Hill over for dinner, they can still go out on dates, they can still exchange Christmas gifts, they can still get a housewarming gift from a neighbor. Organizations can still host receptions and Members and staff can attend and have a bit to eat. My amendment simply makes sure that organizations that are registered under the LDA can't get around the gift ban by having people other than their lobbyists offer tickets or meals or other gifts.

I say this with great respect for the Senators who have worked so hard in putting this bill together.

If we are serious about changing the rule on gifts and meals, we have to take the interpretation seriously. My amendment makes it clear that we mean what we say. The era of the free lunch will be over. For real. As it should be. If it is not adopted, there is no conclusion to be drawn but that we are trying to pull the wool over the eyes of the American people. I don't want that to be the story coming out of this debate. I hope the managers will accept this amendment and, if not, I urge my colleagues to support it.

Mr. LOTT. Mr. President I rise in opposition to the amendment. I have worked in this area to make sure that we did some things that were necessary and realistic. I think we should make it clear about gifts. We do that in this legislation. We can't accept gifts.

I am offended at the very idea that some meal is going to cause me to vote one way or the other. But it suits me fine. As I have said on this floor, I would be happy not to ever have to go to another luncheon or dinner. I would just as soon go home and order a Big Mac. But I think this goes a step further which is problematic in a way that I don't believe the American people expect us to do or that we would want to do.

Under the Lobbying Disclosure Act of 1995, individuals who lobby on behalf of other entities must register as a lobbyist. In addition, organizations such as corporations, trade associations, or a labor union that employs in-house lobbyists or outside lobbying firms are required to register under the act.

However, for purposes of applying the restrictions that are imposed on lobbyists under our gift rule, an organization that employs lobbyists to represent organizations or its members' interests is not considered to be a lobbyist.

Thus, for example, the AFL–CIO employs lobbyists. But for purposes of the Senate gift rule, the AFL–CIO can sponsor a congressional factfinding trip whereas if the AFL–CIO employed an outside lobbying firm, the lobbying firm cannot sponsor such a trip.

Under the proposed amendment, for the purposes of our new rule banning

gifts and meals, the employees of the AFL–CIO would all be considered to be registered lobbyists. Janitors at the AFL–CIO would all be considered registered lobbyists. The janitors at the AFL–CIO headquarters, the secretaries in the organization, all would be deemed to be registered lobbyists.

I am the son of a shipyard worker pipefitter union member. How far would this extend? Would you not be able to go to a meal with a supervisor of a pipe department because they have a lobbyist, not to mention the CEO?

So this is not just about corporate America. It is also about union member trade associations and other organizations. We are trying to deal with how we relate to lobbyists, but now we are going to extend it way beyond. You will not be able to go to a meal with the chairman of the board of a sardine manufacturing plant. And why not, when you are in your State and you have an opportunity to go meet with workers and sit down with them? Are we going to be able to have a cup of coffee and a donut?

I think we are beginning to go from the sublime to the ridiculous. It could go on and on.

I am a big fan of Domino's pizza and McDonald's and Big Macs. I love them. They are bad for you, but they are wonderful.

What about the kids working behind the counter? Would they be considered registered lobbyists because McDonald's has lobbyists? I assume they do. I don't think I have ever met one.

By the way, in the case of McDonald's, there are franchises. They own all the McDonald's in the Mississippi Delta, or they might own 10 or 12. Would I not be able to go to lunch with my longtime friend in the Mississippi Delta who owns those 12 McDonald's in the delta? Not only would I miss an opportunity to be with a friend, I would not have an opportunity to understand the challenges and difficulties of running a small business, or running a restaurant in these towns, problems with crime, workers' problems, workers' needs, the lack of insurance for entry-level employees.

How are we supposed to know all of this stuff? Like manna from heaven? We have to stay in touch with reality in order to serve here. We have turned ourselves into not citizen legislators but professional Senators in this room divorced of any opportunity to hear what people have to say. It is OK to talk to them so long as we don't have anything to eat. I think we are going a step too far.

Every company in the Fortune 1000 employs a lobbyist, either a private firm or an in-house lobbyist. Under this amendment, every person who works for Exxon, Wal-Mart, Home Depot—not exactly dangerous places—and countless other businesses that employ lobbyists in Washington would be considered registered lobbyists.

I honestly cannot believe that we want to pass an amendment that wants to turn every employee not only in corporate America but in management and labor and other associations into registered lobbyists. But I think that is what the effect of this would be.

If the Senator wants to ban the CEO and chairman of the board of the company from paying for a meal, or the head of a labor union, do that specifically. But this is so broadly developed I think it goes way beyond that.

I think we would be well advised not to accept this amendment. I reluctantly went along with accepting the amendment earlier about dealing with lobbyists, but that is OK. I am willing to do things that would prohibit improper conduct, or even the appearance of it, but I think this is a leap way too far.

I hope we would not accept this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I enjoyed listening to the remarks of the Senator from Mississippi. This reminds me of the experience in 1994 when there was stiff resistance to the idea of having a gift ban in the Senate. We achieved a significant victory by having at least a $50 limit which has been, unfortunately, abused to this day.

I would like, at this time, to get this done in a way that does not cause us to have to come back. The point I make to my friend from Mississippi is that this is a real loophole. I am not trying to find some esoterical problem. It is a real loophole if employees of large companies, where the companies are registered as lobbyists, if they are able to buy meals. It undercuts the whole idea that we are prohibiting meals by lobbyists and their employees.

I make two responses. First, this does not apply to companies that are not registered as lobbyists. For example, if the Senator from Mississippi were to have lunch with, say, a banker in Jackson, MS, whose company bank does not have a lobbyist, this does not affect that situation. Let's not exaggerate how far it goes.

What is more important, I don't understand the premise. The Senator said he would not be able to have lunch or have dinner with a CEO. Why not? All you have to do is split the bill. It is that simple. Maybe it is a different cultural tradition, but in Wisconsin if you go to lunch with someone, or dinner, more times than not, you split the bill. It seems to me that Senators know how to do that. It is not about the person trying to buy you a meal. It is just a good thing for us to do.

Whether this is practical or impractical, I say this again, we have had this rule in Wisconsin for over 30 years for our State legislature. It has worked just fine. Sometimes we kid around about it, the cup of coffee situation, but it is a good, clean rule. And people understand, when you are a legislator in Wisconsin, you pay your own way. That is all there is to it. It is that simple.

I don't want to prohibit the Senator from Mississippi or anyone else from socializing with whomever he wants, and I certainly enjoy sharing dinner with friends. Sometimes, they are lobbyists. There is no problem, though, with paying your own way.

If we don't do this, if we do not adopt this amendment, we are stuck with a big loophole. I think the fears about this being difficult to administer are exaggerated.

I retain the balance of my time.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 13½ minutes; the Senator from Wisconsin has 9 minutes.

Mr. DODD. Mr. President, may I be informed when I have consumed 10 minutes. I see my friend from Maine is here. She would like 2 or 3 minutes, as well.

The PRESIDING OFFICER. Who yields the time?

Mr. LOTT. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I say to my friend from Wisconsin, he and I have worked together on a lot of issues. I consider him one of my best friends in this institution. I appreciate his kind remarks about the adoption of the Dodd-Santorum amendment, about 3 weeks ago now, when our joint amendment provided a total ban on meals coming from lobbyists.

I never could keep straight exactly what the numbers were, for example, how much you could take at lunch and how much you could take at dinner. We decided we would require some bright line tests. Rather than going through and setting a dollar amount—people probably forget the number anyway and put themselves in jeopardy of being found guilty of something, unintentionally—we offered and passed a total ban on meals, without exceptions.

So meals from lobbyists are now banned when this legislation becomes law. If you violate the ban provision, the fine is a maximum of $100,000 under the legislation we are adopting.

The concern I have about my colleague from Wisconsin and his amendment is that it is broader and includes a much larger audience. This bill is about lobbyists. You become a lobbyist through registration under the Lobby Disclosure Act. It is not a self-selecting process where I decide tomorrow I'm a lobbyist. In fact, you have to register and go through a process to become a lobbyist.

We have been very concerned for obvious reasons, given the recent past history, of what happens when lobbyists engage in certain activities, some lawful and some unlawful, and the perception of whether Members of this institution have somehow compromised themselves in those dealings. We have been determined to try and draw that bright line. My concern is that we begin to blur that line because now we are going to be declaring de facto—not

by law, not because they have registered—that virtually hundreds of thousands of people have become lobbyists. They will have no idea they have become one, but they have become one under this amendment, subjecting themselves, potentially, to a $100,000 fine for purchasing a meal for a Member of Congress. As a practical matter, that is what will happen here.

If your organization hires a lobbyist, and most do—I presume even the bank in Mississippi has a lobbyist; today, almost every major institution, financial or otherwise, has someone who is representing their interests—the lobbyists have to register if they come to the Senate and talk to us. Therefore, they become not only de facto, but de jure lobbyist because they have had to register to do so. If you are an employee of that bank, however, and you live next door to someone, you are a longstanding friend, and my colleague from Wisconsin is correct in this regard, if a longstanding friend of my friend from Mississippi took him to lunch, that would be an exception to the rule. However, that longstanding friendship is subject, obviously, to some analysis as to how long the friendship is. That could pose this difficulty.

I don't think we want to extend this, in my view, and my colleagues may decide when we vote on this and reach a different conclusion, to dealing with this legislation on lobbyists and their relationship to Members of Congress, by expanding the universal definition of what is a lobbyist, to virtually every other employee of an organization that hires a lobbyist to represent their interest. This type of expansion goes too far and is overly broad.

Let me tell you one fact situation that worries me. I had hoped maybe my colleague might provide for some legislative language to close a potential loophole that I think could exist under the present circumstance. That fact situation is the following. The lobbyist invites the secretary to go out to have lunch with a Member of Congress. The secretary picks up the tab. The lobbyist is there. The lobbyist may have provided money to the secretary to provide lunch. Now, that would be an abuse of what Congress intended here because it then would be doing indirectly what cannot be done directly, in a sense, bringing someone who is not a lobbyist to lunch. The lobbyist is at the lunch, they buy the meal, but at least ostensibly the person who actually bought the lunch was not the lobbyist.

If there was some situation we could close that loophole, that would be abuse of what we are trying to do. But to extend broadly that every employee of every organization that hires a lobbyist would then become a lobbyist, in effect, for the consideration of this legislation, seems to me to go way beyond what we are intending to accomplish in this legislation.

Again, I made the case to my colleagues, reform is not a static event. It is an organic event. It grows over time. What we consider to be reform today or not reform today, may down the road be the case. I have been involved in every virtual effort on reform here for the last 25 years. Twenty-five years ago what was considered appropriate behavior, that no one had difficulty with, today we would consider very inappropriate behavior. And 5 years or 10 years down the road, maybe we will have different standards.

As of today, I urge my colleagues, as of today, on this bill, dealing with registered lobbyists, we have banned meals. That is a major step for this institution to take. Cut it out altogether. If you are a registered lobbyist, that is it, no more meals.

Let me also say, there is nothing in this legislation which permits any Member of Congress from doing that which they want to do. If a Member of Congress, a Member of this institution does not want to accept a meal from anyone, there is nothing in law which prohibits a Member from doing that. If a Member feels as though somehow it is wrong to be doing it, I strongly suggest that Member not do it. But it seems to me to extend this lobbying bill to people who have no intention of ever being a lobbyist, never see themselves in that regard, have relationships, as my colleague from Mississippi has pointed out in our own States, with delegations, with staff, with others, these have occurred hundreds and hundreds of times when Members are back in their own areas—not longstanding friends, not relatives, people they do not know that well at all but sit down under a variety of different circumstances, including home settings, picnics, barbecues, other things, where you may find yourself in violation of this law.

I don't think we want to do that. That goes a step further than what we should be trying to accomplish with this legislation. I don't want to have to say to my constituents, you are potentially guilty of a violation of law, subjected to $100,000 fine if you fall into this category, or to one of our colleagues as well.

We have done a good job, in my view, on this meals provision. It is a strong line. It is a bright line. There is no longer any question of whether it is a $10 meal or a $50 meal or a $100 meal; you cannot accept a meal from a lobbyist. That is it. If you do, you are potentially in violation of Federal law, or certainly civil penalties. That is where the bright line, in my view, ought to exist.

I have great respect for my colleague from Wisconsin. He has been a champion of reform efforts since the day he arrived. I respect him for it immensely. But in this one, we are taking it a step further than I believe we should go at this juncture.

I urge my colleagues to either table this amendment or reject it, depending on what the motion will be when the matter comes for a vote.

My respect for him is unlimited. I thank him for his thoughts in this regard but I urge the rejection of this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. FEINGOLD. Mr. President, I express my gratitude not only for the Senator's kind remarks to the Senator from Connecticut but I am pretty sure the McCain-Feingold effort that we fought for, for 8 years, would not have succeeded if not for the brilliant leadership of the Senator as manager on the floor, for which I am always grateful and also for his friendship.

I pursue the example that the Senator raised in a constructive way. In the scenario the Senator raised where the secretary would come with lobbyists, what is the Senator's thought about how she would be paying for that? Would she be paying for that with the company credit card, for example?

Mr. DODD. Again——

Mr. FEINGOLD. Or with a personal?

Mr. DODD. Under his amendment, that would be a banned activity.

Putting aside whether she showed up with a lobbyist—if she shows up, and you go out and have lunch, and she pays for it with the company credit card—under the amendment before the Senate, that would be a violation. She could be fined $100,000.

Mr. FEINGOLD. And does the Senator agree, under your current amendment, that the secretary would be able to use the company credit card to pay for it under the amendment we have agreed to?

Mr. DODD. That is correct. If she is not a lobbyist and she takes you to lunch and she decides that is how she is paying for it, she is not a registered lobbyist, she is not in violation of the law in the amendment we agreed to.

Mr. FEINGOLD. On this point—obviously, it may not be a secretary or a CEO of a company; it could be some other employee—would the Senator at least consider whether we should take the step of prohibiting the use of company resources or company credit cards? In other words, I think it should be broader. You have raised some concerns about that. What about allowing personal resources to be used but not company resources?

Mr. DODD. I would certainly consider it.

The point I make, about the goal of this bill—the Senator and I have talked about this at great length—is the bill should be narrowly tailored to registered lobbyists and their relationships to Members of Congress and senior staff.

My concern under this bill, is that by expanding that definition of a ''lobbyist'' to include anyone who would use resources that were not their own, we are opening up a universe and making the legislation overly broad. I don't

think we want to go that far at this particular juncture. That is my own sense of matters.

It turns virtually everyone who works for any of these associations, labor unions, trade association, a small business, a large corporation, into a defacto lobbyist. I think the opening up of a universe of that size based on whether the lunch was paid for by a company credit card or their personal credit card at that particular time, goes too far.

Mr. FEINGOLD. I think the Senator sees where I am going with this. I think the Ethics Committee and others will have to be very reasonable interpreters.

The PRESIDING OFFICER. The Senator from Connecticut has used 10 minutes.

Mr. FEINGOLD. I will have him respond on my time.

The situation is that you are raising situations with personal friends, and in those situations I don't disagree, I don't think there would be a problem. I think the exception would be properly interpreted.

I am asking the Senator to at least perhaps consider whether we really want the kind of scenario that the Senator posits, where a company basically lines up people to come in and act as the person that uses the company credit card. It seems to me we have an opportunity to fix something here, not go as far as I want to go but at least prevent the use of company resources and at the same time avoid the possibility of the true personal friendship situation from being affected.

Mr. DODD. If my colleague will yield, I cited that example, and I hope I did not invite those out there who may decide to use this as a loophole.

If this becomes a problem, we ought to revisit the issue and somehow prohibit it because that is abusing the intent of the legislation.

It seems to me to pass legislation which would turn virtually millions of people—when you start talking about the number of people who can be affected by this—into lobbyists, per se, on the abject possibility that someone may abuse this down the road goes to far.

It goes further than I would at this juncture. In time, if we see those who have engaged in this abuse have carved another loophole, I am prepared to come back and deal with that fact situation.

It is a fact situation that worries me. I say that to my colleagues. I am not unconcerned about it, but I am not so concerned about it at this juncture that I am willing to put everyone else—the millions of others who would not think about that, nor would they do that—in harm's way. That is my concern, putting innocent people, potentially, in harm's way. I do not think our intentions here, as Members, ought to be that.

We are dealing with lobbyists. We are dealing with registered lobbyists. They have to go through certain procedures to achieve that status. Once they have achieved that status, there is a concern. We are trying to deal with that problem. Taking people who go way beyond that definition, it seems to me, is a step that at least I do not want to go that far.

Mr. FEINGOLD. Mr. President, obviously, not only do I respect what the Senator from Connecticut is doing, but I know his intentions are absolutely to have the strongest possible bill we can have.

What I am trying to do, as strongly as I feel about this issue—because, again, Wisconsin has had this system, and it has worked just fine. So based on my own personal experience, this is not some kind of a crazy system. Nonetheless, what I am trying to get at is a way that we could have a rule, that even if somebody is technically considered a lobbyist—or we could do it some other way—they just could not use company resources to purchase the meal. That seems to me to be a very reasonable step.

When somebody goes out to lunch or dinner with somebody, it is one thing if they buy a friend or even someone they just met a meal, it is another thing when they are using that company credit card. So obviously I am interested in the amendment I have offered, but I would ask the Senator to think about whether what I am saying is an attempt to come to some kind of a reasonable agreement that actually addresses the hypothetical that he has raised.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is remaining in opposition?

The PRESIDING OFFICER. Three minutes.

Mr. LOTT. Three minutes.

Mr. President, I yield the remainder of our time, except for the final 15 seconds, to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi.

Mr. President, let me begin by expressing my admiration for the Senator from Wisconsin. He is a champion of good government. I worked very closely with him on the McCain-Feingold bill, and I think the world of him.

I know the intent of his amendment is admirable, but I do not think it is workable. It is far too sweeping, and it will lead to all sorts of problems. There are literally millions of Americans who work for LDA registrants. For example, I would imagine that nearly every employee of a Fortune 500 company fits in that category. Many of those employees have absolutely no responsibility for the lobbying activities of their companies. They probably have no idea their company, their employer, is an LDA registrant.

That is why I do not think this is workable. I think it will create all sorts of inadvertent violations of this important law. What we would be doing, as the Senator from Connecticut has pointed out, is treating rank-and-file employees as if they were registered lobbyists. That does not make sense.

The fact is, a lot of business in this country is done over lunch, an informal lunch. I have lunch occasionally with the union presidents from one of my shipyards. Is that all of a sudden going to become an offense under this proposal because the shipyard employs a lobbyist in Washington?

I think we need to think more thoroughly about the implications of this amendment. Its sweep is enormous. It brings millions of rank-and-file employees into the jurisdiction of the Lobbying Disclosure Act. I do not think that is addressing any problem.

Now, I do think it is important we strengthen this bill to make very clear that registered lobbyists cannot buy meals for Members of Congress. I support that reform. But let's have a sensible bill.

I do rise in opposition to the amendment from my good friend from Wisconsin.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have had a good debate. I know the intent of the amendment's sponsor is an honest one, but I really think we are going down a trail we should not be. And I do not see how you can start parsing it back away from it. So I would move to table the amendment at this point and ask for the yeas and nays.

Mr. FEINGOLD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin still has 5½ minutes remaining.

Mr. LOTT. All right. At the appropriate time I will move to table and will ask for the yeas and nays.

Mr. FEINGOLD. I thank the Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 5 minutes 15 seconds.

Mr. FEINGOLD. I do not know if I will use the whole time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I have such regard for the Senator from Maine that I would consider an exception for any lobster in Maine because she and I have shared lobster in Maine, and that is a very special thing I think everyone would accept.

My admiration for this Senator from Maine on these issues is truly boundless. She is the one who, somehow, we convinced to join us very early on McCain-Feingold. And just like I said about Senator DODD, if not for Senator COLLINS, there is no way this major reform would have ever passed. So I am talking to some of the people who truly

have been reformers in Congress over the years, some of them much longer than I have been. And I say all of this with respect.

Let me say this. We know, because some of us have been working on this for some time, that these opportunities for reform do not come up every year. They tend to come up when something bad happens, whether it be the concerns about the 1996 campaign finance violations or the Abramoff scandal. It is not like we are going to have a chance to do this next year because that is not the way this place works. And, frankly, there are weightier matters that face this country.

But I am warning my colleagues, this is a chance to not have another embarrassing loophole. If we do not do what I am suggesting here, we are going to be embarrassed. There are going to be meals arranged—not the kind of scenario Senator DODD suggested: an innocent situation but a gaming of this meal ban to allow expensive meals to be bought by people who work for some of the companies I have listed.

I do not think people are going to feel good about that. I think it could raise some of the very things we talked about in terms of the whole Abramoff scandal that led to this. I think we are missing an important opportunity to make sure this bill passes the test with the American people. So again, with respect, I offer this amendment to make sure this amendment works.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator.

I have been listening to the debate in my office, and I understand the concern the leadership is expressing. It seems to me it boils down to an inadvertent concern. But, folks, I think the Senator from Wisconsin has a point. I have had it as my practice since I have been in the Senate—and I don't think it is so hard—that when you sit down and have a meal, to just split the bill or you pay for it. I don't get that.

Now, I am going to vote with the Senator. I expect he is going to lose on a tabling motion. But maybe there is a way he can come back and tighten up this inadvertent piece. Because I do understand. I have been in a position where I have sat with someone, told them I cannot let them buy my lunch. They go ahead—and it is a friend or somebody who I have known for a while—and I found out later they paid with a company credit card. They told me they were.

Now, I know that is an exception. I know because the person is a friend, it would get me out anyway of the exception under this rule. But the point I am making is, I can picture someone saying ''Don't worry. I am taking care of my share,'' and it is a company credit card. If that is the worry, there ought to be a way to deal with that.

But I say, with due respect—there is nobody I am closer to and think has more wisdom than the Senator from Connecticut—but this one seems pretty simple to me. If someone buys you lunch, buys you dinner, buys you breakfast, you can say: Hey, I want half the bill.

I am going to support the Senator. But maybe if it loses, there is a way to come back at it a different way. I don't know.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am grateful to the Senator from Delaware for his support and his ideas on this issue because he obviously knows what he is talking about, having been a Member of this body for a very long time.

I think, obviously, I will try to find some other way to do this. But he has stated the key point. This is not hard to do. This is what we have done in Wisconsin for decades. It is very simple to pay your own way. I do not know what it is, but I cannot understand what the problem is with having that kind of a clear prohibition. I think we will all be better off.

Mr. President, has the other side yielded their time? Has their time expired?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. Mr. President, I yield my time.

Mr. LOTT. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—68

Akaka	Chambliss	Dole
Alexander	Cochran	Domenici
Allard	Coleman	Dorgan
Allen	Collins	Durbin
Bennett	Conrad	Ensign
Bond	Cornyn	Enzi
Brownback	Craig	Frist
Bunning	Crapo	Graham
Burr	DeMint	Grassley
Chafee	Dodd	Gregg
Hagel	Lieberman	Santorum
Harkin	Lott	Sarbanes
Hatch	Lugar	Shelby
Hutchison	Martinez	Smith
Inhofe	McCain	Snowe
Inouye	McConnell	Specter
Isakson	Mikulski	Stevens
Jeffords	Murkowski	Sununu
Johnson	Murray	Thomas
Kyl	Pryor	Thune
Landrieu	Reed	Voinovich
Lautenberg	Reid	Warner
Leahy	Roberts	

NAYS—30

Baucus	Dayton	Nelson (FL)
Bayh	DeWine	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Salazar
Boxer	Kennedy	Schumer
Burns	Kerry	Sessions
Cantwell	Kohl	Stabenow
Carper	Levin	Talent
Clinton	Lincoln	Vitter
Coburn	Menendez	Wyden

NOT VOTING—2

Byrd	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I ask unanimous consent to speak for no more than 4 minutes as in morning business.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. I ask unanimous consent to go off the ethics bill for 5 minutes to speak in morning business to introduce a bill.

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

The Senator from New York is recognized.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2468 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent—and this is after extensive consultation during the noon lunch period by both sides, both committees, and Senators on both sides of the aisle. We would like to get this matter cleared up, and then I will be able to explain where we are and how

we can wrap up this important issue, hopefully within the hour.

I ask unanimous consent that it be in order at this time to raise one point of order against a series of amendments that violate rule XXII.

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

Mr. LOTT. Mr. President, I raise a point of order under rule XXII against amendments Nos. 2936, 2937, 2954, 2965, 2982, 3175, and 2995.

The PRESIDING OFFICER. Without objection, the point of order is well taken. The amendments fall.

AMENDMENTS NOS. 2930, 2960, 2961, AS MODIFIED, 2963, 2970, 3181, AS MODIFIED, 3182, 2979, 3184, 3185, 3186, 3187, AND 3188, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc, with modifications as indicated: amendments Nos. 2930, 2960, 2961, as modified; 2963, 2970, 3181, as modified; and 3182.

I further ask unanimous consent that a series of technical amendments that have been cleared on both sides and that are at the desk also be considered en bloc, agreed to, with motions to reconsider on each laid upon the table.

I ask unanimous consent that no other amendments be in order other than the pending amendments Nos. 2980, 2981, and 2983.

I further ask unanimous consent that following disposition of those amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object, we went through these numbers and procedures rather quickly. I would tell our colleagues that there were some very good ideas in these amendments. This is not a rejection of some of the concepts and ideas but, rather, under cloture we have to stick with the germaneness criteria.

If we started making exceptions, then this could have become an endless debate. It was painful in some cases because I substantively agreed with a number of these amendments. But the problem occurs, if we get into that process, we could be here for days trying to resolve these matters. We ended up following the rule saying if an amendment is not germane, it will have to fall.

Again I emphasize, this is not an indictment or criticism of the substance of some of these amendments but, rather, under the procedures we are operating, we cannot begin accepting some and rejecting others.

I thank my colleagues for offering these amendments. I presume we will see these amendments again under different circumstances where it will be appropriate to consider them. We have no other recourse but to apply rule XXII and ask the amendment be ruled out of order.

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

The amendments (Nos. 2930, 2960, 2963, 2970, and 3182) were agreed.

The amendments, as modified, were agreed to as follows:

AMENDMENT NO. 2961, AS MODIFIED

On page 24, after line 22, insert the following:

''(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.''.

AMENDMENT NO. 3181, AS MODIFIED

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

The technical amendments were agreed to, as follows:

AMENDMENT NO. 2979

(Purpose: To clarify disclosure requirements)

On page 22, lines 12 through 14, strike ''the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided,'' and insert ''the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided,''.

AMENDMENT NO. 3184

(Purpose: To make a technical amendment)

On page 6, lines 13 and 14, strike ''Enrolling Clerks of the Senate and'' and insert ''Clerk of the''.

On page 6, line 16, strike ''and establish''.

AMENDMENT NO. 3185

(Purpose: To clarify that lobbying contacts for Congressional staff do not include seeking lobbying disclosure compliance information from the Clerk of the House of Representatives or the Secretary of the Senate)

On page 39, line 17, after ''employed.'' insert ''This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.''

AMENDMENT NO. 3186

(Purpose: To provide a technical amendment)

On page 44, line 18, strike ''503'' and insert ''263''.

AMENDMENT NO. 3187

(Purpose: To provide a technical amendment)

On page 40, after line 2, insert the following:

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

AMENDMENT NO. 3188

(Purpose: To provide a technical amendment)

On page 27, lines 21 through 23, strike '', in addition to any'' and all that follows through ''House of Representatives.'' and insert ''. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.''.

Mr. LEVIN. Mr. President, I opposed the Ensign amendment on earmarks because I believe that it would have done more to hide earmarks than to expose them. Under the bill before the Senate, an earmark is defined as a provision, that specifies a non-Federal entity to receive assistance and the amount of that assistance. The Ensign amendment would have revised the language to include assistance provided to any entity, whether Federal or non-Federal. Every item of discretionary spending is directed to some entity. Most is directed to Federal entities, such as funding provided to the Department of Justice, the Department of State, or the Department of Defense, all of which are Federal entities. As I read the Ensign amendment, it would have categorized every item of Federal discretionary spending as an earmark. That would make the term meaningless. It would also hide the real earmarks in a huge list of routine funding provisions that none of us consider to be earmarks. The amendment is simply too broadly drawn, and that is why I opposed it.

Mr. LEAHY. Mr. President, I filed an amendment to the lobbying reform bill, S. 2349, on March 7. My amendment is the honest services amendment, No. 2924.

It is disappointing that there will not be an opportunity to offer my amendment—or to have it considered by the Senate—because cloture has been invoked and the strict rules governing amendments postcloture prevent me from offering this amendment.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed with respect to links between special favors and gifts and official acts, without incurring criminal liability. My amendment would have offered an important and needed new dimension to the lobbying reform bill. Ironically, because my amendment offers a new element to the lobbying reform debate, it is now out of order.

It was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy ''Duke'' Cunningham that Congress took note of the serious ethics scandal that has grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools for Federal prosecutors to combat it.

My amendment would have done exactly that. It would create a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

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

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

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

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

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

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

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

I strongly believe that public service is a public trust and that Congress must provide better tools for Federal prosecutors to combat public corruption in our Government. If we are serious about reform and cleaning up this scandal, we will do so. I am disappointed that we missed the opportunity this lobbying reform bill provided to bolster Federal corruption prosecutors, and I hope we will soon find another opportunity to act in the interest of all Americans.

Mr. MCCAIN. Mr. President, let me begin by commending the hard work of my colleagues in this effort. The chair and ranking member of the Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, and the chair and ranking member of the Rules Committee, Senators LOTT and DODD, have worked tirelessly and in a bipartisan manner to bring a bill to the floor. I regret, however, that I find it necessary to vote against final passage of this measure because it simply doesn't do enough to address the critical need for comprehensive lobbying reform. We had a golden opportunity to institute real reform and prove to the American people that we are not completely oblivious to their concerns. Unfortunately, Mr. President, we dropped the ball.

While it does contain some good provisions to increase lobbyist disclosure and reporting requirements, the bill lacks imperative enforcement measures. We can pass all of the rules changes we want in this body, but they are useless unless we back it up with a tough enforcement mechanism. I was disappointed that the Collins-Lieberman-McCain amendment to create a Senate Office of Public Integrity was defeated yesterday. That office would have had the ability to investigate complaints of ethical violations by Senators, staff, officers of this Chamber. Headed by a Director appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority and minority leaders, the Office of Public Integrity would investigate complaints of rules violations filed with or initiated by the office.

At a time when the public is questioning our integrity, the Senate needs to more aggressively enforce its own rules. We should do this not just by making more public the work that the Senate Ethics Committee currently undertakes but by addressing the conflict that is inherent in any body that regulates itself. By rejecting the creation of a new office with the capacity to conduct and initiate investigations, and a perspective uncolored by partisan concerns or collegial relationships, we neglected to address this longstanding structural problem.

The proposed Office of Public Integrity would not only have assisted in performing existing investigative functions, but would also have been charged with approving or denying requests for travel by members and staff. Rather than prohibit official travel paid for by any entity other than the Federal Government, as some have proposed, our proposal would have required that all travel to be precleared. The purpose of this preclearance was to ensure that the trips serve a legitimate governmental interest, and are not substantially recreational in nature. The Office of Public Integrity would have been an appropriate entity to conduct these review, but, sadly, the Senate voted to maintain the status quo.

Another critical aspect of reform that is not addressed in this bill is the ability of a Member to travel on a corporate jet and only pay the rate of a first-class plane ticket. Because cloture was invoked on this bill yesterday, Senator SANTORUM and I were prevented from offering an amendment that would have required Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel.

Senator SANTORUM and I were well aware that our amendment would not be popular with some of our colleagues, but we felt that the time had come for us to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right; it is. I have no doubt that the average American would love to fly around the country on a very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk.

There is a public perception that these lobbyist-arranged flights unduly influence Members of Congress and serve as a way for lobbyists to curry favor with legislators and their aides. We must change that perception. There was nothing in our amendment that would have prohibited a Member from using corporate aircraft. It simply required that they pay the fair market value of the flight. It was a fair, reasonable approach designed to prove to the American public that we are serious about reform and would do what is necessary to restore the public's trust. But, again, the Senate chose to maintain the status quo by preventing us from offering our amendment.

Finally, this bill does not go far enough to rein in the practice of earmarking Federal funds in the annual appropriations bills. Together with Senators COBURN, ENSIGN, FEINGOLD, KYL, DEMINT, SUNUNU, and GRAHAM, I was prepared to offer an amendment that would amend the Senate rules to allow points of order to be raised against unauthorized appropriations, earmarks, and policy riders in appropriations bills and conference reports in an effort to rein in wasteful porkbarrel spending. If the point of order were successful, the objectionable provisions would be stricken and the related funding would be reduced accordingly. Once again, we were blocked from offering this amendment as well.

In my judgment, if we are really committed to addressing comprehensive lobbying reform in a meaningful and effective way, we need to include earmark reform provisions in this legislative package. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with little or almost no knowledge about the specifics of those earmarks by most of the Members of this body. Sadly, the scandal that has come to light recently concerning the earmarking by one former Member of the House is a pox

not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public deserves better and that is what my amendment was about.

In 1994, there were 4,126 earmarks. In 2005, there were 15,877—an increase of nearly 400 percent. But there was a little good news for 2006 solely due to the good sense that occurred unexpectedly when the Labor-HHS appropriations bill was approved with almost no earmarks, an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Yet despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks have still occurred in the last 3 years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to make some changes in this process.

We, as Members, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public's faith and confidence in Congress. An informed citizenry is essential to a thriving democracy. And, a democratic government operates best in the disinfecting light of the public eye. This bill could go so much further to balance the right of the public to know with its right to petition government; the ability of lobbyists to advocate their clients' causes with the need for truthful public discourse; and, the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. We can, and we must, do better than this bill.

Mr. FEINGOLD. Mr. President, when Jack Abramoff pled guilty in January, it was clear that the Senate would have to address lobbying and ethics reform this year. For a short time, it seemed like significant reforms had become possible. While this bill contains many positive provisions, it falls too far short of what I hoped could be achieved for me to support it. So I will vote no.

Ethics reform is not something that happens around here every year. Unfortunately, it takes a perfect storm to get Congress to address these difficult issues. We had that perfect storm this year with the Jack Abramoff scandal, which exposed the seamy side of relations between lobbyists and Members of Congress. We had a chance to take decisive action and really change the way things work in Washington. Unfortunately, we have missed that chance.

We had the chance to give the American people what they want and deserve—a strong brew of tough lobbying and ethics reforms. Instead, all we gave them is weak tea.

The lobbying and ethics reform bill before us today includes a number of significant provisions, such as improvements in lobbying disclosure. But the Senate missed a once-in-a-decade opportunity to address the most serious ethical problems plaguing Congress. It left open a major loophole in the lobbyist gift ban, it retreated from earlier promises to get rid of privately funded travel, it allowed Members to continue getting around revolving door restrictions by simply avoiding direct conversations with their former colleagues while accepting millions of dollars to run a lobbying office, and it refused to even vote on a proposal to make Senators pay the charter rate if they want to fly on corporate jets. Perhaps most important, the Senate rejected a thoughtful proposal to establish an independent ethics enforcement office.

The American people want to have confidence that their elected officials are held to the highest ethical standards. My judgment is that this bill doesn't meet that test.

Mr. KERRY. Mr. President, today the Senate failed to live up to its responsibility to keep faith with the American people and change the way business is done in Washington. I oppose the lobbying reform bill because it does not go far enough to effectively change the way business is done in Washington.

It is not enough to reform the earmarking process. It is not enough to ban gifts and meals from lobbyists. It is not enough to rein in pay-to-play schemes like the Republican K Street project. Changing the rules does no good if we have ineffective enforcement and fundamental reform is needed.

It is not reform if business as usual continues and the fox is left guarding the chicken coop.

We need an outside entity, whether a congressional inspector general, as I proposed, or an ethics commission, as Senator OBAMA proposed, or an Office of Public Integrity as Senators COLLINS and LIEBERMAN proposed, to police Congressional ethics violations. It is wrong that the Senate failed to establish an Office of Public Integrity. Some of my colleagues apparently are fine with the status quo. I couldn't disagree more strongly. We need an independent entity to ensure Members act ethically. We need an independent entity to ensure that no one changes the rules as they play the game as the House tried to do just last year. We need an independent entity to ensure that violations are investigated and that offenders are punished. Without such an independent entity, this attempt at ethics reform runs the risk of not being considered real or serious.

The fact is that Congress has not been able to effectively investigate or appropriately punish its Members for ethical violations. Last year, House Republican leaders were forced to rescind their attempts to change their Ethics Committee rules to protect former House majority leader TOM DELAY from further ethics investigations. The House Ethics Committee never sanctioned Randy ''Duke'' Cunningham, and neither the House nor the Senate Ethics Committees has opened an investigation into the Jack Abramoff scandal. We can tinker with disclosure and gift rules all we want, but until we get tough on enforcement, no significant change will happen.

A few weeks ago, former Representative ''Duke'' Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? Collecting $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls-Royce—from defense contractors. This disgraceful conduct—beyond comprehension for me and most of my colleagues—earned him 8 years and 4 months in a Federal prison and orders to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

What is almost as shocking as Duke Cunningham's bribes is that under today's rules, the American taxpayer is still paying for his congressional pension—a pension worth approximately $40,000 per year. Under today's rules, Duke Cunningham will collect his pension—paid for by the American taxpayers—while he sits in jail for violating the law and ethics as a Congressman. That is simply unacceptable. And it has got to change.

That is why Senator SALAZAR and I introduced the Congressional Pension Accountability Act and attempted to offer as an amendment to the lobbying reform bill. Our amendment would have denied Federal pensions to Members of Congress who are convicted of white-collar crimes such as bribery—Members who perform acts like Randy ''Duke'' Cunningham.

As elected representatives, we must hold ourselves and all those who represent the Federal Government to the highest ethical standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. Right now, only a conviction for a crime against the United States, such as treason or espionage, will cost a Member of Congress their pension. There is no reason the law should not be changed to ensure that Congress does not reward unethical behavior. But because debate on the lobbying reform bill was unnecessarily limited, I was prevented from offering my amendment to prevent Duke Cunningham and other Members who violate the law from collecting their pensions.

There are other important issues that the lobbying reform bill fails to address. For example, although the bill bans gifts and meals from lobbyists, it does not apply to the organizations that employ the lobbyists. Nor does it

apply to lobbyists paying for parties to ''honor'' or ''recognize'' Members. And although the bill increases the amount of time that Members and senior executive branch officials are prohibited from making lobbying contacts and conducting lobbying activities from 1 to 2 years, it does include organizing and directing a lobbying campaign in the prohibited activities. Thus, a former Member or senior executive branch official cannot make contact directly, but they can direct partners or employees in a lobbying strategy. The bill does not include any restrictions on lobbyists soliciting and organizing fundraisers or serving as treasurers on officeholder committees, nor does it prohibit special interest groups from paying for and organizing congressional travel junkets.

These are serious problems with this lobbying reform legislation. It simply does not go far enough to have a real impact on the way business is done in Washington. And, frankly, it is not surprising given the limited amount of floor debate we had on the bill and the number of important amendments that were never offered or debated because we were rushed to a cloture vote. I am disappointed that we could not take advantage of this unique moment in history and enact serious lobbying reform. I am voting against this package because the American people deserve a strong reform bill and this does not meet that test.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify where we are, we do have three remaining amendments by Senator ENSIGN, and there are other Senators who are working on those amendments and discussing them with Senators who have some concerns. Hopefully, we can work out all of them or a couple of them. It may be a few more minutes.

When that is done, we will then dispose of those amendments one way or another, and we will be able to go to final passage.

I will be glad to yield the floor at this time so Senator DODD can make some comments, maybe go over some of the items we have in this legislation, and I will join him at some point.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi. I would like to do that while we are awaiting final resolution of these remaining issues which we can, hopefully, conclude in short order and then go to final passage of this bill.

I begin by again commending my colleagues from Mississippi and from Maine, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, and their staffs and our staffs for the tremendous work they have done on a bill going back some weeks now.

As my colleagues recall, we began consideration of this matter some weeks ago. We were derailed for reasons that were beyond our control. There were matters that arose of national significance and importance, and Members rightly wanted to consider some of those issues in the midst of this debate.

Nonetheless, I believe we put together a good product. It does not include every idea that surfaced during the consideration of these proposals, but I think it is a very solid effort and one in which my colleagues can rightfully claim credit and with some degree of pride for what we have done.

I again commend the Committee on Homeland Security and Governmental Affairs for handling a major part of this effort, and again the Rules Committee for coming out with a bill, a unanimous vote out of our committee, with matters we considered and presented to our colleagues for their full consideration.

This is not a perfect bill. In my 25 years, I have yet to see one of those. But we have a pretty good one, given the constraints of time and invocation of cloture which left behind some very important amendments, amendments which I would have strongly supported had they been offered.

Nonetheless, this is a strong bill. It bans gifts and meals from lobbyists altogether. That is a major step in reform.

It requires additional and more frequent disclosure of lobbying activities.

It places tight new limitations, including Ethics Committee preapproval, on congressional travel funded by outside sources.

It increases the transparency of the earmark process. It toughens the conflict of interest rules for Members. It tightens the revolving door provisions of Senate rules and bans floor privileges for former Members who become lobbyists.

Further, it bans inappropriate attempts to influence hiring decisions by lobbying firms, such as the K Street Project.

It broadens disclosure requirements for massive grassroots lobbying efforts.

It requires that conference reports be available on the Internet before they are considered by the full Senate. And it makes other important changes to strengthen and tighten current lobbying laws.

This is no small achievement. Just those provisions alone are included in this bill which we will be voting on in very short order.

This bill is the result of the work, as I mentioned earlier, of two separate committees, the Homeland Security and Governmental Affairs Committee and the Rules Committee of this body. Both of these committees held hearings and markup sessions on those issues within their jurisdiction and reported measures on a bipartisan basis to improve the transparency of our legislative work.

I know it doesn't happen with great frequency any longer, but it is how this institution is supposed to operate: have hearings, have markups, try to build bipartisan consensus whenever we can. Unfortunately, that bipartisan process is becoming the exception, not the rule, I say with a great degree of disappointment. It used to be that this was standard operating procedure. I am saddened to say now it has become the exception, as I said, unfortunately, and not the rule.

These two bills were joined together in one piece of legislation on the Senate floor. Consideration of this matter has been truly a bipartisan effort. I have been honored to serve as the floor manager, along with the majority floor manager who is here, the distinguished Senator from Mississippi, Mr. LOTT, and I commend my colleague for his diligence in bringing this legislation to the floor. He advised me very early in the session that he intended to craft a lobbying reform bill, to have a full and open markup in the Rules Committee, and offer all members of that committee the opportunity to offer amendments. That is what he did, and that is why I think we ended up with as strong a bill as we did. Because we had the opportunity to fully debate and amend the chairman's mark in the committee, we were able to produce an original bipartisan bill that was reported to the Senate unanimously. That beginning boded well for this legislation.

I also want to commend, of course, our comanagers of the bill—I have mentioned already Senator COLLINS of Maine—and my colleague from Connecticut, Senator LIEBERMAN, for their very similar bipartisan approaches to this legislation. As I noted earlier, it is unusual to have a bill that is reported from two different committees merge together on a single measure on the Senate floor, but even more unusual, I suspect, is that the bill would be managed by Senate colleagues from the same State, in this case my colleague from Connecticut, Senator LIEBERMAN, and I. This may be the first time that has ever happened, I might point out, in this Chamber.

I also want to commend our leaders, Senator FRIST and Senator REID, for their efforts to accommodate this bill in the very busy Senate schedule and for allowing this measure to remain the pending business, even in the face of other priorities. In particular, I commend Senator REID for his leadership on lobbying reform and for his efforts in introducing the very first comprehensive lobbying reform measure in this Congress. In large part we are here today because of Senator REID's early and persistent efforts to respond to this crisis of confidence of the American people following the Jack Abramoff scandal in the House of Representatives, a matter involving the bribery conviction of a Member of that body and the legal proceedings against certain administration officials involving allegations of lobbying-related improprieties.

That is why we are here debating this measure, because of that scandal of the

illegal activities of a lobbyist, Jack Abramoff, that rocked the House of Representatives. The serious allegations have led to guilty pleas by former Members and their staffs, and the activities of Abramoff and his cronies, wherein they violated current lobbying gift and ethics rules, creating a climate of disillusionment, unfortunately, and distrust of the United States Congress. I suspect we have not seen the end of the indictments, nor the full breadth of this scandal, unfortunately.

But to the credit of my colleagues, Democrats and Republicans, the United States Senate has acted not in haste but in a measured response to this scandal. Our goal is to ensure the confidence of the American people in their system of representative government by ensuring that special interests cannot operate under a cloak of darkness.

This bill, with its extended disclosure requirements of lobbying activities and its restrictions on the type of influence lobbyists can exert over Members of Congress through lobbying gifts, I think, can go a long way toward restoring the confidence of ordinary Americans in their Government. We must now get this bill married to the House bill and get it enacted into law, and that will be a task, given the shortened calendar of this election year. But we cannot neglect this final chapter in our effort to bring real reform to Washington.

Lobbying reforms are important and certainly will change how business is done in our Nation's Capital. But these changes alone will not address what I have consistently stated is the core problem, the one that still hangs out there, and that is the need for true, meaningful campaign finance reform that breaks the link between the legislative favor seekers and the free flow of special interest private money. That would be a much more significant reform, in my view, than all of the reforms that we have accomplished with this legislation, as important as they are.

I am grateful to my colleagues for heeding the concerns that we not mix lobbying reform and campaign finance reform in one measure, and I remain committed to seeing that this body addresses real campaign finance reform. But I am equally committed to seeing that we do not do so on this important piece of legislation.

We are all aware that the House leadership has included major campaign finance measures in its lobbying reform bill. I am very grateful to our colleagues in seeing to it that our efforts down the road will exclude those kinds of provisions in the final product. In the meantime, I welcome the opportunity to have as complete a debate on campaign finance reform issues as we have had on lobbying reform. Chairman LOTT, my good friend, has indicated his willingness to hold a hearing on this issue in the Rules Committee. I would like to go further than that and hear him commit to a markup on the bill. He has not gone that far yet, but he has committed to a hearing. I will take victories as I can get them. If I can get a hearing, I will take the hearing, and then I will be lobbying him, without buying him a lunch, to see if we can't get a markup of a good campaign finance reform bill.

But for now, we should commit ourselves to moving forward to conference with the House. I urge the House to move forward as well on this important lobbying reform bill. If the introduced version is any indication, as it appears, the House-passed bill will be substantially weaker than the job we have completed here—in a number of key respects. We must hold fast to our stronger provisions whenever possible as we move forward. The American people are looking forward to us putting our house in order and ensuring that lobbying scandals of the House are not repeated anymore in this Chamber.

So, again, I commend my colleagues for their tremendous work on this bill. It is a good bill. It is one we can be proud of, and I look forward to its adoption and moving to conference with the House of Representatives.

The bill before us has been improved by the amendments offered and debated here in the Senate. There is no reason to believe that we cannot continue to build on these provisions in conference with the House. Although the Majority in the House only recently introduced their lobbying reform measure, I encourage the Leadership to move the measure expeditiously so that we can complete a conference on this measure before Congress gets bogged down in the fall campaigns.

I commend my colleagues, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, for their leadership in bringing this bill to this point. I also want to thank the capable staff of the Senate Rules Committee, Majority counsel Alexander Polinsky and staff director Susan Wells, for their many courtesies and assistance both during mark-up of this measure in Committee and during the floor debate.

I also want to thank the staff of the Homeland Security and Governmental Affairs Committee for their efforts to successfully merge these two bills and jointly support the managers. In particular, I want to thank the Majority staff director and chief counsel, Michael Bopp, and Senator LIEBERMAN's Democratic staff, in particular his staff director and counsel, Joyce Rechtschaffen, chief counsel Laurie Rubenstein, and counsel Troy Cribb.

I also want to thank my very capable staff, including my committee staff director and chief counsel, Kennie Gill; our elections counsel, Veronica Gillespie, and Democratic staff members Candace Chin, Joe Hepp, Colin McGinnis, and Carole Blessington.

And of course, no legislative effort of this magnitude could be accomplished without the assistance of our floor staff. Marty Paone and David Schiappa are invaluable in their efforts to structure our unanimous consent requests to accommodate our colleagues and the Senate schedule. Lula Davis and our cloakroom staff as well as our leadership staff are indispensable to us in our roles as floor managers.

I say to all of these staff, and the many hundreds of others who work night and day to bring good legislative ideas to fruition and work to manage the Senate floor and its proceedings, job well done. This is legislation that will truly make a difference in how the American people view their government and will hopefully help to reconnect us to the people we serve.

I appreciate the cooperation of our colleagues and look forward to working with them as we move this bill to conference with the House.

I yield the floor.

Mr. LOTT. Mr. President, I commend and respond in the same sense and vein of the distinguished Senator from Connecticut. Before I do that, and talk further about our relationship and how the Rules Committee package came together, I would like to call on my colleague, the distinguished Senator from Maine, to go over the specifics of what is included in the bill out of her committee work, and with Senator LIEBERMAN. I have never worked with a floor manager who has been more enjoyable than working with the Senator from Maine, her attitude and her help, her tenacity, and also, of course, Senator DODD. But I thought before I respond further to Senator DODD, I would like for us to understand the details of what was in the legislation that came out of the Homeland Security and Governmental Affairs Committee.

Ms. COLLINS. Mr. President, first let me begin by thanking my colleague from Mississippi, the chairman of the Rules Committee, for his extraordinary leadership in bringing this bill forward. I also want to commend the ranking member of the committee, Senator DODD. This has been an unusual and extraordinary experience where we have two committees that produced bipartisan bills with overwhelming support—only one negative vote between the two committees—and have brought legislation to the Senate floor where it was married together and presented to the full Senate. I am very proud that there has not been a single party-line vote that has occurred as we considered this bill, both in committee—in my committee, anyway—and also here on the Senate floor. I do think this is a model for how the Senate should act, that we can act together in a bipartisan way and look at how much we can get done when we do so.

So I salute Senator LOTT and Senator DODD for their extraordinary leadership. I also thank the ranking Democrat on the Homeland Security Committee, Senator LIEBERMAN, for all that he has done to advance this very important cause. Senators MCCAIN and SANTORUM also were key figures. Senator MCCAIN introduced one of the earliest bills. Senator SANTORUM brought

together a bipartisan group which agreed on certain principles that became the foundation of the legislation before us. The Senate majority leader, Senator FRIST, and the minority leader, Senator REID, worked together to ensure that we would complete action on this bill. I must say, when the bill was pulled before, I was worried about whether we would return to finish the job. We have done just that, and I am proud of that activity.

This legislation is a strong bill. It may not be a perfect bill—we probably would all have different definitions of what a perfect bill would be—but it is a strong bill that I believe will help to enhance public confidence in the integrity of Government decisions. Let me describe some of the major provisions of the bill as approved and, in particular, the emphasis on the Homeland Security and Governmental Affairs Committee's provisions.

First of all, we greatly strengthened the disclosure required by lobbyists. The legislation requires quarterly filings rather than the present semiannual filings by lobbyists, and it ensures that the information is made available to the public on the Internet. We will have stronger, more accessible disclosure reports. This is important in terms of ensuring that there is adequate sunshine on these activities. Our goal, which would be accomplished by this bill, is to have lobbying disclosure reports on a searchable, easily accessible public database, so that the public can evaluate the spending that is occurring, and so that they know who is lobbying whom. I think disclosure is going to make a big difference, and we put some teeth in the disclosure process by doubling the maximum penalty for noncompliance to $100,000. I think that is going to provide ample incentive for prompt and full disclosure.

Another provision of the bill will provide for auditing and oversight of the lobbyists' disclosure reports by the Comptroller General, the head of the Government Accountability Office. The GAO will do some random audits, give us advice, and help us understand weaknesses in the current system.

Another important provision that really hasn't been discussed much on the Senate floor is that the legislation provides for mandatory ethics training for Members of Congress and congressional staff. I think this is important as well. I think a lot of times people aren't fully informed of what the rules are. We are going to require mandatory training for both Members and their staffs.

Another provision of the legislation addresses the so-called revolving door issue where Members of Congress and high-ranking staff leave Government for jobs focused on the institution in which they once served. We extend the cooling off period during which a former Member of Congress or a former senior executive branch official may not lobby from 1 year to 2 years. We also make an important change in the so-called revolving door provisions as they apply to senior staff. Right now the limitation is that a staff member cannot lobby the specific office for which he or she worked for a 1-year period. We retain that 1-year period—the cooling off period—but we extend it to the entire Senate or the entire body in which the staffer worked. So I think that is a significant strengthening of the revolving door provisions.

Our legislation also, for the first time, prohibits lobbyists from providing gifts and travel that Members and staff are prohibited from accepting under the ethics rules. The burden has always been on Members. We have a parallel requirement placed now, for the first time, on lobbyists, and I think that is going to make a difference as well. I am pleased that we adopted an amendment on the Senate floor to draw a bright line to make it clear that lobbyists cannot provide gifts to Members, including meals.

Another provision of our bill, this provision authored by Senator COLEMAN, would create a commission to look over our ethics laws and rules and to make recommendations to Congress by July 1 of this year on any further changes that would be appropriate.

Again, I think this is an excellent bill. It is an important step forward toward the goal of restoring public confidence in the decisions that we make.

Some people asked: Why does this matter? Why should we be even spending time strengthening our lobbying disclosure laws, prohibiting practices that might undermine the public's confidence in Government?

The reason this is so worthwhile and so important is that we cannot tackle the big issues facing our country if the public doesn't trust us to act in the public interests. Too often, the public is convinced that the big decisions are tainted by undue influence. Lobbying conjures up images of all-expense-paid vacations masquerading as factfinding trips, or special access that the average citizen does not have, or decisions that are tainted by improper influence. That means the public doesn't have confidence that we will do the right thing, that we will act in the public interest rather than to meet the wishes of some special interest. That is why this matters. The experts tell us over and over again that there are so many important issues—entitlement reform, for example—that we should be tackling. But if the public doesn't trust us, if the bonds of trust between public officials and their constituents are frayed, then it is very difficult for us to make the difficult choices, for us to make the hard decisions. That is why this matters. That is why this legislation is so important. In many ways, it is the foundation that allows us to proceed to tackle the challenges facing our great Nation.

I am very pleased and proud today that we have come together. I believe this legislation will be overwhelmingly adopted by the full Senate, and that is as it should be. I am also very pleased to see the ranking Democrat on the Homeland Security Committee has joined us on the floor. As I said earlier when he was not on the floor, he has been such a valuable partner. His commitment to good government and to repairing the public trust in government is second to none. It has been a pleasure to work with him as well as with Senator LOTT and Senator DODD as we brought forward this bipartisan endeavor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the bill. Let me first thank my chairman, Senator COLLINS, for her extraordinary leadership in a good cause and in a characteristically, for her, not partisan way. I thank her for her kind words. I appreciate that she said them when I wasn't in the room. Somebody told me after I had been in Washington for a while, if somebody compliments you when you are not in the room, then you know they really mean it. I appreciate that from Senator COLLINS.

It has been a pleasure to work with Senator LOTT and Senator DODD, my dear friend, my senior Senator from Connecticut. This has been a strong foursome. Probably there should be an alliterative ''F,'' like the faithful or ferocious foursome. But this has been an important precedent and one that has served the Senate well.

We had two committees, each with jurisdiction over part of lobbying reform. The leadership worked together to meld the products of both committees so we could consider this matter. It is actually quite a valuable precedent for other large subject matter interests Members of the Senate have which often get divided into pieces based on committee jurisdiction. I am very grateful to my three colleagues, and with some real sense of pride, I rise to express strong support for the Lobbying Transparency and Accountability Act on which we will vote shortly.

This legislation contains very significant reforms in a number of critical areas. It ends all gifts to Members from lobbyists. It requires significantly increased disclosure from those who are paid to influence Members of Congress. For the first time ever, it would shine sunlight on the activities of those who are paid to generate advocacy—phone calls, letters to congressional offices, so-called grassroots lobbying. It significantly slows the so-called revolving door by doubling the ban on lobbying by Members once they leave Congress and significantly expanding the rules covering who staff can and cannot lobby.

This is not popular stuff inside here, but it is the right thing to do, and we are about to do it. In short, this legislation upends the status quo with regard to oversight of lobbying and the relationship between lobbyists and Members of Congress. This upending of

the status quo is justified by the recent scandals that have afflicted us here in Washington, most prominently the crimes of lobbyist Jack Abramoff.

Trust between the people and their elected leaders is essential to our democracy. The behavior of Mr. Abramoff and his associates and some Members of Congress has undercut that trust and sent the message to too many people across our great country that in Washington, results go too often to the highest bidder, not to the greatest public good. That is not the truth. But this legislation upends that perception, I believe, and the status quo.

There are many people to thank. I begin as I have with Senator COLLINS for her usual outstanding leadership. After a hearing in late January, she was ready to mark up legislation a month later, despite a large workload our committee had in conducting the ongoing Katrina investigation. The legislation we passed out of our committee contained significant reforms that will not only change the way lobbyists and Members of Congress interact but again, I believe, provide the American people with additional information that they have not had before, and that the media has not had access to before, about where billions of dollars for lobbying are being spent and for what purpose.

The measure approved by our Homeland Security and Governmental Affairs Committee requires lobbyists to report more details, significantly more details, and to report more frequently about their activities, including lobbyists' campaign contributions to Members of Congress, lobbyists' contributions to political action committees, and lobbyists' fundraising events hosted or sponsored by lobbyists or for their benefit for Members of Congress. They would also be required to disclose travel they arrange for Members of Congress or executive branch officials. All lobbyists' disclosures would have to be made quarterly rather than semiannually, and they would have to be made online so that anyone who wished to monitor lobbyists' activities would be able to do so online and do so, obviously, on a public, searchable database.

For the first time ever, a relatively new but significant aspect of lobbying Congress would be subject to disclosure of the money they spend. These are the so-called grassroots lobbying campaigns, familiarly known around here as Astroturf campaigns because they are manufactured. They are not just grass that naturally grows or letters or e-mails and calls that naturally come to Members of Congress on an issue, but they are organized. That is OK. No matter how it happens, when we hear from members of the public, it is important for us. But a lot of money is spent on these campaigns. It is a significant part of lobbying in Washington today. Those lobbyists ought to disclose how much money they earn or spend.

I thank my friend and colleague from Michigan, Senator CARL LEVIN, for working with me on this effort. He has fought for this for a long time—more than a decade. I believe this is a significant victory, and it directly responds to the activities of Mr. Abramoff and his associate, Michael Scanlon, who sought and received multimillion-dollar contributions from Native-American tribes to a grassroots lobbying effort. In fact, Mr. Abramoff received enormous kickbacks from that grassroots organization.

The major impact on grassroots lobbying firms is simply that they will, for the first time, have to disclose. There is nothing in here that inhibits grassroots lobbying. There is nothing in here that inhibits in any way the freedom of the American people to petition their Government, the freedom of companies to hire out—make money—to organize the public to petition Members of the Government. It is simply a requirement that they reveal how much money they have charged and how much money they have spent.

That requirement to disclose clearly would have stopped this scheme, this scam which Mr. Abramoff and Mr. Scanlon were carrying out because the disclosure of the grassroots lobbying firm would have shown enormous amounts of money coming in, much more than was being spent. The result, obviously, the answer to that puzzle, was that too much was going to Mr. Abramoff in kickbacks.

The Homeland Security and Governmental Affairs Committee, as I mentioned, slows the revolving door between Congress and K Street by doubling, to 2 years, the amount of time a former Member of Congress must wait before lobbying his or her former colleagues. This is a significant change; not one that I would say is inherently popular here, but it is the right thing to do, and this legislation does it.

The leadership of the Rules Committee, as I said earlier, Chairman LOTT and Senator DODD, ranking member, has done a great job in producing a strong bill from their committee which, combined with ours, is now on the Senate floor. Their bill prohibited most gifts from lobbyists to Members of Congress and required preapproval and greater disclosure of all congressional travel. It also addressed an issue of deep significance to an increasing number of citizens by requiring that earmarks attached to legislation be listed, explained, and the Member behind the earmark be identified. Those are significant changes.

These reforms were further strengthened on the Senate floor in this debate with an amendment by Senator DODD to make sure that all gifts from lobbyists are banned. All gifts from lobbyists to Members of the Senate are banned—including meals. This is a real victory for those who believe the relationship between Members of Congress and lobbyists has grown too cozy.

The bill was additionally strengthened with an amendment from Senators GRASSLEY and WYDEN that would abolish the practice of secret holds on legislation.

I also thank Senators MCCAIN, OBAMA, and FEINGOLD all stalwarts of reform and indispensable allies in this endeavor.

Senator MCCAIN led the hearings of the Indian Affairs Committee which—I was going to say revealed—really blew open the Abramoff scandal and, when those were finished, drafted legislation to reform our lobbying laws, building on what he had learned in the Abramoff investigation. I was proud to join him as original cosponsor of this legislation.

Senator FEINGOLD actually submitted a lobbying reform package a year ago, even before we understood the Abramoff scandal.

Senate Minority Leader REID provided essential impetus and I would say muscle to the reform cause when he introduced his own reform package supported by almost the entire Democratic Senate caucus earlier this year.

Of course, Senator COLLINS and I are disappointed that the Senate yesterday rejected our amendment, introduced with Senators MCCAIN and OBAMA, that would have established an independent Office of Public Integrity. I believe this office would have given further assurances to the American people that we in Congress are not only dead serious about reform, we are dead serious about the enforcement of that reform. I regret that a group of us were unable to offer an amendment to increase the reimbursement costs of airplane travel provided to Members by private entities. But even without those two additional reforms, this legislation we are about to adopt sends a clear and powerful message that in Washington we ourselves, in pursuit of greater legitimacy and credibility and trust of the American people, are taking significant steps to make sure that here in this Congress, results go to the greatest public good and not ever to the highest bidder.

I have said many times throughout this debate that we have a once-in-a-generation opportunity now to reach bipartisan agreement on a broad set of reforms that will reduce cynicism, prevent abuse, and restore trust of the American people in their Government here in Washington. I believe this bill does exactly that.

On a final note, I wish to thank several staff members of all four Senators for their long hours and exceptional hard work on this legislation. On my staff, I particularly thank Troy Cribb, who led our efforts on this bill, as well as my staff director Joyce Rechtschaffen and chief counsel Laurie Rubenstein. They labored to make this bill as good as it could possibly be.

I also thank Michael Bopp, Jennifer Hemmingway, Ann Fisher, and Kurt Schmautz on Senator COLLINS' staff and Kennie Gill and Veronica Gillespie on Senator DODD's staff, and Senator LOTT's able staff as well. I thank them all, I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I don't want to repeat everything that has been said here because we do have the need to move forward. We have some amendments we need to dispose of, but let me take a minute to comment as to Senator DODD and Senator LIEBERMAN and Senator COLLINS and their leadership and the way we work together.

I wish to do that by reminding you a little bit of history. When we started off this year, there were problems that were reflecting on the Congress and the way we do business—the Abramoff matter, as Senator LIEBERMAN has described. There was a feeling that we needed to address some of those concerns. We needed to take a look at our lobbying laws and the rules of the institution. There was a concern about, was this going to be a panic reaction? Was this going to be everybody taking their partisan positions and not ever actually getting anything done, just looking for political advantage?

That could have been what happened, but that is not what happened. It started off by strong leadership on both sides of the aisle. Senator SANTORUM was designated by Majority Leader FRIST to pull together a task force to begin working on issues that needed to be addressed, and solutions. Senator REID stepped right out and started developing a package on the Democratic side.

By the way, I think one of the ways we came to the point where we are is that there were some good things in the Reid proposal. When I brought up the chairman's mark in the Rules Committee, several of the pieces of that legislation came from the Reid ideas. Then it continued to move forward with important areas being addressed. I wound up in a meeting that was somewhat of an amazement to me because it was a bipartisan meeting that included Senator COLLINS, Senator MCCAIN, Senator SANTORUM, Senator DODD, Senator OBAMA, Senator ISAKSON—a large group from both sides of all different political persuasions working together to see if we couldn't come up with bipartisan legislation.

I guess it was about that time when I started talking to Senator DODD, saying: Can we do this together and make it a truly cooperative thing? He wanted to do that, but both of us had to make sure leaders were OK with that, and they were. They told us: Yes. Do your job and operate the way a committee is supposed to act—hold hearings, have a markup, report a bill, regular order. That is what we did.

I am pleased the way this has come about.

I could go around and commend everybody who has been involved but that has already been done very legitimately.

But this is a case study of an issue that could have blown up. It was very tough. It could have produced nothing but acrimony. That is not what happened, no.

It is not a perfect bill. But we have addressed some tough issues. When you start talking about outright ban of gifts, outright ban of meals from lobbyists, taking action with regard to the flights and transparency and disclosure, saying that former Senators cannot come onto the floor of the Senate when we are debating legislation where they are registered lobbyists, and that also applies to former officers of the institution, except for ceremonial events. We also have very tight postemployment restrictions, and we address the question of earmarks.

I, for one, think that earmarks—and I don't particularly like that description, but where you have a Senator or a Congressman exercising their right to have language included in a tax bill or in a highway bill or in an appropriations bill for the benefit of some entity that they are familiar with or something in their State, I think we should have that right. I think it is our constitutional right, as a matter of fact, and I will fight for that. I will fight for it even if my colleague from Mississippi were not the chairman of the Appropriations Committee. But he worked with us on how we could deal with this issue by making sure that it wasn't just about appropriations. It was about tax bills coming out of the Finance Committee, and authorization bills, too.

I must say, while I think the language in this area still is not totally artfully crafted, we made some real progress there. This was a problem that I believe people were concerned about where there was an earmark in a conference that had not been considered by either body and there was no way to get at it—at a particular item—without a point of order, without taking down the whole conference.

That doesn't make sense. That is not the way the Byrd point of order works. So we include that here.

I think that is where we need to go. We will continue to work with Senators on both sides of the aisle, from all persuasions, to make sure that we have thought that through carefully and produced the right result. But we didn't duck the issue. We stepped up and addressed it by bringing people in and talking about the best way to deal with the earmarks issue.

But that leads me to the point that there are some amendments pending now and the only three left that do get into this particular area.

In the effort to move forward and expedite these issues and come to conclusion, I think now would be the time to move to an amendment that is pending, which I guess would be 2981. I believe Senator ENSIGN has an amendment.

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

AMENDMENT NO. 2981 WITHDRAWN

Mr. ENSIGN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. LOTT. Mr. President, I raise a point of order against the amendment.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. A point of order may be raised.

Mr. LOTT. Mr. President, I raise a point of order—

Mr. ENSIGN. Mr. President, don't I have a right to be heard before the point of order is raised? I was recognized.

The PRESIDING OFFICER. The Senator from Nevada may proceed.

Mr. ENSIGN. Thank you, Mr. President.

Mr. President, Senator MCCAIN and I understand that our amendment is going to be ruled nongermane. Previously, it was going to be ruled germane. Since then some items were pointed out that has caused the amendment to be ruled as nongermane. Despite that fact, I would hope that the managers of the bill will work in conference to clarify the language of this bill. I know the chairman of the Rules Committee has said that he will review this language. I believe he will. Our amendment seeks to clarify that if things are put into a conference report that were not in either the House bill or the Senate bill, a Senator would have the chance to take those items out without taking down the entire conference report. One section of this bill creates a new point of order against items that are slipped into conference reports. The provisions in the bill seek to address what has become a very significant problem around here. A member slips something in, without debate. That certainly is not an open process. The purpose of this lobbying reform bill is to make sure there is more transparency and our amendment is consistent with that.

The way the bill is drafted, there is a problem. The bill uses the term matter without providing a definition or examples of anything that would be considered a matter.

According to our discussions with the Parliamentarian, that definition would not allow a point of order to be raised because there could be no way for the Parliamentarian to interpret the new rule. This point of order would basically be null-and-void.

Our amendment was attempting to clarify the bill by providing a definition. That way we will ensure that we have openness in the process of conference reports. That certainly is the purpose of our bill and of our amendment.

Without losing my right to the floor, I ask the chairman if he would submit to a question through the Chair. I ask the chairman of the Rules Committee if he would commit to working on this definition in conference so that it will meet with the criteria stated by the Parliamentarian to give effect to the rule. That way the provisions of this bill will meet with the intent of what

the Chairman said in his previous statement.

Mr. LOTT. Mr. President, for purposes of debate only, I said in my comments before the Senator offered his amendment that I realize it is not perfect language. It has been difficult to achieve what we would like to achieve. He worked on it in the Rules Committee. Senator COCHRAN made some very important points, and we actually made some changes as we went forward. But I think we still have some more work to do to accomplish what we are trying to accomplish.

I will commit to work with Senator ENSIGN to try to find language that does what we are trying to do and which has the support of all involved in the discussions this afternoon. I am not sure what the Senator is trying to do is what we want to do. But I also realize that the language, the wording we have in there, the critical word is pretty nebulous. And we will have to work on that.

Mr. ENSIGN. Mr. President, very simply, I will let people know what the intent is. I have worked with Senator MCCAIN. I applaud his efforts. He has been doing this a lot longer than I have.

All we are trying to do is say if something was not in the Senate bill, not in the House bill, and it was put in, in the conference, a point of order could be raised against that item without bringing an entire bill down.

Right now nobody wants to raise a point of order against a bill because they don't want to bring the whole bill down. Senators know we have to fund the Government, so nobody wants to bring a point of order against a bill that does that. Nobody wants to vote on a point of order that brings down the whole bill either. But if something was put in which was not in the House bill and not in the Senate bill, we want to be able to surgically strike that provision to make sure that we have a cleaner process in government. This is not new ground as the Senate already has this rule with respect to Budget reconciliation bills.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. I will yield for a question without losing my right to the floor.

Mr. MCCAIN. I ask my colleague, isn't it true that the reason this amendment is being proposed is because the Parliamentarian looked at the present language and informed the Senator and myself that it is not clear enough language that we could actually achieve the purpose of the bill that the Senator from Mississippi and the Senator from Connecticut have proposed—in other words, we are in keeping with the intent of the language in the bill, and we are trying to clarify it because the Parliamentarian said that it is not clear. All we are asking, I think, is the managers of the bill to fix it so there is no doubt that we can carry out the intent of the legislation which is before this body. That is all we are talking about.

It is also true, if it is not clarified, I will tell my dear friends, you will see this amendment again. You will see it again and again. This goes to the heart of what we are trying to stop. We are trying to stop ANWR from being put into a bill that has nothing to do with it. We are trying to stop liability protection for a flu vaccine added at midnight which we have never seen before. It is an outrageous abuse of the rights of the Members of this Senate who are not members of the Appropriations Committee; is that correct?

Mr. ENSIGN. Mr. President, those and many other things have been put in. Sometimes good things are put in. But that is not the way the legislative process is supposed to work. We are supposed to have an open process. Senators should be able to see what is in a bill. We should provide transparency so that the public can scrutinize what is going on. The current process is broken when we are forced to enact provisions that were not in either one of the bills.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. DODD. The Parliamentarian may have suggested something other than, but for the purpose of the legislative intent—and sometimes debate can be enlightening—legislative intent, as far as this Senator is concerned, is exactly as the Senator from Nevada described and the Senator from Arizona described, if there is a matter which is neither in the House bill nor the Senate bill, and if it ends up in conference, that matter is subject to a point of order—and for the very reasons which my colleague described.

I do not know how that is confusing language. If it is, I am certainly committed to trying to straighten it out. I believe that is the appropriate way to go.

Mr. MCCAIN. Mr. President, if the Senator will yield for a question, why would the Senators raise a point of order when this is simply a clarification of the intent of the legislation, according to the Parliamentarian who has told us—I am asking a question.

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

Mr. ENSIGN. I yield for a question.

Mr. MCCAIN. Does the Senator from Nevada see my point? There is no reason to raise a point of order if all we are doing is clarifying. We are wasting the time.

Mr. ENSIGN. I agree with the Senator from Arizona. I appreciate the manager of the bill when he said he would work with us. I wanted it on the record that the managers have committed to working with us to ensure that the intent of the bill is clear. Which is exactly what our amendment seeks to do. The bill managers have put it on the record that it is their intent. We hope in this process, as this bill moves forward, that the language that is ultimately adopted will include some kind of a definition, as we have tried to do, so that the intent of the Senate is clear. It needs to be done. We need to clean up the appropriations process we have going on in the Senate.

I don't see any reason to raise a point of order. I think it would be easier to ask unanimous consent to withdraw the amendment.

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

Mr. LOTT. Mr. President, if the Senator wishes to proceed with his next amendment.

Mr. ENSIGN. If the Senator could give me 60 seconds.

Mr. LOTT. I thank the Senator for his approach on this.

Let me make a couple of points. Again, in a way, there is not as big a problem here as indicated. For instance, I have been assured the example that was used about ANWR, this, in fact, would apply to that and a point of order would be in order against the ANWR amendment being added in conference that had not been in the other body. We will work through this.

The second point is and one of the reasons why I was prepared to make a point of order, Senator DODD and I, postcloture, have been very meticulous; even when there were amendments he or I or both of us supported, if they were not germane, we have not included them in the managers' package. We have held the line because once you start allowing exceptions, there is no end to it. We were trying to get through with as strong a package as possible.

With that, I yield the floor.

AMENDMENT NO. 2980

Mr. ENSIGN. I call up amendment No. 2980.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, let me discuss this amendment very briefly. I want to be cooperative with the managers of the bill. I know they want to wrap up this legislation.

This amendment is germane. We will have a recorded vote on this particular amendment, unless the chairman of the Committee on Appropriations agrees to a voice vote that we would win.

Section 103 of this bill creates a new Senate rule. Each Senator knows that we create very few new Senate rules because the rules we create are hard to change once created. The rules we make today will govern the Senate's conduct for years to come. It is important we get language right the first time so we do not have any unintended consequences.

Within the proposed rule in this bill is a definition of the term ''earmark.'' Many people in my home State of Nevada have heard the phrase earmark, as people across the country have. As taxpayers, Nevadans understand some earmarks can be costly, some can be beneficial. Earmarks are often the result of Senators using their influence

to require Federal agencies to spend significant dollars in their States. In some cases, earmarks are given to State or local governments or charitable or philanthropic organizations. In many cases, these earmarks are justifiable. In many cases, these earmarks have a national impact and can be justified because they meet a national purpose.

Each Senator has seen the abuse of the earmark process. That is why we have offered this amendment. To clear up abuses. Our amendment provides a clear definition of what an earmark is. Our definition clarifies that earmarks are not limited solely to non-Federal entities. The definition also includes Federal entities. Spending for federal, as well as non-Federal, entities in the earmarking process can be abused.

The Senator from Mississippi argued earlier it is a Senator's right to offer things that are good for their State. Senators have ideas about how money should be spent. I actually have no problem with that philosophy. I agree to a great degree with that philosophy. The problem is that such a process has been abused in too many cases. For instance, the military provides a procurement list to the Armed Services Committee that includes lists of things the military says they need. In order to benefit their state, Senators will contradict the decisions of the military and override the military's request. They ignore what is in the best interest of the military in order to benefit their State. Military is a Federal project but this bill does not provide accountability. This bill would continue to allow Senators to put their political interests before the needs of the military.

That is why our amendment expands the definition of earmark to both Federal and not just non-Federal entities. That is why we should support this amendment.

Mr. LOTT. Will the Senator yield?

Mr. ENSIGN. I yield.

Mr. LOTT. The Senator started moving toward giving an example. So that I will fully understand exactly what the Senator is trying to get at here, can he give me a couple of examples? He has referred to military, for instance. I don't want to use any particular weapon system because I don't want to make anyone mad, but take generic helicopter. If the Pentagon or the President's budget only included 100 helicopters and a Senator of the Committee on Armed Services, in conference, said no, we are going to make it 200, would that be an example of where the Senator is trying to get this language to apply?

Mr. ENSIGN. I would say to the Senator from Mississippi, if one Senator were to raise a point of order against the item you have described, the process laid out in this bill would be to have the entire Senate decide the matter. If the rest of the Senate believes that the additional helicopters are justifiable, then the——

Mr. LOTT. That is the type of example.

Mr. ENSIGN. I will give the Senate a more specific example. I will not use the exact example I had mentioned to the Senator from Mississippi previously because I don't think it is appropriate to discuss specifics like this on the Senate floor. The military tells Congress that they need certain items for the troops. They want something produced. Perhaps similar products are produced in different States so there are competing products. The military has said, We like this item made by one company, it is far superior. What is happening today is that some members, perhaps one on the Military Subcommittee on Appropriations, who represent a state with a similar product will use their influence to direct spending to products made in their own State. Even though the Pentagon says we like product A, Congress tells them they must buy product B. When the bill comes back from conference, spending gets shifted. Spending is earmarked to go to one product instead of for a product that the military said would be best for our fighting men and women.

That is exactly some of the things we are trying to avoid.

Mr. LOTT. If the Senator would yield for a further question, the language we have would allow for that kind of designation to continue?

Mr. ENSIGN. It would allow for the designation to continue.

I would say to the Senator from Mississippi, this amendment does not affect the point of order in the bill. I apologize if I was unclear on that. This amendment affects the requirement that Senators be given a report that identifies which members have requested which earmarks. It requires that all earmarks be included in that report. That is all this amendment is doing. We want Members, if they are going to request earmarks and redirect spending, to be identified. If they want to direct spending to go to their State, they should be willing to be identified. This is a simple sunshine provision. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, for a second I will discuss again what the amendment is. It requires that all earmarks included in a bill or conference report should be clearly listed—the sponsor identified, explanation, et cetera.

I fully support the intent of that requirement. However, the underlying definition of the earmark is only ''non-Federal'' at this time.

The point the Senator from Nevada is trying to make in the amendment, there are plenty of Federal pork barrel projects, if I may be so blunt. Let me give an example. The Army Corps of Engineers is clearly a Federal entity. In 2006 we spent $600,000 in the Army Corps of Engineers, a Federal entity, to study fish passage in Mud Mountain, WA; $275,000 to remove the sunken vessel State of Pennsylvania from the Christina River; $7 Million for the Arctic Energy Office—guess where—Alaska. Aren't you astonished? And $500,000 for the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary's storage unit facility's Milk River project, Montana. The list goes on and on.

These are all out of a Federal entity called the Army Corps of Engineers. They should be listed. They should be in the sponsorship, they should be required to be listed, and as a Federal entity. So, clearly listed, sponsor identified, accompanied by information of the essential Government purpose of the legislation.

We are saying there are earmarks that are Federal entity as well as non-Federal entity. That is all this amendment does. It changes it from Federal to as well non-Federal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it was interesting to notice the arguments of the Senator from Arizona right before we had the vote on cloture on this bill. He pointed out what the consequences of cloture would be, one of which would be that nongermane amendments could not be offered, and he listed two examples, one of which was amendments on earmarking.

I think this amendment, just as the previous amendment, should be subject to a point of order. The Parliamentarian sustained the point of order that was raised by the chairman of the Committee on Rules and Administration, but I am advised that the Parliamentarian would not rule that a point of order lies against this amendment. It is clear and obvious that it would.

But notwithstanding that disagreement, this amendment would have the most impractical effects and unintended consequences of any I have seen offered. What the Senator is suggesting is that anytime you identify a project or a program or an entity that is enlarged or constructed in any bill—an appropriations bill, an authorization bill from any of the authorizing committees—you have to separately list or include in the conference report, it is not clear, the identity of those who support the inclusion of that or who authored it.

There are many things here that are sponsored by one Senator, cosponsored by many others. In order to meet the criteria of this requirement, we would have a voluminous stack of documents presented to the Senate when a bill is presented, showing which Senators in committee may have offered that amendment or suggested to the committee that it be included in the bill, and why.

We already have committee reports that accompany most pieces of legislation that come to the Senate. In that committee report, the provisions are discussed, described. It boggles the

mind to think what the consequences of this one provision would do, the paperwork, bookkeeping, and the like. I don't know of any Senator who does not want his name associated with a provision that he suggests or she suggests be included in a bill, whether it is authorizing language or whether it is in an appropriations bill. There is nothing wrong with that. I am not arguing that should not be included. It usually is well known.

I plead with the Senate, let's not include this amendment on this bill at a time when we are right about to go to final passage. The bill reflects the consensus of the Rules Committee. The two managers of this legislation did an excellent job of carefully reviewing all the suggestions that were out there for lobbying reform, reforms of the way the Senate does its business. We are going to have to go to conference with the House. If there are better ways to word this earmarking provision that is in the bill, there is a provision in the bill, the committee signed off on it, and we are coming to the very end of the consideration. We are nitpicking. That is what this is, nitpicking. I don't know of a better word to describe this amendment. It does not serve any useful purpose to inform the public.

What member of the general public is going to look through documents that will be 2 feet high associated with almost any legislation that authorizes or appropriates funds for a department's activities for an entire year? Think about it. Do not approve this.

I support the idea that we need to do a better job of controlling spending. We need to achieve more in the way of ensuring that projects are justified, that they are reviewed more carefully. That is a part of this process. That is why this provision is in the bill. I voted for it. I supported it in the markup session of our Rules Committee. I am a member of that distinguished committee. My colleague from Mississippi is the chairman of the committee. I am here supporting the work of his committee.

Friends and colleagues who want to be more demonstrative and more zealous and more volatile on the issue of spending restraint now come along and insist that we vote on an amendment such as this. We should say enough is enough. We have listened to all of the arguments. We have brought this bill to the Senate. The consensus has been achieved.

So, Mr. President, I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The motion to table is nondebatable.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Is the Senator seeking consent?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Let me say to the Senator from Mississippi, with all respect and affection——

Mr. COCHRAN. Mr. President, a point of order: Is a motion to table debatable?

The PRESIDING OFFICER. No, it is not.

Is there objection to the Senator continuing?

Mr. ENSIGN. 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. COCHRAN. 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. COCHRAN. Mr. President, I understand the Senator from Arizona was suggesting that he be allowed 2 minutes to comment on this amendment. I have no objection to him having 2 minutes. So I ask unanimous consent that he be granted 2 minutes to speak on this amendment.

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

The Senator from Arizona.

Mr. McCAIN. Mr. President, I would just amend that unanimous consent request, in case the Senator from Mississippi wants to respond to those 2 minutes, that he would have an additional 2 minutes, if he needs it.

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

Mr. McCAIN. Mr. President, I would like to respond as to why this amendment is necessary and why I do not think it is nitpicking. I think a lot of us would have liked to have known who sponsored the amendments that were put into the Defense appropriations bill by former Representative Cunningham, who is now in jail. We would have been very well illuminated by the tens of millions of dollars that were somehow put into an appropriations bill in the middle of the night that none of us had ever seen or heard of. And we did not know who was behind it until he was on trial.

It is perfectly clear—it is perfectly clear—that this is not a nitpicking amendment. The people of this country deserve to know who puts in these projects in conference in the middle of the night, as a former Congressman was able to do named Cunningham, ripping off the taxpayers of tens if not hundreds of millions of dollars. That is why this amendment is not nitpicking.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—57

Akaka	Domenici	Lott
Alexander	Dorgan	Lugar
Allard	Durbin	McConnell
Baucus	Feinstein	Mikulski
Bennett	Frist	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nelson (NE)
Brownback	Hagel	Pryor
Bunning	Hatch	Reed
Chambliss	Hutchison	Reid
Cochran	Inouye	Roberts
Coleman	Jeffords	Sarbanes
Collins	Johnson	Schumer
Conrad	Kennedy	Sessions
Craig	Landrieu	Shelby
Crapo	Lautenberg	Snowe
Dayton	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lincoln	Voinovich

NAYS—41

Allen	Ensign	Nelson (FL)
Bayh	Enzi	Obama
Biden	Feingold	Salazar
Boxer	Graham	Santorum
Burns	Harkin	Smith
Burr	Inhofe	Stabenow
Cantwell	Isakson	Sununu
Carper	Kerry	Talent
Chafee	Kohl	Thomas
Clinton	Kyl	Thune
Coburn	Lieberman	Vitter
Cornyn	Martinez	Warner
DeMint	McCain	Wyden
DeWine	Menendez	

NOT VOTING—2

Byrd	Rockefeller

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2983 WITHDRAWN

Mr. LOTT. Mr. President, I have been asked by the sponsor of the amendment to ask unanimous consent to withdraw the final pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. With that, we have finished our amendments on this very important legislation. I believe we are almost ready to hear from the leaders, and then we will be ready to go to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I am very happy to be here today as we are very near to passing the ethics and lobbying reform legislation. This is important

legislation, and it is legislation the American people care about. I am so glad the Senate has been able to take the lead in enacting these important reforms.

Let's step back a minute from the details of the legislation and remind Members of the Senate and the American public why we are here. In the past year, America has been shocked, and some have certainly been disgusted, by revelations of corruption in our current system. While much of the behavior at issue in some of these scandals is already illegal, the scandals have shown that some outsiders and insiders believed they could act with impunity. It has shaken public confidence in the Congress and our entire Federal Government.

Congress needed to act aggressively and swiftly, and we did that. I am very proud of those on this side of the aisle, in my caucus. When we returned to session earlier this year, the first thing we did as Democrats was unite behind the Honest Leadership Act. We moved beyond principles and speeches and introduced a strong reform bill, with the support of virtually the entire caucus. The entire caucus worked to achieve the effort here today. Senators OBAMA and FEINGOLD led the way. Then we arrived at the committee structure, where on my side of the aisle, Senators DODD and LIEBERMAN worked with integrity and swiftness, intelligence, experience, and part of that was that they worked with their counterparts, Senator COLLINS and Senator LOTT, to allow us to arrive at the point where we are today.

The baseline was a bill that we introduced. But people kept pushing and we have gotten something done. As I have already said, the Rules Committee and Homeland Security Committee worked in a bipartisan way. We worked in a bipartisan way to get where we are today. Included in the bills that came to this floor was much of what was contained in the legislation we introduced, the Honest Leadership Act.

I express my appreciation to Senators LOTT, DODD, COLLINS, and LIEBERMAN, who have acted, I believe, in an exemplary way in moving legislation forward.

This is a good day for the Senate. I repeat, we are here as a result of bipartisan legislation. We are going to complete this legislation. This is not a perfect bill, I know that. I would like to have seen some other things in this legislation, as would other Democrats, and I am sure other Republicans. But the bill makes a number of extremely important changes to lobbying disclosure rules and Senate ethics rules. In many cases, the legislation is exactly what Democrats called for in our Honest Leadership Act.

Let's talk about what we have done today. We are going to have pundits talk about what we didn't do. But let's talk about what we did do. We should be proud of what we have done. We are going to extend and strengthen rules against the revolving door. We are going to end gifts and meals from lobbyists. We have new rules for privately paid travel, requiring preclearance and added disclosure. What we will do in this legislation is clarify the pay-to-play scheme that some have referred to as the K Street Project that is unethical and violates Senate rules. This legislation eliminates floor privileges for former Members who become lobbyists. This legislation strengthens lobbying disclosure rules, and that is an understatement. This legislation requires new disclosure of ''astro turf'' lobbying campaigns and stealth coalitions used by business groups. This legislation reforms rules regarding earmarks, scope of conference, and availability of conference reports. We should all feel that is an improvement and a significant step forward.

I repeat that this bill is not perfect, but it is a significant improvement over current law and it will help restore the public's confidence in Government. I am proud of the efforts of my colleagues to get this legislation passed today. I urge my colleagues to support it.

Mr. President, the majority leader and I are seen in the eyes of the public as always being like a couple of bighorn sheep in rutting season, running and bashing heads and moving back. That is what the public sees. But this legislation could not have come to the floor today but for the work we did together—we did together—not anything on which we gave speeches and issued press releases. We are here today as a result of the work we did together.

Only the majority leader and I know how difficult it is to get a bill to the point it is today. So I extend my hand to the majority leader for working with us to get lobbying reform done. I repeat for the fourth time during my short remarks today, this is not perfect, but people focus on how much we have done to improve the system. There are other days and other legislation that can come forward, but today, let's feel good about a bipartisan piece of legislation.

I again express my appreciation to the managers of this bill. They did remarkably good work.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, earlier this year, I made a commitment, with the Democratic leader, to make lobbying and ethics reform a top priority this year and not just another political talking point. By passing lobbying reform today, the Senate, in a way that demonstrates us working together in a bipartisan way, will fulfill that commitment.

I am pleased the Senate has led the way. We were the first to develop ideas through a bipartisan working group, the first to introduce a comprehensive lobbying reform package to two committees, the first to have those committee hearings and markups, the first to debate those issues on the floor of a body, and today we will pass the first lobbying reform bill in Congress in over a decade.

The goals of this legislation are simple, they are straightforward. It is about trust. It is about transparency. It is about accountability. Trust is the foundation of our democratic government. We are a government of the people, by the people, and for the people. The American people have entrusted us with their votes, have entrusted us with their hard-earned tax dollars, and they expect us to uphold the highest standards of honesty, of integrity. With public opinion of Congress at an alltime low, we have to do a better job of regaining that trust and that confidence. We must bring more transparency and accountability into our Government. We must conduct our Nation's business focusing on the public interest and not special interests. By passing this bill to reform our lobbying and ethics rules, we will do just that.

Among its many provisions, the bill will enhance public disclosure of lobbyist activities and campaign contributions, ban gifts and meals from registered lobbyists to Senators and staff, require enhanced scrutiny and Ethics Committee preapproval for privately funded travel, slow the revolving door between Government and lobbying, and reform our earmark process to cut pork-barrel spending.

I also thank the managers—Senator LOTT, Senator COLLINS, Senator LIEBERMAN, and Senator DODD—for their tremendous work both in their respective committees and, indeed, on the floor.

I thank Senator SANTORUM, who very early on, on the Republican side, stepped forward and with his leadership began a lobbying reform working group upon which much of this work has been based. Many of the provisions in this bill are, in large part, a result of the meetings he had.

I also thank all of my colleagues, again, as expressed by the Democratic leader, on both sides of the aisle—and especially the Democratic leader—for their cooperation in moving this legislation forward in a way and in a manner which I believe really dignifies this body working together.

A lot of people say we have moved way too fast. An equal number say we have moved too slow. Right now, there are many people coming forward saying: No, we need to change these provisions. Adding to what the Democratic leader said, this is not a perfect bill, but this bill is a major step forward. It is a product of working together, Democrats and Republicans.

In closing, most everyone agrees that we have taken the issue of lobbying and ethics reform seriously. Indeed, we have. We have produced a strong and meaningful result that will have implications for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—90

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

NAYS—8

Coburn	Graham	McCain
DeMint	Inhofe	Obama
Feingold	Kerry	

NOT VOTING—2

Byrd	Rockefeller

The bill (S. 2349), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I take no contributions from special interest PACS or lobbyists. My office operates under a set of rules governing our interaction with lobbyists that is stricter than current law. Regardless of any legislation, I always hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

The past several months, however, have highlighted for congressional action on lobbying and ethics reform. Public concern has increased about both illegal and unethical activities involving lobbyists. These include well-funded special interest groups that disguise their activities through the formation of coalitions, associations, and grassroots campaigns; improper campaign finance practices; lavish gifts to Members of Congress and their staffs apparently in violation of current congressional ethics rules; and earmarks slipped into legislation as favors for lobbyists without debate on proper consideration.

The actions of others have made it clear that our current regulations on lobbying are outdated and ineffective. That is why I supported S. 2349, the Legislative Transparency and Accountability Act of 2006. It is my hope that this legislation will move us toward restoring the public confidence in Congress by shining light on congressional processes and cracking down on lobbyist influence.

I realize that this bill falls short in certain areas. I was an original cosponsor of the Honest Leadership Act, which would have gone even further than the Senate-passed bill in reigning in inappropriate gifts, travel, and influence on Members of Congress. I supported amendments that would increase the transparency of Senate actions and voted against cloture to give other Senators a chance to offer amendments to strengthen the bill.

If the legislation passed by the Senate today had gone further in increasing accountability for Members of Congress, it would have gone further in restoring the public faith. However, I believe it is also our responsibility to balance far-reaching legislation with the time constraints before us. This bill is far from perfect but it is an important first step in putting an end to the ''culture of corruption'' that has become a part of Washington.

Serving in Congress is a great honor—one we must earn by always making the welfare of our constituents and the Nation our sole motivation. The current lobbying scandals show how far we have drifted from that ideal. But the reforms will do much to correct our course. And, as always, I will continue to hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. 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.

SECURING AMERICA'S BORDERS ACT

Mr. FRIST. Mr. President, pursuant to the order of March 28, I ask that the Senate now begin consideration of S. 2454. I further ask unanimous consent that the time until 8 p.m. be equally divided between the two leaders or their designees.

I further ask unanimous consent that when the Senate resumes consideration of the bill tomorrow, the time until 12 noon be equally divided in the same form for debate only, and that at noon the chairman be recognized in order to offer an amendment; provided further that there then be debate only until 5:30, with the time divided in a similar fashion.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. FRIST. Mr. President, to clarify, we are now on what will be passionately discussed over the next several days, a very important piece of legislation that addresses the range of border security issues surrounding enforcement, interior enforcement, temporary worker programs—a debate which I know and expect will be civil and held with dignity, but what is a very difficult debate.

I will make a brief opening statement and then turn to the chairman and ranking member, but also I would like to make a statement shortly after they do.

Mr. President, this debate, when you boil it down to its essence, is about the American dream and the home that this country offers for so many hard-working people—a difficult debate, an important debate. But it is also an issue about what it means to be a nation, and every nation must keep its citizens safe and its borders secure.

That is why we are starting with the Securing America's Borders Act, a bill I introduced prior to the March recess. This bill acknowledges the overriding principle that we must protect our citizens by securing our borders. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The situation along our southern border now ranks as a serious national security challenge, second only to the war on terror. Every day we discover new facts that show how delay and inaction is making America less safe and less secure.

In January, officials discovered a massive tunnel stretching nearly a half mile from Tijuana to San Diego. We don't know how many more snuck in. We do know that mixed in with the families seeking a better life are drug dealers, human traffickers, terrorists, and common criminals who cross our border into this country every day.

But the danger is not only to America. It is danger to those who try to

cross our borders as well. Unofficial data collected along the Arizona border shows that nearly 225 people died last year crossing that border. About 10 percent perished under circumstances that suggest foul play.

We all know the terrible stories of criminals who prey on vulnerable migrants, who charge outrageous prices to smuggle them across the border and then often abandon them at the moment trouble strikes. It is wrong. It is time for us to act. And over the next week and a half on this floor we will act.

The bill that I introduced includes a number of commonsense consensus measures that improve security along our physical border, crack down on human smugglers, simplify the process of deporting wrongdoers, and make it easier for employers to confirm their employees' legal status.

First and foremost, we need better enforcement and we need more manpower on the ground. Last year, the Senate led the charge to provide funding for 1,000 additional officers, more equipment, and more detention beds. That was a start but only a start.

My proposal adds nearly 15,000 more officers over the next few years in a sustained and focused effort to buttress the nearly 20,000 already deployed to work on border issues.

It also requires new investments in unmanned aerial vehicles, cameras, and sensors, and a comprehensive national border security strategy.

It establishes a long-term project of building a virtual barrier to cover every mile of our 1,951-mile border with Mexico.

This will both make America safer, and it will reduce the number of people endangering themselves trying to come into our country.

In addition to physically strengthening our border, the bill makes it easier for the Department of Homeland Security to catch people who violate our immigration laws.

It enhances the collection of biometric data about who enters the country. And it allows the department to set up additional border checkpoints. Moreover, the border security bill creates tough, new penalties for human smugglers and document forgers.

Under this bill, terrorists, dangerous gang members, and others with serious criminal connections face expedited removal from the United States.

But this bill doesn't just draw on the common sense of the American people for its provisions. It also looked to the 9/11 Commission Report for guidance. This Commission recommended that we consolidate border screening systems. The border security bill does just that.

It encourages the use of biometric data to keep track of who is coming and going. Again, the border security bill does just that. It identified the need of State and local officials to work with Federal agencies to identify terrorist suspects. The border security bill does just that.

Securing the border and enforcing our laws are crucial first steps to making America safer. But much more remains to be done. And we will address these other issues over the next week and a half.

There are over 11 million people in this country llegally. Congress simply cannot turn a blind eye to this growing number. We need to act. Our Nation is founded on the rule of law by generations upon generations of immigrants. We should not have to choose between these founding principles. Instead, we need to honor both traditions.

In my view, neither the House bill nor the bill reported by the Judiciary Committee yet quite strikes that appropriate balance, and both need to be improved. I believe the House bill is incomplete because it fails to provide a comprehensive solution to our immigration situation, one that allows for necessary and helpful legal immigration and that welcomes those who play by the rules.

We should reward those who respect the rule of law, who made it here the right way, and who are trying to make it here the right way. I believe the committee bill by contrast goes too far in granting illegal immigrants with what most Americans will see as amnesty.

I disagree with this approach not just as a matter of principle but because granting amnesty now will only encourage future and further disrespect for the law. It will undermine our efforts to secure our homeland. There are better ways to address this issue.

Senator KYL and Senator CORNYN have a proposal. Senator SPECTER had a chairman's mark and a proposed compromise, and all of these approaches created a temporary worker program without a grant of amnesty. We need to find a legal way for employers to find the people they need to keep their businesses running and continue to grow the economy. Creating legal paths of immigration is a way to do this.

In the end, it is my hope we will have a bill which has both strong enforcement mechanisms with additional border and interior security and real employer accountability that addresses the humanitarian and economic challenges we now face without amnesty.

America has always been the place where one can come to live out a dream of improvement and renewal. But while we welcome those who refresh and restore our American spirit, we have always done so within a framework of the law. The full Senate should have a chance to discuss, to deliberate, to debate, and to decide how we balance that rule of law with the situation as we find it. We are here to solve problems and not to stand by as problems get worse. Those problems are getting worse. We need to work together so that all 100 Senators have the opportunity to work within our rules to solve this problem.

The committee bill, while not perfect, makes real and significant progress in many areas. I believe it can be improved upon. It has formalized a new consensus in the Senate, one that did not exist a year ago, on aggressive provisions to protect our borders, including new detection technologies, significant new increases in Border Patrol agents, tough provisions on alien smuggling and, for the first time, a real employer verification enforcement title.

As is the right of the chairman, the Judiciary Committee product will be offered as an amendment to the Border Patrol security bill that has been introduced. Moreover, I expect a whole series of amendments which will attempt to tighten the amnesty and temporary worker provisions in the judicial bill. I intend to support those amendments.

I recognize we have important principled differences that will be expressed in the Senate with conviction and with passion over the next several days. I expect the debate to be contentious. I also expect it will be civil and it will be respectful. I invite all who have ideas to work with us. Together we can bring our best to bear on the problem of illegal immigration so America is safer and is more secure.

As I said when I introduced my bill, I want this coming debate to reflect our commitment to the rule of law and to our proud immigrant inheritance. We are a nation of immigrants. We have all benefited from America's uniquely inclusive ethos. But America is also a nation of laws. Our laws bind us and protect us. They transform us from seekers into citizens. They are the very foundation of our democracy.

I am glad many agree on the need to ensure our debate is in the best keeping of the Senate's tradition. We ought to be honest about the problems we face, face them directly, and be honest about the outcomes we seek, within a framework of conversation that does credit to the Senate and to the Nation. We will conduct this debate with respect and seriousness.

I look forward to a thorough discussion over the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senate has an opportunity to take what could be a historic stand on reforming our immigration system, where many problems exist, including border security, ports, people coming into our country whom we cannot identify, posing a potential security risk from terrorists entering the United States. There are some 11 million undocumented aliens in the United States who are unwilling to step forward because of their concern of being prosecuted and deported. We have an economy which relies very heavily on immigrant labor.

We have now come to the point where legislation has been introduced which tackles these problems. The majority leader has said there will be passionate

arguments. That is certainly true. Emotions run very high on these issues.

Some say we are a nation defined by the rule of law and that has been flagrantly violated by the 11 million people who have come to this country without conforming to the U.S. law. Many others who have come on visas have overstayed their leave. And, at the same time, we pride ourselves on being a compassionate nation. No one can deny that the United States of America is a nation built by immigrants. No one can deny that.

In my own personal situation, my own family is Exhibit A. My father came to this country in 1911 when he was 18 because the Czar wanted to send him to Siberia. He preferred Pennsylvania. So he came to the United States. My mother came at the age of 6 with her family and settled in St. Joe, MO. My brother and my two sisters and I have contributed to life in America. Our story is replicated by millions of people who have come from foreign shores and who have created a life for themselves, as the majority leader says, the American dream. And people still clamor to come to the United States because of the quality of life in this country, because of our democratic institutions, because of freedom of speech, because of educational opportunities and economic growth, and a chance to have a better livelihood and a superior way of life.

When the majority leader comments about the committee bill and says it is amnesty, I disagree with him head on. It is not amnesty. It is not amnesty because the lawbreakers are not being unconditionally forgiven for their transgressions. The lawbreakers, in order to move forward and stay in the United States and move toward a citizenship path, have to pay a fine. They have to pay their back taxes. They have to undergo a rigorous background examination. They have to work for 6 years. They have to earn the right to move toward a citizenship track.

If there is a better way to bring these 11 million people forward so that we can identify them, we are open to any suggestions which anyone may have. The Judiciary Committee has worked on this issue for months. We have had hearings. We have had analysis in the committee on markups. We faced the leader's requirement that the bill be finished before yesterday, before Tuesday, or the Senate would proceed on the leader's bill as opposed to the committee bill.

The Judiciary Committee prides itself on getting its work done. We got our work done. It was not easy, but we did it. In an unusual session, people returned early from the recess, came back on a Sunday. It doesn't happen around here, unfortunately. It should, but it doesn't. We ought to work more Mondays. We are going to work Friday of this week on this bill. We started at 10 o'clock on Monday morning and with a short recess break we worked through until past 6 o'clock in the afternoon. People who are watching C–SPAN may not be too interested in what a quorum is, but that is when 10 Senators are present out of 18. That is hard to do, especially when some Senators are in Iraq.

With the cooperation of the distinguished ranking member, Senator LEAHY, and the committee members generally, we were able to complete our task and complete and report out a bill on Monday of this week. That bill will be the replacement bill on behalf of the leader's bill.

While the leader is still on the floor, I say in his presence, his bill is up about noon tomorrow. The committee bill will be a replacement bill which will form the substance of the Senate deliberation.

I thank the committee members for their hard work. We have taken thoughtful, constructive legislation introduced by Senator MCCAIN and Senator KENNEDY, and thoughtful, construction legislation introduced by Senator KYL and Senator CORNYN, and suggestions made by other Senators, and have molded them into what we call a chairman's mark. That is the name for the amalgamated bill that was the basis for our consideration.

We have moved ahead. It was my hope that we might have structured accommodation, a compromise among the competing ideas. After debating it extensively on Monday afternoon, it was determined we could not accomplish that, but we are still working on it. We yet may be able to structure a bill which will have more of what Senator KYL and Senator CORNYN were looking for than the final committee product. But all of that remains to be seen.

However, we have produced a bill and the majority leader characterized it as ''while not perfect, significant progress,'' and I would not disagree with the majority leader's characterization that it is not perfect. I have been here a while and I haven't seen a perfect bill yet. I hope to be here a while longer and I do not anticipate seeing a perfect bill. This bill, however much it is improved, is not going to be perfect, in any event.

We have provided for border security. We have what we call a virtual fence. Unmanned drones will patrol the borders. There will be overhead satellite control. We have very vastly increased the number of border agents. We have provisions for employer verification, worked out with the cooperation of Senator GRASSLEY, who is not only a member of the Committee on the Judiciary but also chairman of the Committee on Finance. That is on a title which is yet to be added and will be added on the floor. We have a little jurisdictional issue, but we have worked out employer verification. Employer verification is a very major aspect of securing our borders.

We are going to have people come to the United States because of opportunity here, no matter what we do. We want to avoid the circumstance President Bush described in a Saturday address last week of having people come to the United States in 18-wheelers. What is an 18-wheeler? It is a big truck that has 18 wheels and people are stuffed into it. Many have died trying to come into this country in that way.

We have the realistic prospect of having an identification card, much like a credit card, which can go through an electronic process so that prospective employers will know whether the applicant for a job is here legally. If the employer hires the applicant knowing they are illegal, there will be tough employer sanctions to try to stop that practice.

As long as there is opportunity in this country, and without a guest worker program which will satisfy the needs of our economy, we are going to have people who will be determined to come here legally or illegally, any way they can get here.

We had a very important amendment offered by Senator FEINSTEIN, who had worked with Senator CRAIG, on agriculture. The statement was made by Senator CRAIG, and I believe it to be accurate, that agriculture in America would collapse—tough word—collapse without migrant labor. This committee bill includes a worker program which has been the cornerstone of what President Bush has urged.

I was pleased today to hear that Speaker DENNIS HASTERT commented he favors a guest worker program, which would be a significant addition to what the House of Representatives has passed, an enforcement program. That is the recognition that it is necessary for the American economy to have people come into this country to help us on the farms, in the hotels, in the restaurants, in so many lines of American work.

It is a good sign that when we function in conference under our bicameral system—the House has passed a bill; I am confident we will pass a bill in the Senate on immigration; and it is subject to modification and the will of the Senate—but with the recognition by the Speaker of a guest worker program, that is a very positive sign.

We have improved the situation with respect to visas for highly qualified people. William Gates was in Washington, lobbying—a pretty high-priced lobbyist—to come talk about the needs of Microsoft—a marvelous company, high tech, enormous advances for America—he wants more people with Ph.D.s and wants a larger quota of visas for those people to come in. We have accommodated that. And we have created more opportunities for people to come in who are students. If we can bring more brains to the United States, we are going to be anxious to do so.

I believe it is important to say, simultaneously, that we are making strenuous efforts to avoid bringing people into this country where there are Americans who can handle the jobs. If

Americans can handle the jobs, we are not going to be bringing in other people. We will give those jobs to Americans first. And before employers may seek guest workers, under our legislation, there has to be a showing that the jobs could not be filled by Americans.

We have tackled, in the committee bill, the 11 million undocumented aliens, candidly, as best we could. We pride ourselves on being a nation of laws, and those who are here undocumented have come into the United States in violation of our laws. And now the question is, what do we do? We do not want to have a fugitive class in America. We do not want to have an underclass in America.

To contemplate, to even theorize about going out and taking 11 million people into custody is an impossibility. And if you took them into custody, they have to be detained before they have a deportation proceeding. Where will you detain them? Where are there detention facilities? Where are there beds? Where are there accommodations to keep them for deportation proceedings?

So if we have a realistic expectation that these undocumented aliens will have to come forward, there is going to have to be a program which will encourage them to come forward. We are not going to go out and arrest them and find them. And they have to know there is consideration for their plight, even though they are here without complying with U.S. law. And they do have to pay a fine. They do have to pay their back taxes. They do have to work for 6 years. And they have to undergo a background check. They have to comply with U.S. laws.

So it is not a free ticket. It is not amnesty. This word ''amnesty'' is a code word. It is a code word to try to smear good-faith legislation to deal with this problem. If you move away from the label, if you move away from the smear word and analyze what is going on, I think it is fairly stated that we do not have amnesty.

One line which we have not yet finished is the issue of judicial reform, judicial review. We need to have more in the way of immigration judges—better trained, better qualified—to handle the tough jobs which they have.

Then, we have an appellate line, the Board of Immigration Appeals, where the number has been cut from 23 to 11, and they are filing one-page opinions, which puts an enormous burden on judicial review in the circuit courts. Our bill will return that number to 23. We will call upon the Board of Immigration Appeals to write opinions so the circuit court will know what their reasons are, to take a burden from the circuit court of being required to start from ground zero to figure out what is going on in a case.

The chairman's mark has a provision that will consolidate appeals in the Federal circuit. We have had a good bit of objection to that from the Judicial Conference and from very prominent judges. Before moving ahead, we did not include that in the bill which we reported out of committee. Instead, we are going to have a hearing next Monday. We may even get in the habit in the Senate of working on Mondays. Who knows what may come from this bill?

We are going to bring in experts in the field. We are going to bring in the chief judge of the Federal circuit. We are going to bring in the chief judge of the Second Circuit, which has a very heavy burden. The chief judge of the Ninth Circuit is not available. We will have other representation from the Ninth Circuit to analyze that issue, to know more about the structure as to what we will be doing there.

But I believe we are off to a good start. I believe that when we replace Senator FRIST's bill with the committee bill, we will have a comprehensive reform package on the table. Then we will work the will of the Senate. We came close to striking a compromise, as I said, on Monday afternoon, and it was not successful. But it is going to be revisited. I think we may yet be able to take portions of the Kyl-Cornyn bill and integrate them into the committee bill, which relies very significantly on McCain-Kennedy, to present an even more balanced approach.

May I say, in conclusion, that we ask Senators to file their amendments. We have a difficult job. Instead of having 2 weeks, we are going to have, starting on Thursday—and Friday is always subject to some question as to how late in the day we can go, if at all—and then we have next week. And the temper of the Senate is to try to finish on Thursday when we look toward a recess, especially the Easter recess. I am being very pragmatic here as to what we are doing, but I would not be surprised if the leader was prepared to keep us in beyond Thursday night, beyond even Friday.

So I urge—and I know my distinguished colleague, Senator LEAHY, joins me in this—Senators to come forward with their amendments and be prepared to debate them and to start to think about time limits and to be aware that we are going to hold the votes to 15 plus 5. We have many votes which are held into the 30- to 40-minute category, which cuts into the floor time to get this important work done.

And now, with another pat on the back to Senator LEAHY for his tireless efforts and support, and who had a lot of things he wanted to do in Vermont—it is hard to get Senator LEAHY out of Vermont any earlier than absolutely necessary—he was back here on Sunday, and he was there on Monday. And with the help of the committee—and we had pretty good attendance—we reported out a bill. I accept the leader's characterization: while not perfect, significant progress. Let's make some more progress, and let's get some real immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Pennsylvania for his kind words. I have told him privately, and I will say it publicly, he has acted as a chairman should. I have been here 31 years, now going on my 32nd year. I have seen great chairmen in both parties in this institution. I have seen others who were chairmen in both parties.

Senator SPECTER is in the mold of the great chairmen. He took a very difficult bill, by his own force of will—as he has with others—and kept us together, made sure we had discussions. We went across the political spectrum. We had people who feel very strongly, and rightly so, who had differing views—all distinguished Members of the Senate. He herded them together, kept us together, and kept us in, doing what has been a rarity: the type of Monday session he had to make it work.

I can assure colleagues, both Republicans and Democrats, we would not have this bill on the floor, in an ability where the Senate cannot only work its will but do a fine piece of legislation, were it not for Senator SPECTER. Senator SPECTER made it possible with his leadership.

Senator KENNEDY, on our side, has worked on these issues since before any of us presently on the floor were in the Senate. And with the work of Senators from both sides of the aisle, we have a bill that provides a realistic, a reasonable system for immigration.

We voted in a bipartisan majority. We have seen, over the years, the Judiciary Committee become more polarized. We have seen, in the past couple of years, more and more strongly bipartisan votes. In this case, it was a bipartisan majority with a vote of 12 to 6, with two-thirds of the members of the committee voting in favor of a bill that protects America's borders, strengthens enforcement, and—and this is what is so important—remains true to American values.

The Judiciary Committee has confronted the challenging problem of how to fix our broken immigration system head on. It has sent to the Senate a good product. The committee met six times to debate a proposal offered by the chairman, meeting for long hours and considering dozens of amendments. The debate was substantive. It was civil. It was bipartisan. It was effective. And it was productive.

I might say, had it not been for superb staff on both sides of the aisle, this would not have been possible. I think of the members of my own staff. I would log on sometimes at midnight, when I would get home from other things, and their e-mails were pouring in from the work they had done. I would go back on the e-mails at 5 or 6 o'clock in the morning, and there were new ones. They were working around the clock.

We were given a deadline of March 27 by the Senate Republican leadership. I understood that the majority leader

had committed to turn to the committee bill if we were able to meet his deadline and report a bill by Monday night. It was difficult. At times it was a Herculean task that seemed almost the task of Sisyphus. It seemed undoable and the deadline impossible, but under the steady leadership of the chairman, with the hard work and dedication of so many members of the committee—again, I compliment Senator KENNEDY of Massachusetts on our side who worked so hard on this—we worked through the long hours and numerous amendments and accomplished what seemed to be the impossible.

When I mention those two Senators, it is not to leave out other Senators. We had so many who brought up amendment after amendment, who worked hard on it, all trying to get a bipartisan bill.

The Judiciary Committee sent this resounding message, as I said, with a bill with a bipartisan vote of 12 to 6, with strong bipartisan support of every key amendment. These were not partyline amendments. These were bipartisan amendments. It is a bill that is strong on enforcement and in some ways stronger than the bill passed by the other body.

It includes a provision added by Senator FEINSTEIN, for example, to make tunneling under our borders a Federal crime. It is tough on employer enforcement. And it is tough on traffickers.

It is also comprehensive and balanced. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity. And it includes guest worker provisions that have been supported by both business and labor. It includes a way to pay fines and earn citizenship that has the support of religious and leading Hispanic organizations.

These provisions are not amnesty. I spent enough years in law and enough years as a prosecutor. I know what amnesty is. These are not amnesty. Undocumented immigrants already in the country would not get to cut to the front of the line, but, in accordance with the committee's bipartisan plan, will need to pay fines, pay back taxes, work hard, and wait in line for green cards. They have to pass background checks and play by the rules. With fines and hard work and going to the back of the line, after 11 years, by following a regular path to legal status, the currently undocumented will join as full participants in American society. Following this plan, we could create an orderly system for immigration that is consistent with traditional American values and our history.

Opponents of a fair, comprehensive approach are quick to claim that anything but the most punitive provisions are amnesty. They are wrong. We had an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not an amnesty bill. An editorial in the New York Times entitled ''It Isn't Amnesty'' makes the point that painting the word ''deer'' on a cow and taking it into the woods does not make that cow a deer. Frankly, in the State of Vermont, we deer hunters know the difference between a cow and a deer. We better. Our committee bill should not be falsely labeled. Our bill is more properly called what it is—a smart, tough bill.

The committee also voted to add several constructive and practical measures to the chairman's mark. We added a new version of the Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, a bill I have long supported. I was joined in that bipartisan effort by Senator Larry Craig. AgJOBS will reform the H–2A visa program for temporary agricultural labor. This new version will help dairy farmers in Vermont and many other States to legally hire foreign workers. The bipartisan provision approved by the panel would make dairy workers able to work under visas for up to 3 years, with the opportunity to adjust to permanent residence and achieve their full potential to become eligible for higher paying occupations.

The American people are engaging with us in this debate. The Nation's newspapers reflect the public's growing interest in how these decisions will be settled. In my home State, the Burlington Free Press and the Rutland Daily Herald have offered thoughtful editorial observations about these issues. I commend these editorials to the attention of my colleagues, and I will at the end of my statement include them.

The committee also adopted an amendment to include the bipartisan Development, Relief, and Education for Alien Minors Act, called the DREAM Act. This provision will allow immigrant students to attend college and become permanent residents if they follow the rules established in the act. It will free eligible students from the constant fear of deportation, while allowing them to work so they can afford to pay for college. By our bipartisan committee vote, we hope to extend Hispanic young people greater educational opportunities so they may realize the American dream and achieve their potential.

The committee agreed—wisely, I believe—to drop several controversial provisions. Early in the process, I led an effort to remove a provision directing the Department of Homeland Security to study building a barrier, a fence, a wall along our northern border with Canada.

If I might just for a moment, I live less than an hour's drive from Canada. I see people go back and forth across that border all the time, families who live on both sides. My wife is a first-generation American. She was born in Vermont literally a couple hundred yards from the Canadian border. Her parents were naturalized citizens coming from the Province of Quebec. When I come home and she is speaking French on the phone, I know she is talking with some of her relatives in Canada. But tens of thousands of families, probably far more than that, cross the northern border.

There are also businesses. We even have a store in Vermont where there is a line painted down the center of the store, a cash register on one side of the store with Canadian money and a cash register on the other side with U.S. money. Why? Because half the store is in Canada and half in the United States. With the proposal that was before us of this barrier, this fence, it was going to be Joe would get a passport and bring me that box of Rice Krispies from the other side of the store. I mean, it gets down to that. There are businesses up and down the same way. When this proposal faced the light of day, we understood it easily.

There were other controversial provisions that we wisely dropped, provisions that would have exposed those who provide humanitarian relief—medical care, shelter, counseling, and other basic services—to undocumented aliens to possible prosecution under felony alien smuggling provisions of the criminal law. If somebody is running a food bank or a shelter for battered children and women and they give aid, they help people, they feed the hungry, if you have an order of nuns who feed the hungry, under those circumstances, they faced a chance of being charged with a crime. For shame, for shame. Let's accept the beatitudes as something that should go across all faiths, across all laws. I thank so many in the relief and religious communities for speaking out on this matter. Those criminal provisions should be focused on the smugglers. Under the committee bill, that is what we do—go after the real criminals, the smugglers, people who trade in human lives.

The committee also voted down a measure that would have criminalized mere presence in an undocumented status in the United States. Illegal status is currently a civil offense with very serious consequences, including deportation. But criminalizing that status was punitive and wrong. Let's be realistic. Are you going to go out and lock up over 10 million people? It would have led to further harsh consequences. It would have trapped people in permanent underclass status, unwilling to move into the mainstream of society.

These policies, which were included in the House-passed bill and supported there by congressional Republicans, understandably sparked nationwide protests. They were viewed as anti-immigrant and inconsistent with American values and history, American values that attracted my grandparents to come here from Italy to settle in Vermont or my great grandparents to come from Ireland and do the same.

The committee bill was tough on enforcement and very properly so tough on the smugglers. It is smarter and fairer.

Finally, I thank the chairman for setting aside provisions in the mark

that would have consolidated all immigration appeals from around the Nation into the jurisdiction of the Federal circuit, the court of appeals for the Federal circuit. That is a court we have wisely set up in recent years in Washington because it has specialized jurisdiction. It was created to hear patent appeals and cases involving technical intellectual property issues, those issues which have so much to do with the economy of our country. It was not set up to hear immigration appeals. In fact, the Judicial Conference, chaired by now Chief Justice John Roberts and Federal judges from across the country, expressed serious concerns with these proposals. The chairman did the right thing when he agreed to hold a hearing and further consider what provisions will best correct the problems created by former Attorney General Ashcroft's ill-conceived actions with respect to these matters in cutting down the number of people who could handle such matters.

I ask everybody to look at the peaceful demonstrations around the country over the last week. I will pick just one—in Los Angeles, half a million people. I can't help but notice that. We have slightly over 600,000 people in my State. They had almost the population of my State in a peaceful demonstration in Los Angeles. They were calling on us, calling on the Congress, the U.S. Senate and our colleagues in the other body, to recognize the human dignity of all. These aren't numbers. These aren't numbers. These are human beings. Do the right thing. We can do it in keeping with the longstanding American values. Let's not take the attitude that we are here, so no one else should be here. We are a nation of immigrants. We really are. In this case, if we are going to truly have the American dream, we also need a comprehensive solution to what has become a national problem. We need a fair, realistic, and reasonable system that includes both tough enforcement but immigration reform provisions. The bill reported by the Judiciary Committee is that bill.

This could be a pivotal moment in helping to achieve that goal. The Judiciary Committee's debate has produced a bill that I believe would make my grandparents proud. But I think it would make the ancestors of all of us proud. It is worthy of our support. We should stop and think for a moment in this body, this exclusive body—there are only 100 of us who get a chance at any given time to represent almost 290 million Americans—should we not do something that makes the country proud, makes those other 290 million Americans proud and makes us in this body proud?

I thank the many individuals and organizations who were so helpful to us during committee consideration of the bill. Included among those supporting this measure are many labor unions, the U.S. Chamber of Commerce and other business groups, leading Hispanic organizations such as the Mexican-American Legal Defense and Education Fund, the National Council of La Raza, many religious organizations, including the United States Conference of Catholic Bishops.

I ask unanimous consent that editorials from the Rutland Daily Herald, the Burlington Free Press, and the New York Times be printed in the RECORD.

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

[From the Rutland Daily Herald, Mar. 28, 2006]

ONE WORLD

Vermont's economy is sending a mixed message. Unemployment is low, and median family income is growing. But economic growth is imperiled by a shortage of workers, and the costs of housing and health care are becoming increasingly burdensome.

The labor shortage is having several effects in the economy. One of them is the appearance of large numbers of illegal immigrants to work on the state's dairy farms. The problem of illegal immigration will come before Congress this week, and it is a contentious and complex issue. The situation in Vermont is a microcosm.

It is often argued that workers from Mexico, legal or illegal, are essential to the economy because they are willing to do work that U.S. workers are unwilling to do. But as Paul Krugman notes in the column below, workers shy away from low-paying jobs because they are low-paying. If a farm worker earned as much as a school teacher, there would be more people willing to milk cows for a living. But farmers are in a bind. If they had to pay that much for farm labor, they would either have to raise the price of milk or they would have to absorb a cost that few could afford. The price of milk is out of their hands, and as long as illegal immigrants are available to hire, they play a role providing low-cost labor.

Thus, farmers who refuse to hire illegal immigrants find themselves at a competitive disadvantage, forced to pay higher wages for the same labor. That's why business interests are among the chief proponents of allowing guest workers into the country legally. Business reaps the benefit of low-cost labor.

The result is that there is an underclass of workers, legal or illegal, willing to work at wages below what is deemed by many to be livable in the United States. It is a consequence of our proximity to Mexico. Substandard wages in this country are desirable to many Mexicans who, even earning low wages, manage to send home money to support family members left behind. The economic inequities between Mexico and the United States cannot be abolished by passing a tough immigration law, and the result is downward pressure on wages for Americans.

That downward pressure exists in the industrial sector as well. Many old companies have departed over the past 40 years, replaced by a new brand of high-tech company or by service sector jobs that pay less than traditional factory jobs. Vermont has regained its footing after the industrial decline that hurt Springfield, Rutland and Bennington so badly, but continued industrial growth remains hampered by the labor shortage caused by an aging population.

On top of these pressures are the extra burdens of high housing and health care costs, which hit low- and middle-income workers the hardest. Market forces beyond Vermont are driving up those costs, and efforts in Montpelier by the Douglas administration and the Legislature to ease the burden of those costs are essential to future economic growth in the state.

Thus, it is impossible to talk about Vermont's economy without talking about the economy of the nation and the world. The influx of farm workers from Mexico makes that clear, but the rest of the economy, too, remains enmeshed with the broader, changing world.

[From the Burlington Free Press, Mar. 28, 2006]

IMMIGRATION BILL SHOULD HELP FARMERS

Vermont needs immigrant labor to help on dairy farms. There are currently more than 2,000 Mexicans filling relatively low-paying farm jobs that Vermonters won't accept. Without that immigrant work force, some dairy farms would go bankrupt.

That's a reality.

As the U.S. Senate focuses this week on immigration reform changes, Congress should recognize the needs of farms for this critical labor source. The Senate should create a program to allow hard-working immigrants to legally hold jobs in this country.

That might be structured much like the current program that allows immigrant labor—primarily from Jamaica—to work for less than a full year in Vermont picking apples.

The Senate Judiciary Committee on Monday passed a good version supported by Sen. Patrick Leahy, D–Vt., that suggests a three-year work program that can be renewed.

The changes cannot create a permanent ''underclass,'' as some have suggested. Instead, it should be based on ''common sense, decency and reality,'' said Vermont Agriculture Secretary Steve Kerr.

This is not a partisan issue. Vermont Sens. Jim Jeffords and Leahy support such a change. President Bush has also expressed a desire to enable immigrants to cross the border and fill job vacancies, and Sen. Larry Craig, R–Idaho, has sponsored an agricultural jobs package.

There is resistance, however, from some senators who worry about security threats linked to opening the borders in such a way, and those who don't want to reward immigrants who have broken the law to enter this country.

While it is important to tighten border security, this does not preclude taking responsible steps to allow carefully screened immigrants to hold jobs in Vermont that provide income for their families and help the state's struggling dairy industry.

''This is a deciding issue,'' Kerr told the Free Press on Monday, as the Senate Judiciary Committee in Washington began serious work on immigration legislation. ''This is a litmus test.''

Kerr said Vermont farmers would certainly prefer to hire local labor for these jobs. But, he said, it is virtually impossible to find people willing to take these low-paying, physically demanding jobs. The Mexican workers are paid roughly $8 an hour, and the farmer provides many of the basics, including housing and heat.

Creating a program that documents the arrival of those workers makes sense. Local law enforcement would know who is living in their communities, and the workers would have the security of moving freely off the farm and knowing they aren't at risk of automatic deportation.

Most importantly, farmers would have a reliable, hard-working group of people helping with the milking and other demanding farm tasks. For some, that might be the difference between staying In business or throwing In the towel.

[From the New York Times, Mar. 29, 2006]

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word ''deer'' on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12–to–6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a $2,000 fine and back taxes, and knowledge of English and civics. That's not ''amnesty,'' with its suggestion of getting something for nothing. But the false label has muddied the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700–mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out ''those people.''

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the ''amnesty'' semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from New Mexico.

Mr. DOMENICI. Before the distinguished Senator leaves the Senate floor, Mr. LEAHY, might I say that I was present while you spoke this afternoon. I was here when the distinguished chairman of the committee spoke. I commend both of you for the diligent and obviously hard work you put in on a very hard subject for the American people. I think we got off to a good start today. Your hearings set the right pace for Americans to begin to understand that immigration is a complicated issue but that it can be solved. I am much more optimistic than I was a couple of months ago that even with these timeframes which have been tough on you all, these mandates by our leader that you get things done by a time-certain, we have both been here long enough to know that maybe that is how you get it done.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from New Mexico. We have known each other for over 30 years. I appreciate his words. I thank him.

Mr. DOMENICI. Mr. President, I am going to speak today very personally because I don't think very many people know, certainly looking here at my good, new friend occupying the chair from the State of Oklahoma, I am quite certain he doesn't know that this Senator was born by a mother who unknowingly was an illegal alien. She happened to be Italian. We are now talking more about Hispanics, although not exclusively. But today in the Senate Hart Building, the Senator from New Mexico had before him on the floor of his office, and in the chairs that we had, about 30 Navajo young men and women—10th, 11th and 12th graders—with a few adults, and about 5 or 6 students from a completely different part of the State of New Mexico. They were sitting on the floor asking me if I would talk to them about myself. ''Who are you?'' they asked.

I started off by telling them who I was. I gave a little bit of a lesson on the Constitution, and about there being only two Senators from each State, and how lucky we are, because we have just as many Senators as New York has. Of course, they knew that. I told them that might not seem fair, but the Constitution makes it fair because it is the document of fairness.

Then we proceeded to talk about how I got here. I told them the story of how I ran for office on a dare and got elected. Then I talked about some dates in our State's history. I said, in 1912, New Mexico became a State. Before that, in 1906, 2 boys arrived at Ellis Island with an uncle. One of these boys with the last name Domenici had a strange first name, Cherubino. People wondered what that was. In Italy, that was a nice name that meant ''little angel.'' He was born the last child of that Domenici family because his mother died in childbirth, so they named him ''little angel.''

In 1906, Cherubino, who was my father, arrived at Ellis Island, having left a little town called Lucca, Italy. He arrives in Albuquerque, NM, I told these young Indian students. He went to work in a grocery store that, believe it or not, was named the Montezuma Mercantile Company, and it was owned by Italian immigrants. These Navajo young people were wondering in awe, what are you talking about? I said, well, that is the way America was then. They welcomed aliens. There were no illegal aliens. If you came from Europe during those times, they said, come, we want you. They didn't say you are automatically a citizen, but they said come. These two boys were brothers; my dad came with his brother. The reason why is something that should not take the Senate's time tonight, other than to say they planned to bring my father only, but he got scared to come without his brother, so he cried and his brother said I will go, and then my dad said I will go, too. He said if you go, I will go. So his father played Solomon and sent them both. They went to France and got on a boat and arrived in Albuquerque in 1906.

We became a State in 1912. If my math is right, that is 6 years later. Guess what. By then, my father had bought the grocery store. He never went to school, but you see, he was still able to buy the grocery store. He was an alien. He worked hard and guess what happened. The war came along. Don't get too far ahead of yourself. It was the First World War. He got drafted as an alien. They put him in the Corps of Engineers. He told me one day: They wanted to promote me, but I told them I didn't want another bar because I spoke English too poorly and I was embarrassed to drill the boys. He was a little older than some of them, but he turned down the little button, or whatever you get, because he didn't want to sound like an Italian instead of an American, so he did not take the promotion.

But he still came home from the war a hero. And because of his service, he was made a U.S. citizen. Guess what. He went to see the best lawyer in Albuquerque, NM, before he married my wonderful mother. He said: If I marry her, because she has not finished her paperwork for citizenship, will she be a citizen? The lawyer said: Oh, yes, sure, she will be a citizen. Now, you see, that was wrong legal advice. So here my mother bears four children to a wonderful citizen whose grocery store is growing. She becomes kind of everybody's leader, the Parent-Teacher Association president, raising all the money for the Catholic school, and guess what. She is an illegal alien.

My mother hadn't been back to Italy since she was 3 years old. Remember, that is like some of our aliens in America. You know them, Senator MARTINEZ. They have been here 30 years, they have never been back to their home countries, they live in the same neighborhood, they have children and

they marry Americans, just like my mother. One afternoon when I am about 9 or 10 years old, sitting in the backyard, guess who arrived? It was during the Second World War, 2 years before the end, or a year and a half. Who were we at war with? Italy. The immigration officers arrived in their big black cars. They pulled up to the house, and there was the Senator-to-be 45 years later—little PETE—with his sisters, and here they come. Of course, we think what happened was there was a flamboyant Italian man nearby that used to—excuse me—imbibe on weekends. They think he had a little too much imbibing and he was singing a song out the window of the third floor of a hotel, right on top of the grocery store, the Montezuma Grocery Store. Of course, singing Italian, he probably excited some American who was a supercitizen, right? He was worried about these illegal aliens. So the immigration officers set about to see who among us were illegal aliens, and there she was, my mother, Alda Domenici. They decided she had to be arrested because she was an illegal alien. So, sure enough, they came to do that and a neighbor had to come over to take care of us kids. I was about 9 or 10. I was pretty frightened. I remember that we had a nice Zenith radio, a standup, and it had an aerial in it that would permit you to get music and pick up noise from overseas. The agents disconnected the radio so we could not communicate with the enemy. Then my father arrived at home. But guess who else arrived. That lawyer who advised my parents on my mother's immigration status came because my father called him up. That great lawyer, whose son was later Governor of New Mexico, got there to the house and said: What is the matter with you guys? This is no lady to be arrested. She has been living here since she was 3. Look at all her kids, and her husband has been running this business. And the agents said: We have these orders that she has to be arrested. To make it short, the lawyer answered: Why don't you arrest me, too.

So they had to arrest the lawyer, too. They took him to wherever they were going—to Federal court, I suppose, and they took my dad's gun. A couple hours later they put up the bond and she came home. I don't know when—probably about 6 months later—she filled out all the forms to become a U.S. citizen.

Why do I tell you this story? I want everybody to know that I am a Republican. I don't want anybody to think that in order to understand what it is like to have things happen to you like what happened to me, you have to be a Democrat or a Republican; you just have to live in this country during these times, when things like this happen. They happen and you know exactly how people feel. They are like everybody else.

We talk about this whole issue of illegal aliens as if we are talking about hooligans and people who are drug addicts. Of course, when you have something as intricate as the border, which is where economics come into confrontation—the economics of poverty come into confrontation with the desire of adults to get ahead; that comes into confrontation with those who want to make money by taking advantage of that desire and charging people and becoming human smugglers—the thieves of human bodies; and that comes into confrontation with lying to and cheating Federal agents. You have this whole panorama of what is going on along our borders. Then we keep waiting for it to get solved, while all the time, day by day, thousands upon thousand of stories such as I have described are occurring.

There is no way to sit back, whether you are a competent, powerful radio announcer, newspaper article writer, editorial page writer, or local neighborhood noisemaker—there is no way you can properly capture the reality of what we have let happen to this country. I, for one, want it to be known that I think this problem is solvable. I believe we can tighten up our borders. I believe it will take time—I believe it is impossible to pass a law and 6 months later have a border that is as tight as a belt, as some people say. It is going to take a lot of equipment and manpower and a lot of machinery and technology to do that. It is also going to take the next 2 or 3 weeks in the Senate of human willpower built around a spirit that is American, that recognizes our country was built by people such as those I have described. And there happen to be not as many named Domenici as there were back then; more are named Martinez than Domenici today, and Salazar, and Chavez; and many of their first names are not like mine, which was Pietro, but they are Enrique and Carlos.

I think there is a willingness to work these issues of border security and immigration reform out. I want to suggest a couple of items. I believe the American people are going to understand before we are finished that we are going to do our very best to make the border such that it will not be penetrated every day by thousands of people who will be violating this new law we pass. I believe that is going to happen.

I do believe, however, one thing that has not been discussed enough is that we are going to have to get much more cooperation from Mexico to get that done, and I would like my friend Senator MARTINEZ, who is here, to talk about that when he makes his comments.

The Mexican government and our Government must enter into an agreement, an accord, when this bill is finished that they are going to jointly see that our border security provisions get enforced. I have a provision requiring that in a bill that I introduced called the WISH Act. It has provisions saying that before the bill comes into force as far as benefits to Mexico, the Presidents of the two countries must enter into an agreement regarding enforcing our drug laws, human smuggling laws, and immigration laws; and also where Mexico will encourage their residents who live here to come forward and be recognized under the law. And, fellow Americans, what we put on paper and make our law is going to have to be significantly enticing enough for these millions of undocumented workers, some of whom have been living here a long time, to risk putting up their hands and saying: I will exchange the way I am living now for this new promise, this new proposal.

It better be good enough or they will continue living the way they are. So it has to have something in it that they want.

But it also has to say to the American people: We have this situation under control; it is not going to continue on after we pass this bill. And that gets back to the 10 million to 15 million undocumented workers who live here. We have called them all kinds of things. Let's just say the 10 million to 15 million aliens who live in the United States who are not citizens of the United States, some of whom came here totally illegally, some of whom came here under temporary permits—that group of human beings has to be addressed by this legislation in a humane way. They must be addressed in a way that recognizes that they are currently contributing significantly to the United States, that they probably are going to continue to contribute to our country, and that what we have in our minds about who they are and what they are is probably not what they really are. In our minds, we have pictures of them being leeches, people who are living off us instead of producing something we want or need.

I hope I get a chance to give another few comments later. I have some very valuable information about the economic contribution of these people. It is a very big contribution, in the billions of dollars in commerce coming from these people living in our country. There are billions of dollars in GDP contributions.

What kind of jobs are these people we are talking about currently doing? Some of us speak about them as if the only jobs they have are kind of trashy old jobs that nobody else wants. That is some misinformation, too. They are taking some menial jobs. We constantly say: Why don't we let them come here because they will take those jobs that nobody else wants? But they are also engaged in some very good jobs. There are carpenters and automobile mechanics in certain cities. They have moved their skills upward beyond that temporary permit they have, and they are in another category, but they can't move up into that new category under current law, to represent the new kind of lifestyle they live.

Also, about half of them have lived here a short period of time, and about

half of them have lived here a long time. So I am just going to describe what maybe is the way we get the issue of undocumented workers solved. Let's consider drawing a line at those who have lived here longer than 5 years. It seems to me that this is an important consideration, an important issue to look at because if one lives here for several years, that person certainly has a different relationship with the community and probably a different relationship all the way around than somebody who just arrived last week or even somebody who works 3 months and goes home. If someone has lived here for 5 years and has been working and maybe is just like that lady I described, my mother, who is living with an American and has children and has been here 10 years but is not a citizen, we have to figure out how we are going to handle that.

I believe the President of the United States deserves enormous credit for sticking with this issue for a long time. People have said: Where is the plan? He was the only big voice in America for the last 3 or 4 years that has constantly said we have to do something about this problem, and it is not just buttoning up the border. He said we have to go beyond that and provide something for those who want to live and work here—we must give them a chance to live here under humane circumstances with the kind of grace and opportunity that is a privilege of living in America. I think he is still saying that.

I am hopeful that before we finish this debate, the solution is going to come from a White House-Senate-House melding of ideas along the lines of giving some special treatment to those who have lived here for a longer period of time—different and better treatment, easier access to the U.S., perhaps easier access to a higher level of status than what they had when they came here.

That is the essence of a proposal that I put in what I call the WISH bill. Workers who are here less than 5 years under my proposal can apply for and get a visa without leaving the United States. If they are unemployed for no more than 30 consecutive days, they get a renewal of that 3 year visa two more times. Then they have to leave America for at least three years. That proposal is for people who have been here less than 5 years.

One would say that is not so good. But what we are talking about is giving these people 9 full years to do their best to arrange things and have whatever successes they can make. So that is one approach to one portion of these people who are undocumented workers.

I suggest we split this group of people so that those who have been here for longer than 5 years—which they can prove that with workers' affidavits and the like—start by obtaining the same visa I just discussed, but after 5 years, they can apply for another visa or a change of status, except permanent residency, without leaving the United States. We would have no caps on the number of visas for these change-of-status grants.

It would appear to this Senator that this could be the beginnings of a compromise built around something that is understandable, realistic, and should be given due consideration by this body.

Not having had the burden—or the luxury—of serving on the Judiciary Committee, I have told Senator KYL, who has worked very hard on this issue, that I am willing to work with him, and to the best of my staff's ability they will work with him, to see if we can't come up with some kind of a better approach than has been forthcoming heretofore.

I notice Senator KENNEDY is present. Senator MARTINEZ has asked if he could speak next, and he has been waiting for quite a while. I assume that is satisfactory.

In the absence of the Senator from Massachusetts, I spoke about the fact that frequently we get legislation done when we are told we must do it under a deadline. There is still a lot to do on this bill, but I can tell the Senator, there are a lot of people pulling for a solution and who want to be helpful.

This is, indeed, a true turning point in modern American domestic policy history. It is a big opportunity. We solve it or we have some of the worst problems confronting the American people that we can imagine. It has almost gone beyond the solvable, but not quite because we are pretty sanguine and willing to work.

Just as Senator KENNEDY and his family have their roots in Ireland, I had an opportunity to speak this afternoon about a very strange incident of how this Senator happened to be born to a woman who thought she was American but was not. So I lived in a family for quite a while with a father who became a citizen only because he served in the First World War. He married a woman who he was told would be an American if he married her. He was told that erroneously by a lawyer, and she was arrested during the Second World War—taken right out of our household. So I understand this whole idea of a household with a father who is American and a mother who is not, but they are living, working, and getting ahead and driving their business. I understand that they are just like every other family in America. There is nothing different. They have the same love, same hope, same will, and same aspirations as those of us who were born here have.

I am here to be helpful. I thank the Senate for listening, and I thank the Senator from Massachusetts for listening to me again the last 5 minutes. My wife is going to give me a note saying that my face is getting red, and it is time to sit down. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, first, I thank the Senator from New Mexico. I thank Senator KENNEDY for indulging me for a couple of moments. I know we are supposed to go back and forth, but I appreciate the opportunity to be heard following Senator DOMENICI because I believe my comments are germane to the comments he made. I thank the Senator from Massachusetts for his courtesy. These will be very brief comments.

Mr. President, I say to Senator DOMENICI, I love hearing his story because it is the story of America. It is the fabric of America about which he spoke. I was so touched by the way he told it.

Obviously, as the only immigrant in the Senate, I think it is terribly appropriate that I speak at the outset of this very important national debate on this issue in the Senate.

I am reminded as we talk about these issues that there are so many interesting connections. When I came to the Senate as a Senator from the State of Florida, it was such an incredibly proud moment for me and, frankly, for many in the community from which I come—the Cuban-American community—since I was the very first Cuban American to have this distinction and this honor. I also am probably the first Florida Senator to ever serve in the U.S. Senate who was not born in America. But, Mr. President, the story of America is such that, as I started to look at that history, I found out that the very first Senator from Florida, when Florida became a State—I believe in 1854—was a fellow by the name of Yulee Levy who was actually born in the Middle East. He was a fellow who had come to America as an immigrant and who ended up representing the State of Florida as the very first of two Senators who came, and he, in fact, beat me by a good little margin as the first foreign-born Senator from the State of Florida. But that is the sort of history our country is made of.

This is such a timely and important debate. I am pleased that you would mention our President, who has been very steadfast and very strong on the issue of a comprehensive solution to our immigration problem. I love so much that you began this debate in such a loving way, in such a civil way, and in a way that allows us to think a little bigger and a little higher than the combat of the day and the rhetoric, frankly, which so often gets so heated, which so often gets so beyond the pale of what ought to be. I am proud of the Senate as the Senator begins this debate with such a note of civility.

I believe we recognize first and foremost that our immigration system is broken, that we have to fix it, we have to set about fixing it. The Senator is so right when he speaks about the fact that it is almost too late to fix and we have to act and we must act now. It is important, too, that we focus on a comprehensive solution.

It is obvious that we have to fix the border. All of us want to see the border be secured and protected, to be something other than what we have today.

The resources will be there, we will do it, and it will be a commitment that we make first and foremost for border security. I think all of us, no matter where we come from, appreciate the legality involved in border security, but in addition to that, we have to be careful of the rhetoric. I don't believe we should allow the loudest voices, not necessarily the best voices, to make a definition of what amnesty is and what amnesty should be. I believe we should look to solutions that are rooted in what America is about and our American values.

We cannot ignore the millions who already are here.

We have to give the border its importance, but we have to look beyond that to the fact that there are millions who have been living here and contributing to this Nation, and we look forward to an opportunity to figure a mechanism.

Senator DOMENICI has put forward a proposal—and there are many others on the table, obviously. The bill out of the Judiciary Committee makes an important contribution there. We need to find a way that we can come to grips with what to do with the millions of people who are living here and who are already here making a contribution.

The Latin community of America, the Hispanic community of America, has been galvanized by this issue like no other. This is a historic moment in our history, and it is a moment we have to treat with great care and great importance how we set the tone of this debate. I am hopeful that as we look to the future, we will come up with solutions. I am very hopeful that we can come together as a Senate. I am very hopeful that the Congress will come together, with the help of the President and others interested in this debate, to come up with solutions which will provide a way forward, which will provide a historic opportunity for the people of America to be one Nation, to be, as our model says, e pluribus unum—''For many, one''—because I do know that the immigrants who come to this Nation do not come to change America, they come to be changed by the miracle that is America.

I know that I, as an immigrant, was changed by America. When I came here, much like Senator DOMENICI's father, I did not speak the language. You learn the language. You make it your business to become an American. I did not understand this culture. I had no idea as a 15-year-old boy what the country was all about, but I made it my business so that I could make a contribution to it.

So I am hopeful that we can come together to find solutions to these issues. There is nothing easy about this problem, and I know people of good will will come together so we can move forward in a positive way, in an American way.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, for the last 15 minutes or so, we heard the stories that have true meaning in terms of the whole American experience. Senator DOMENICI talked about his parents and how they worked through the process of becoming proud Americans, and the good Senator from Florida told, as well, the story of an extraordinarily successful immigrant who came here and is now serving with great distinction, representing the people of Florida.

Last evening, just as the Senate was about to adjourn, Senator MCCAIN, who is the primary sponsor of this legislation, introduced me to a wonderful young American, Fabian Nunez, and Fabian Nunez is the speaker of the California Assembly. His father was a Bracero in the 1950s, and at the end of the Bracero Program, he went back to Mexico. He came back here—the boy did—with his mother, who had been a maid and was also undocumented. She had worked two jobs. And this young boy came back to the United States—as a young boy, had gone back to Mexico and came here at 8 years old. I also talked by telephone to the father, who is 83 years old, and he said how proud he is that his son is now the speaker of the California Legislature. That is the real story of America.

At other times, we have seen where Democrats and Republicans have come together and Presidents have come together with the Senate and the House and have taken action that has moved this Nation. That was certainly true during the civil rights legislation where we knocked down the walls of discrimination, of race and religion, and also of gender. We knocked down the walls of discrimination against the disabled with the Americans With Disabilities Act. We came together as well to pass the Medicare Act so that many of our elderly people would not live in poverty and also would be able to get the health care they needed. We came together to do that. We came together in terms of the higher education legislation, and today millions of young people are benefiting from that system. I certainly hope that we can, as we start this debate, come together as Americans to deal with this issue.

It is a new civil rights issue, but it is one that is going to continue to be an issue unless and until we address it. There are different approaches, and they have been outlined earlier today, and they will continue to be outlined tomorrow. But I think the stories we heard this evening are the clearest and most compelling evidence of what this country is when it is at its best and what it can be. It is in that spirit that Senator DOMENICI spoke and that Senator MARTINEZ spoke and that others have spoken, Democrats and Republicans. It is that spirit which we hope to capture when we address this issue and finally vote on the legislation that is before us.

I look forward to having the chance to speak at greater length tomorrow. I spoke earlier today about the history of the whole migrant program and the steps that have been taken. There have been failures and some successes, but the challenging opportunities are the ones we face today. This is an issue which isn't going to go away. It is going to take the best that is in all of us. I am very hopeful that when the vote is finally cast, it will be for a meaningful, comprehensive program that will recognize the national security issues which are involved, will understand the economic issues involved, and finally, and perhaps most importantly, understand the issues of values which are involved. I will have more to say on that on the morrow.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we are a Nation of immigrants. There are so many great stories of people who have come to this country and enriched our Nation and benefited their families and had great life experiences. There is no dispute about that. I don't think there is a single Member here who would deny that.

But there is a suggestion that those who do not support the Kennedy bill—or whatever you want to call the bill that came out of the Judiciary committee, of which I am a Member and the Presiding Officer is a Member—if you don't support that bill, you want to run everybody out of the country and you want to lock them up and prosecute them. If you don't support this bill, you have bias against them and you don't believe in immigration. You don't believe in the great freedoms of our country. Nothing could be further from the truth. That is not right.

What we are trying to do is to develop a system to deal with the immigration crisis that we have that is consistent with our values as Americans, that is consistent with the rule of law in this country, that treats people who do the right thing better than it treats people who do the wrong thing. That is what this debate is all about. We are trying to set policy for the future about the people who are allowed into our country, how many and under what circumstances. A Nation surely has a right to decide how many people it allows to come in. We are one of the most generous nations in the history of the world in allowing people to come here. But we have a right to decide how it should be done.

Under this bill, we have provisions that actually allow a virtually unlimited number of unskilled workers to come in, but limits the amount of skilled workers that come in. How weird is that?

This legislation came together in a most hasty way and violates a number of principles. One thing I would mention, the Presiding Officer, Senator COBURN, has been involved in these discussions. I know he and I share a common view about it. I thought we all agreed we would not have amnesty. The President, as much as he believes in bringing people into this country, as

much as he believes in allowing workers to come here who want to work, has said: No amnesty. Our Democratic colleagues have said: No amnesty. This morning I said: The truth is, this bill is amnesty. It is exactly like the 1986 bill, and everybody said that was amnesty. They didn't even dispute it.

I have the definition from ''Black's Law Dictionary,'' the one law students use to get legal definitions, and it uses the 1986 bill as an example of ''amnesty.'' Of course it was. And the bill that came out of the Judiciary Committee is the same thing.

I have to tell you, Senator SPECTER's bill that we started with in the Judiciary Committee was not amnesty. Senator FRIST's bill is not amnesty. But the bill that we came out with was. That is just a fact. I am going to go into some detail about that because Senator KENNEDY has said it is false for me to say this is amnesty. We are going to talk about it. Senator LEAHY said it is not amnesty. Why are they saying this now? I'll tell you what is going on.

They are over there talking with the President and they are trying to get a compromise. They are trying to come up with something so they can come back and say it is not amnesty. They will claim that they moved in this direction and now they want to pass it.

We are going to have to read this bill, and we are going to have to think about it because it is a major issue facing our country today. It really is. We need to do the right thing, and we can do the right thing. I am actually optimistic about our options and our capabilities of coming up with something that will work. But this bill is not it. It is absolutely not it.

I want to say a couple of things first. We are going to pass legislation dealing with the entry of people into our Nation. We are going to pass legislation, and I will favor properly drafted legislation that will increase the number of people who come to our country lawfully. We want to pass legislation that treats fairly and decently and humanely the 11 to 20 million people who are here illegally. But I hope and trust we won't pass amnesty which gives the full benefits of legal entry into our country to those who come illegally.

That is really what we are talking about, because what we learned in 1986 was that when you do that, before the ink is dry on the bill, other people come in illegally because they expect we will be right back here again in this Congress giving them amnesty again. So we need to reestablish the principle of law. That is all I am saying. We can treat people in a good way. We will not have to remove all of these people from America. They would not have to be prosecuted and put in jail. How silly is that? That can't be done. Nobody is proposing that.

What we are working on is legislation that can bring law, bring principle, and bring integrity to our immigration system, and I believe it is within our grasp to do so. But I am not going to support the legislation that is before us now. It is just not good.

The question about amnesty and where we are arises from the nature of the provisions in the bill that passed the Judiciary Committee. I don't know what to call it. I guess it is the Kennedy-Specter bill. Senator SPECTER's bill, though, that he offered and we began with, did not do the unprincipled things that this compromised bill does.

Senator FRIST, the majority leader, has offered legislation that does not create a direct path to citizenship for the entire illegal alien population. His bill didn't do that. The original Specter bill did not create a new or direct path to citizenship for illegal aliens. Before the committee markup, the Specter bill would have given illegal aliens working in the United States a temporary work permit, renewable every 2 years as long as the individual was working.

We still don't have the language that passed out of the Judiciary Committee. I know Senator COBURN has been around Congress for some time, and he serves on the Judiciary Committee with me. We still don't have the language we voted on Monday. I don't know for sure exactly what it is, but we sure should not be passing a piece of legislation when we haven't even had a chance to read it.

But in the committee, a complete amnesty program was adopted for the illegal alien population and large, new permanent immigration programs were created for low-skilled workers. The committee bill, as reported, creates a direct pathway to citizenship for aliens who have broken our laws.

You will hear claims that this bill is earned adjustment, earned citizenship. Those are descriptions, but they are misnomers. This bill really is—in the sense that we have been talking about it for several years now as a part of an American dialog, in every sense of what people mean by amnesty—it is amnesty. If it is not amnesty, it is the same thing as amnesty. That is what it is.

There are four different amnesty provisions in the bill. These four amnesty programs are what you are voting for or against when you vote on the Judiciary Committee bill. Let me clearly describe to you the breathtaking enormity of the four programs that I believe clearly constitute amnesty in the Judiciary Committee bill.

Element No. 1, the committee bill takes every illegal alien in the United States who pays $1,000 and was employed before January 7, 2004—whether full time, part time, seasonally or self-employed—and puts that person on a direct path to citizenship. The family of the illegal aliens, their spouse and children, would also be given amnesty, even if they are not already in the United States. They would now be able to come and come legally.

How will it be given out? How do you get on this direct path to citizenship? What is required of the person who seeks it? The truth is that other than illegal presence in the United States, very little is required.

We have been following very carefully the draft of the bill that we were provided and that we had as we voted on this legislation in Committee. The final passed version, however, is still being cobbled together, but I am confident that what I'm saying is accurate with regard to these issues.

All illegal aliens present in the United States before January of 2004, who have worked illegally here since then for any amount of time, will first be given an H–5B nonimmigrant status, good for 6 years. They are made legal for 6 years. Their spouses and children will be given the same status. After 6 years and another $1,000 fine, the aliens and their families will get green cards if the alien has been ''employed in the United States, either full time, part time, seasonally, or self-employed, or has met educational requirements.''

The education requirement is as broad as being in a 1-year vocational work program at ''an institution of higher education.''

These requirements are very broad.

A self-employed person could be someone who worked 1 day a year, and there is no limit on that definition. A person who meets the work requirement through education has to prove that they had full-time attendance in as little as a 1-year educational program, not that they completed any educational program.

Additionally, the work requirement and education requirement for the green card are completely waived if the alien is under 21. After getting the green card, illegal aliens will be able to apply for citizenship like any other lawful permanent resident. They are put in the same status as the people who came here legally.

To satisfy the work requirement of being employed in the United States, either part time, seasonally, or self-employed, the bill states that an alien can conclusively establish his work history in the United States either by, one, presenting records maintained by one of the following: Social Security Administration, IRS or any Federal, State or local government agency or employer, a labor union, a day labor center, and ''organizations that assist workers in matters related to employment,'' or presenting two of the following: bank records, business records, sworn affidavits from nonrelatives or remittal records.

However, the documents listed that conclusively establish work history are not even really required.

Later on, the bill states that the burden of proof that the alien must meet to qualify is even lower than that. It says: ''The alien has a burden of proving by a preponderance of the evidence that the alien has satisfied the requirements. An alien must meet such burden of proof by producing sufficient

evidence to demonstrate such employment as a matter of reasonable inference.''

Reasonable inference? That is not a proof standard. It is a situation that allows everyone to qualify.

Why would we want to do that?

The bill then states: ''It is the intent of the Congress that the work requirement be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.''

It is not that hard to prove you have worked. If you work for an employer, you can get the employer to provide a statement that you worked for them even if you don't have pay stubs. It is not that hard.

This basically obviates any requirement of proof and allows anybody to qualify.

I am just telling you that is what is in the bill. I wish it were not so. I am not making this up. I am reading to you what is in the bill.

The work standard is not a work standard at all. In fact, the bill basically says that Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work.

This is an open invitation to fraud and will prevent Department of Homeland Security from vetting out fraudulent applications.

It is a perfect example of why our immigration laws are so messed up.

We have placed so many difficult obstacles in front of agencies that are required to enforce them that they have become utterly unenforceable.

We say that we have a work requirement, and then we say it can be seasonal, it can be part time, and it can be self-employed. Then we say just about any records you can produce, or that you conjure up will be sufficient. But if you do not have records and you have a reasonable inference that you worked, they must let you qualify.

Basically, that is what the Department of Homeland Security office is going to do. They are going to accept anybody's application. There is no way you could object to it. This standard appears to be a standard but is not one at all.

What about waiver of the work requirement? What if you have not worked since January of 2004 and did not work before then. Does this bill leave you out? Does it mean you can't be a citizen now? Can you qualify for this type of amnesty? The answer is still yes.

Even if you are an illegal alien who has never worked in the United States and cannot produce any evidence to reasonably infer that you have worked illegally in the United States, you and your family can get on the bill's direct path to citizenship. You get automatic amnesty, no requirement to prove work.

If you have full-time attendance at an institution of higher education—graduation is not required—full-time attendance at any secondary school, as defined by State law, or you are a minor under the age of 21, what does qualifying for amnesty get you?

The mere filing of an application for amnesty triggers the following things: Employment authorization for the alien, the alien's spouse and children, permission to travel abroad and return to the United States, protection from being detained, determined inadmissible or deportable or removed pending final adjudication of the alien's application for adjustment of status.

Only future conduct or a criminal conviction removes these protections.

Additionally, if you have already been ordered removed from the United States or if you are subject to mandatory detention for a criminal conviction, the Department of Homeland Security has to give you the opportunity to show you are eligible for amnesty before you can be removed.

This will simply freeze the entire detention and removal operation of the Department of Homeland Security.

If you are legally here in January of 2004 because you got a work visa before you came to the United States, you will not get the benefit of this amnesty.

Repeat that: If you are legally here because you got a valid work visa or permit before January of 2004, you do not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

So we are only giving you a direct path to citizenship if you first broke our laws. If you came here the right way and did not break the law, you are out of luck. No new path to citizenship for you.

They say this is a guest worker program.

The second major part of Specter-Kennedy substitute amendment—that was an amendment that was substituted for the original Specter bill in the past—is a new program for bringing low-skilled workers into the United States, in addition to illegal aliens already doing these jobs. The program puts them on a direct path to citizenship. It is a new program.

The new program would bring 400,000 low-skilled workers per year into the United States on a 3-year work visa. This visa is renewable for 3 years. It is essentially a guaranteed entry for 6 years to work in the United States.

This 400,000-per-year cap is supposed to be limited, they say to 400,000. This is several times what the cap is today. I am mistaken—several times this 400,000 is how many will be allowed to come in under an illegal system. But the cap that purports to be is completely artificial. If the cap is reached and actually 400,000 come in that year and an additional 80,000 visas can be given out that year, the cap will go up automatically the next year as much as 20 percent. By the sixth year this program will immigrate 2.4 million new low-skilled workers, at a minimum, into the United States.

On day one, when the worker arrives in the United States, the employer can sponsor the alien for a green card. It gives them legal permanent status. Normally the employers or family members sponsor the alien before they have the right to permanent entry and a green card. But this is a major change. The person can sponsor himself and make his own application. So after 4 years of work, the new immigrants can self-petition for a green card and then be eligible for citizenship.

Normal grounds for inadmissibility, except for the most serious crimes on national security grounds, can be waived for a fee of $1,500. All legal permanent residents are eligible for citizenship after 5 years. All legal permanent residents, green card holders, after 5 years, are eligible for citizenship. If they have not been convicted of a felony, if they have basic English skills, they can become a citizen automatically. People all over this country and all over the world are waiting and hoping to be able to be selected to be able to come to the United States following the laws and rules.

To be eligible to come to the United States under this low-skilled immigrant worker category, the alien is merely required to pay a $500 application fee, undergo a medical examination, and show they are capable of performing the labor or services required, and have evidence of employment from ''employers, employer associations or labor representatives.'' Those are probably some of the people who have been leading these protests the last few days.

Under the bill language, you can qualify for this new program and come to the United States as a low-skilled immigrant even if you were in removal proceedings and signed a voluntary departure agreement but never left, or you were already removed from the United States and illegally reentered. If you had been removed and illegally reentered, you are eligible.

One might ask, why does this program cover these people? I thought the program was for people who wanted to come to the United States to work in the future, not for those who are already here. This provision is specifically designed to make sure that illegal aliens who are not covered by the bill's amnesty provisions because they did not work in the United States prior to January of 2004, or because they were not legally present in the United States on that day, are not left without a direct path to citizenship also.

This bill covers everybody. It should be called ''no illegal alien left behind.'' I am not exaggerating. It is fixed so that if they are not covered under this ''magic'' date, January 7, 2004, they are covered under the new exemptions of the 400,000 people per year.

Element three, the Dream Act. That was brought up several times. It never moved in the Senate. But boom, in 2 minutes, Senator DURBIN offered the

Dream Act and we voted on it in committee Monday afternoon as an amendment to the bill. It took him less than 2 minutes to get it in the bill as an amendment.

The Dream Act does two things. It grants amnesty to an unlimited number of illegal alien minors who graduate from a high school and enroll in college or the military for at least 2 years, or who perform hours of volunteer work, or who can show ''compelling circumstances for the inability to do any of those three,'' and, two, eliminates United States Code section 1623 which I will describe below, thus allowing all illegal aliens enrolled in college to receive in-State tuition rates.

This means that while American citizens from Tennessee, Georgia, South Carolina, Massachusetts, have to pay out-of-state tuition rates if they send their kids to the University of Virginia or the University of Alabama, people who have illegally immigrated into this country do not.

How much sense does that make, to have people here illegally and they have more benefits than those who are here legally? Instead, they receive educational benefits paid by the taxpayers of Virginia and Alabama for in-State residents. I do not mean to suggest in any way there are not good kids out there. We need to figure out a way to accommodate them and work with those who have come here illegally. Maybe they came here a long time ago. Maybe they came here illegally as a junior or senior in high school. They came across the border and now they want to be on a direct path to citizenship.

I am not saying we should not wrestle with how to treat them in a generous way, but should we give them more rights than we give to American citizens? When you do too much of this and you work at it too hard, pretty soon you end up with a mockery of law, an unprincipled bill that cannot be defended, and we are in the situation of wondering why would you want to bother to try to come into the country legally. Why not come illegally?

So the Dream Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, to legal permanent resident status, to citizenship.

First, the illegal aliens who came here before age 16 and have been here for 5 years will be given conditional permanent residence through cancellation of removal if they have been admitted to college or have a GED or a high school diploma. So if you get your high school diploma or get yourself into college somewhere, whether you are passing or not, then you qualify for cancellation of removal.

Step two, after 6 years, the alien will then be eligible to apply for a green card if they have attended 2 years of higher education, served 2 years in the military, performed 910 hours of community service for an organization that receives funds under the Combined Federal Campaign, or prove an extreme and unusual hardship, and you have good moral character and do not have a deportable offense. It is a guaranteed step forward if you do not do something wrong and get yourself convicted of a felony.

After 5 years, those green card holders can apply for citizenship and cannot be denied if they meet the basic standards of English and have no criminal history. Current law provides ''that an alien who is not physically present in the United States shall not be eligible on the basis of residence within a State or a political subdivision for any postsecondary educational benefit unless a citizen or national of the United States is eligible for such benefit in no less amount, duration and scope, without regard to whether the citizen or national is such a resident.''

That is basically the law we passed several years ago, I think before I came to Congress. It said if you are here illegally, you do not get in-State tuition.

We are going to reverse that. Congress just passed it 8 or 10 years ago. The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-State tuition without affording out-of-State students the same opportunity. Thus, the University of Alabama could offer in-State tuition to illegal alien students while requiring citizens residing in Mississippi to pay a much higher tuition rate. In fact, that is being done probably in violation of law in some areas right now.

Allowing all the illegal aliens enrolled in college to receive in-State tuition rates means that while American citizens from the 49 other States have to pay out-of-State tuition rates to send their kids to the University of Alabama or Virginia, people who have illegally immigrated into this country might not. Out-of-State tuition rates range from 2 to 3½ times what in-State tuition rates are. It has always struck me that one of the things you do to encourage people to come here legally and abide by the law, is not give benefits to those who come illegally. It is one thing not to prosecute them; it is one thing not to take them out of the country; but to give them benefits that people who do the right thing get? We should not do that. It is bad policy.

So what about loans in the DREAM Act? I think this is still in the bill. We have not had a chance to see all of language. This was in the DREAM Act originally. I do not know if it is still in there under the Judiciary bill, but I assume it is. Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible noncitizens receive Federal student financial aid, including Pell grants and Stafford student loans. That is part of the 1965 act.

The committee bill will add illegal students, illegal alien volunteers, and illegal alien military members to the list of people eligible, by changing their immigration status to that of a legal permanent resident. This change in status would make them eligible for Federal financial aid. Pell grants and Stafford loans currently comprise 85 percent of postsecondary student aid available to citizens and eligible noncitizens. In fiscal year 2002, 8.8 percent of the individuals receiving Pell grants were eligible noncitizens over 380,000 people.

We want to help people and be generous. But if you are in an illegal status, I do not see why there is an obligation to give the same extra benefits that you do to those who are lawfully here.

Pell grants. The Federal Pell Grant Program is the single largest source of grant aid for postsecondary education funded by the Federal Government. There is already a current fiscal year Pell grant shortfall of over $2.5 billion. We have done a lot of different things to try to get money as high as we can get it this year. The fiscal year 2003 estimated program costs are approximately $12.5 billion. The annual appropriations is $11.4 billion. Now we want to open up Pell grants to illegal aliens?

Although Pell grants are a discretionary program, the cost of increasing the number of eligible recipients in an award year is considered direct spending, when the appropriations and maximum grant award for that year are already set in law and a payment schedule is published. Thus, we could be facing a budget point of order with this bill. In other words, since in a number of these instances the right to have a Pell grant for qualifying persons is an entitlement, making more people eligible for this entitlement could subject this bill to a budget point of order.

The Congressional Budget Office estimates that 58,500 additional Pell grants would have been given within 1 year if last year's DREAM Act had passed, with an average grant being $2,420. How many people do not get a dime who try to send their kids to college, out of State maybe, people who have worked hard all their life, middle-class Americans? They do not get a dime. But somebody who is here illegally gets $2,400? I do not think that is fair. I do not think that is being insensitive to legitimate interests of people who want to come to America, who want to participate in the American dream, or is inhumane in any way.

What about Stafford loans? The Congressional Budget Office estimated under last year's DREAM Act—the one that was offered last year but did not pass—65,000 would enroll during the first year and meet all other criteria. Because 1 in 10 students borrow student loans, the student loan costs would increase by $22 million per year over the 2003-to-2012 period.

While we were going about our business in committee, the AgJOBS bill was offered as an amendment. Well, we had a big fight on the AgJOBS bill last year. It was offered on the floor of the Senate. Senator SAXBY CHAMBLISS of

Georgia, chairman of the Agriculture Committee, opposed the bill, offered a number of important amendments that I thought made it far more sane, far more appropriate, and the bill did not pass, after a great deal of debate.

Well, in about 15 minutes, in the committee, Senator FEINSTEIN offered the AgJOBS bill to the Specter bill, the committee bill. It was a 106-page amendment. It put 1.5 million illegal alien agriculture workers on a direct path to citizenship—just like that.

How does it do it? After the Feinstein amendment, 1.5 million illegal alien workers who pay a $500 fine and demonstrate they worked in agriculture for 150 workdays in the last 2 years will be given blue cards and will be allowed to stay in the United States. Because a workday is defined as 1 hour of work per day, an alien who worked in agriculture for only 150 hours—there are 168 hours in a week—over 2 years will qualify. So if you work 150 hours over 2 years, you qualify.

Spouses and children of illegal alien agriculture workers also get legal status and work permits, and they are not limited to working in agriculture either.

The blue card holder is eligible for a green card in two ways: after 3 years of 150 additional workdays—1 hour per day is all that is required—per year or after 5 years of 100 additional workdays per year.

Then, what about citizenship? For these who come here illegally, and they work 150 hours, what happens as to their citizenship? Even though they came here illegally, are they put on the path to citizenship? Yes. All legal permanent residents become eligible for citizenship after 5 years.

On May 18, 2004, the Washington Times published a column by Frank Gaffney, president of the Center for Security Policy, titled ''Stealth Amnesty'' dealing with the AgJOBS bill when it came up back in 2004. The article correctly summarized the AgJOBS bill when it said this:

> By the legislation's own terms, an illegal alien will be turned into ''an alien lawfully admitted for temporary residence,'' provided they had managed to work unlawfully in an agricultural job in the United States. . . .Once so transformed, they can stay in the U.S. indefinitely while applying for permanent resident status. From there, it is a matter of time before they can become citizens. . . .
>
> If any were needed, [the AgJOBS bill] offers a further incentive to illegals: Your family can stay, as well. Alternatively, if they are not with you, you can bring them in, too—cutting in line ahead of others who made the mistake of abiding by, rather than ignoring, our laws.

What about the safe harbor provisions? Under the AgJOBS bill, which was added to this committee proposal without much debate, an illegal alien is undeportable as soon as the amnesty paperwork is merely filed. So if you file your amnesty paperwork and you are otherwise deportable, it automatically stops. No adjudication of the application is necessary to kick start the legal status of the illegal alien.

Once an alien receives a temporary work visa, it never expires unless the worker is otherwise deemed deportable or applies for permanent residence and is denied. There is nothing temporary about a single temporary work visa lasting indefinitely. It is not temporary. The alien's blue card status can only be revoked if the alien is determined to be deportable, the blue card was acquired through fraud, the alien is convicted of a felony, three or more misdemeanors, or an offense which involves serious bodily injury or damage to more than $500 of property.

What about all the legal stuff that gets involved with this? How do you prove all this stuff? The AgJOBS amendment even goes so far as to provide free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of ''funds under the Legal Services Corporation Act'' shall not be prevented ''from providing legal assistance directly related to an application for adjustment of status under this section.''

Not only will the AgJOBS bill give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bill of those 1 million illegal aliens.

We are going to work on something here. We are going to pass some legislation—if not this year, soon—that will work through all these difficult human issues and treat people in a fair and just way. Nobody is proposing that we do not. I mean that. There is a consensus in this Congress that it is time for us to fix this problem, to deal with the 11 million people here illegally, to allow more people to come legally, and to shut down the border and stop people from coming illegally. But this legislation does not do that.

People say: I want to vote for something. I want to fix it.

Don't vote for this bill. It will not fix it. Not only does it give amnesty to 1.5 million illegals, it would have the American taxpayer pay the legal bills of the 1 million illegal aliens.

What about the H2A farm workers? The sponsors of the AgJOBS bill will have you believe that farmers want the AgJOBS bill. They say: This is for agriculture. It has to be done. If you don't do this, the country is going to collapse. Maybe that is the case in the District of Columbia where the national groups get to write the letters and speak for their farmers and come in and tell us what farmers want, regardless of what the individual farmers have to say. One of those people talked to me about it.

I said: That may be your opinion, Mr. Farm Leader, but if you took a poll of the farmers I know in my home State or the Presiding Officer knows in his home State, I will bet you 80 percent of them would agree with me that this is not a principled way to do business. This is not the right way to do business. We are not here to serve agribusiness. We are here to promote the national interests of the United States, to create an immigration system consistent with our generous values, and a legal system that will work, not to reward those who violate the law but provide the benefits to those who follow the law.

Last year when we debated this bill, I received an open letter from the Southern Farmers Coalition. The letter is signed by a list of organizations and individuals who participate in the H2A program. The letter says: Overwhelmingly, the majority of H2A program users in this country—the list of signatories is expansive, including the North Carolina Growers Association, the MidAtlantic Solution, Georgia Peach Council, Ag Works, the Georgia Fruit and Vegetable Growers Association, the Virginia Agricultural Growers Association, the Vidalia Onion Business Council—I like Vidalia onions—and the Kentucky-Tennessee Growers Association. They all signed this letter. The cover page of the letter, contrary to what some national agricultural experts say, says this:

> Farmers in the southern United States are opposed to S. 1645—

the same bill being offered as an amendment today, as part of this bill—

> introduced by TED KENNEDY and LARRY CRAIG. It is an amnesty for illegal farm workers. It does not reform the H2A program. Please oppose this legislation.

These are the farmers who are supposed to be helped by it. That is what they say about it: ''Please oppose this legislation.''

The text of the letter, which asked me to stand up and fight against this legislation, states:

> Ag JOBS is nothing more than a veiled amnesty.

I am reading this letter from the farmers themselves.

> Ag JOBS is nothing more than a veiled amnesty. While everyone, it seems, agrees that the H2A program desperately needs reform, this legislation does not fix the two most onerous problems with the program—the adverse effect wage rate and the overwhelming litigation brought by legal services groups against the farmers using the H2A program.

That is what the farmers told us. The letter goes on to say:

> The Craig-Kennedy-Berman reform package provides a private right of action provision that goes far beyond legitimate worker protections and expands legal services attorneys ability to sue growers in several critical areas. These lawyers, who have harassed program users with meritless lawsuits for years, will continue to attack small farmers under the new statute. Supporters of the Craig-Berman legislation have endorsed this alleged reform, believing, in a misguided fashion, that it will bring stability to the agricultural labor market. It will not. It will create greater instability. As the illegal farm workers earn amnesty, they will abandon their farm jobs for work in other industries. Many of the attached signatories have been actively involved in negotiations surrounding this legislation. The following groups have broken ranks with the American Farm Bureau, the National Council of Agricultural Employers, the Agricultural Coalition for Immigration Reform, and the American

Nursery and Landscape Association to oppose the legislation because those groups have decided an amnesty is more important than legitimate H2A reform. You are likely to hear that the majority of agriculture supports this bill. The industry, in fact, is split. History has demonstrated that the amnesty granted under the Immigration Reform and Control Act of 1986 was a dismal failure for agriculture employers. Farm workers abandoned agricultural employment shortly after gaining amnesty and secured jobs in other industries.

Of course, they did. So why should we pass this Judiciary bill, what I guess we can call the Specter-Kennedy package?

Who supports the amendment? I know who supports the amendment. The national lobbying groups are really out of touch with the desires of the American people and the desires of farmers and the desires of those who want to see a good and decent system created.

I don't believe I am out of touch on this issue. I believe I know what average American citizens and farmers want. They want real immigration reform that guarantees the laws we pass will be enforced and that people who do not honor our immigration laws will be punished, not rewarded with worker visas and green cards. So I strongly oppose the Specter-Kennedy bill that came out of committee, and I hope my colleagues will join in that.

Now, earlier, Senator LEAHY said that the 1986 bill Congress passed was amnesty. He said it was amnesty, and he admitted it was. ''Blacks Law Dictionary'' says that the 1986 bill was amnesty. It is the very definition of amnesty.

By the way, when we passed that bill, it was supposed to fix the immigration problem. As I explained and talked about this morning, that is a very important concept. So the deal in 1986 was that we were going to give amnesty to 1 million people who we thought were here illegally. We now think there are 11 million here illegally. We are going to give amnesty to those, and we are going to create a legal system that encourages people to come legally and we won't have this problem again. Those who were dubious about it said: No, this amnesty would encourage more people to come illegally, but the pro-amnesty crowd won out and they passed the legislation and it became law.

Well, what happened immediately afterward? It wasn't 1 million people who showed up to claim amnesty; it was 3 million—three times as many. I don't know how many will show up this time. Will it be 11 million or 33 million? Probably not 33 million, but I would not be surprised at all, based on our history, if we would have a good many more show up and claim amnesty.

Six years after the bill passed, the Congress, in a very unusual action, voted to form a commission to review the legislation to see if it worked. The commission, a bipartisan professional commission, did a study and said it was a failure. It did not work, did not do what it was supposed to do.

Well, the Citizenship and Immigration Services tried to say that 1986 was not amnesty. But everybody has agreed it was. CIS later explained what the 1986 bill did. I would like to go over it with you because this current bill does the very same things. It is just not disputable. So if we have any understanding of what an amnesty program is, we have the 1986 act to give us a guide. It says:

The legalization program was not amnesty, but a targeted program that balanced the offer of legalization with stringent requirements.

This is how they defended this problem.

Legalization of applicants had to: prove to INS adjudicators that they had resided in the U.S. since January 1, 1982—

I went over with you how this bill said you had to be here since January 2004. If you came after 2004, you could still get in. That is a real stringent standard. You had to prove you resided there before that day—

pay a $185 fee—

We upped it to $1,000—

for principal applicants, $50 for each child, with a $420 family cap; accept ineligibility for most public benefits for 5 years after application—

We don't even do that in this bill. It says you could not go on welfare for at least 5 years. We did that in 1986. That is not in this bill today—

and complete an 18-month period of temporary residency. After that, and only after successfully completing an English language and civics requirement within a year-long one-time window—

Which is a very low-grade test for the most part—

and the payment of an $80 fee per applicant (with a $240 family cap) they were eligible to apply for permanent residency. In exchange, the applicant would be authorized to work, travel, and after becoming a permanent resident, petition for the immigration of certain family members.

They could bring family members in from out of the country to join them. Then, of course, once you become a permanent resident, it is a matter of 5 years to become a citizen, if you have not been convicted of a felony and you can speak English. I don't want to be demagogic and say this is amnesty, amnesty, amnesty, and vote against the bill. I am saying that everybody agreed that 1986 was amnesty, and it did not work.

Everybody I hear publicly talking about this bill says it is not amnesty. Senator KENNEDY, I think, used the word ''lie'' after I said it was amnesty this morning. I think I have demonstrated that it is precisely the same scheme that was used in 1986, which we proved didn't work. If that is not amnesty, what is? Senator LEAHY defended the bill and said it is not amnesty. President Bush said he doesn't believe in amnesty. All he believes in is immigration, and he wants us to do better and be as generous as we can possibly be. But he doesn't believe in amnesty.

Scott McClellan, yesterday at the press briefing he does for the President, said that the President believes that a direct path to citizenship is amnesty, and he opposes that.

This bill provides a direct path to citizenship for people who came to this country illegally. That is just the fact. If we want to have people say it is not so, we will keep talking about it every day this week. That is all I am saying. I wish it weren't so. It is not necessary that we do that. We can provide a humane and decent way to give people full opportunities to live and progress in our society without giving the people who come here illegally benefits over those who wait in line and come legally. That is what it is all about.

So I will just say that, in this rush to move a bill through and to prove that we care, we have not thought it through. We spent 5 days in markup in the Judiciary Committee, and about 4 of those days we really spent some time dealing with enforcement and border issues. We talked about them in some depth. We went over the wording of the statutes with some care. We debated single words. Senator DURBIN, who is here, is a great lawyer. He made some points, being the skilled lawyer he is. We changed words and did all kinds of things.

But when we got to the last day, Monday, they offered an AgJOBS bill, with over 100 pages, in about 15 minutes, and it passed. We still had not seen the draft of it. During the debate in our committee on how to handle the 11 million people in a decent, fair, and just way, to not remove them or make them all leave this country in a permanent way or to abuse them or prosecute them, but how to handle this in a logical, sane way—we spent almost no time on it.

I urged the committee to stay with the enforcement matters like the House did. Let's start hearings immediately and get the best minds in America. Let's find out who these 11 million people are, their desires and wishes; what would be a good and principled way to deal with them; who we should let into our country in the future; what standards should we use; should we have unlimited numbers come in for low-wage jobs and have limits on the high-wage people? Is that logical, what we want to do?

How many more people do we want to allow into our country legally? This bill will allow every year, annually, at least 400,000, and that number can increase every year, forever.

I wish to make one more point, and this is where the American people have to watch this Congress. If we pass this amnesty legislation, if we pass the legislation that makes all these status changes and makes them into law and they become law, that becomes a permanent decision of this U.S. Congress.

But what about the promises that we are going to have enforcement? I offered an amendment in committee that was accepted to add 10,000 detention beds. That probably is not nearly enough, but it would make a big difference. That was accepted. I offered an amendment to increase the number of Border Patrol agents. It probably is not a large enough number, but it would ramp it up faster than the plan was, and that was accepted.

Then it hit me. I have been in the Senate long enough, and I should have been more alert. This is an authorizing committee. The Judiciary Committee is an authorizing committee. We know what happened in 1986. They granted amnesty, they gave everybody amnesty, and they promised in the future they were going to fund an enforcement mechanism, but they didn't do it. It was the bait and switch.

So what did we get? We got an authorization to step up enforcement on our borders, but we didn't get the money to do it. We don't have it yet. Who is to say we won't have a slowdown in the economy next year, and they will cut the money, we will never get the enforcement, and we will still have large numbers coming into the country illegally. That is a big concern to us.

We need to tie this issue down so that we know and the American people can have confidence that the enforcement mechanisms will work and will be funded. That is why the House took the approach they did.

I again say it is not true that those of us who oppose this bill oppose immigration. It is not true. We actually, at least as far as I am concerned, need to increase the numbers that come here legally. It is not true that we want to prosecute people.

What is true is that it is important for our Nation to create a humane, fair, and just way to deal with the people who are here illegally and to make positive and thoughtful decisions about how we want to handle immigration in the future. I do not believe this bill does that job. It is not something I can support. I hope the Senate will not support it. We will see a number of amendments that can make it better. I hope our Senate colleagues will study the legislation and inform themselves of the great issues at stake so we can fix it.

I yield the floor.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO CASPAR WEINBERGER

Mr. HAGEL. Madam President, yesterday America lost one of the preeminent public servants of our time when former Secretary of Defense Caspar Weinberger passed away at the age of 88.

An inventory of Cap Weinberger's service to our country is a tribute to his patriotism. He served in the Army in World War II. He oversaw the State of California's finances for Governor Ronald Reagan. That was during the 1960s. He served under Presidents Nixon and Ford as Chairman of the Federal Trade Commission, Director of the Office of Management and Budget, and as Secretary of the Department of Health, Education, and Welfare. He again served Ronald Reagan as our country's 15th Secretary of Defense, from 1981 to 1987.

Cap Weinberger understood America and he understood the American military. As Secretary of Defense during the tipping point of the Cold War, he led an unprecedented rebuilding of an American military that had been demoralized and devastated by Vietnam.

His legacy was the most professional and technologically advanced military the world has ever known. He knew we needed the world's best military not because we wanted war but because we wanted to prevent war.

I was struck by an excerpt from Cap Weinberger's memoir ''In The Arena,'' published in the Washington Post this morning. It said this:

> Some thought it was incongruous that I did so much to build up our defenses but was reluctant to commit forces abroad. I did not arm to attack. . . . We armed so that we could negotiate from strength, defend freedom, and make war less likely.

Cap Weinberger stands out as the model—the model—of what a Secretary of Defense should be. When I was president of the World USO in the late 1980s, I had the privilege of working very closely with Secretary Weinberger. As a Senator, I sought often his wise counsel and sound advice. Without fail, he was always candid, thoughtful, and generous with his time and, I would say, always correct in his analysis.

All Americans owe this great patriot our gratitude and deepest respect. We have much to learn from the lessons of Casper Weinberger's service to his country and his exemplary life. Lilibet and I offer our thoughts and our prayers to Secretary Weinberger's family, as I know do all Americans.

Madam President, I yield the floor.

TRIBUTE TO HERB TOBMAN

Mr. REID. Mr. President, I rise today to honor the life of Herb Tobman, who passed away on Tuesday. Herb was from a different era of Las Vegas. The town was a lot smaller then, and everyone knew him as a successful businessman and a community leader. What impressed me most about Herb though was his quiet generosity that impacted the lives of countless Nevadans. I know that Las Vegas would not be the place it is today without Herb Tobman.

I first saw Herb as a preteenager at Squires Park ballfield. He played fastpitch softball in the Horseshoe Club championship league with my brother Dale. His athletic accomplishments were widely known: Herb was a high school all star in every sport. He was a champion handball and racquetball player, and later he went on to play professional basketball.

Herb was born in the Bronx in 1924. In the 1950s, Herb moved to Las Vegas, where he secured a $1,200 loan. This small sum allowed Herb to open City Furniture Exchange, the first used furniture store in Las Vegas. The business thrived, and it was a Las Vegas landmark for more than 25 years.

His success as a businessman led Herb to start Western Cab Company in 1965. Herb started with one cab, and ended with more than 134 taxicabs and 355 employees.

Soon after, Herb took his business acumen to the gaming industry. He was an associate of Moe Dalitz, the developer of the original Desert Inn Hotel and Casino. Herb helped develop the Sundance Hotel and Casino in downtown Las Vegas. Before the modern Las Vegas casinos were built, the Sundance was the tallest building on the Las Vegas skyline. In addition to these accomplishments, Herb also managed the Marina, Fremont, Aladdin, and Stardust resorts. Herb was known throughout the industry for his kindness and generosity to his employees.

In addition to his business accomplishments, Herb was also an active participant in Nevada politics. In 1986, he ran in the Democratic gubernatorial primary against incumbent Richard Bryan. Instead of using his wealth to fuel his political aspirations, Herb limited contributions to $10 per individual. Needless to say, those limits put him at a competitive disadvantage, but Herb still managed to receive more than 15 percent of the primary vote. The vote total is a testament to Herb's reputation throughout the state.

Accomplishments in business and politics would be enough for some men, but it was not enough for Herb. From an early age, Herb learned the importance of giving back to his community. Herb never sought recognition for his efforts, but he impacted almost every life in southern Nevada.

Every year, during the holidays, Herb anonymously fed hundreds of homeless individuals in Las Vegas. He helped local children with their college expenses, and he helped people who were down on their luck. No challenge was too great. If Herb knew you needed help, he was there to provide it oftentimes unknown to his beneficiaries. I needed help on several occasions, and Herb was always available. Herb was my friend and I will miss him very much.

There are many successful individuals throughout Nevada, but very few had the sense of community of Herb Tobman. Nevada is a better place because of Herb.

THE VALUE OF SERVING OTHERS

Mr. REID. Mr. President, Cameron Ball of Henderson, NV, recently delivered a moving speech on the value of serving others to the Coronado High School Honor Society. Over the past year, Cameron and the student body of Coronado High School have worked tirelessly to improve their community. Many of these students will enter college next year, but I hope they will keep Cameron's speech close to heart; service is a lifelong pursuit, and we all have an obligation to help others. I congratulate these students on their accomplishments for Coronado High School and Henderson, NV.

I ask unanimous consent Cameron Ball's speech be printed in the RECORD.

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

SPEECH TO 2005–2006 INDUCTEES OF CORONADO HIGH SCHOOL'S NATIONAL HONOR SOCIETY

Throughout the year, you have all proved yourselves involved, caring, and crucial parts of our community. If we were to have taken turns volunteering, one at a time, we would have performed community service for more than a year. Although this is a formal recognition of all your hard work and service, you must all remember that dedication to a cause does not end here, but it is a lifelong process. Induction into NHS does not directly make your deeds significant, and stops short of granting you success in life. Induction into this club provides you with the experience you will need to launch yourself into greater tasks. Emerson wrote: ''The only reward of virtue, is virtue: the only way to have a friend, is to be one.''

Induction into National Honor Society is not a life-defining moment, but an infinitesimal instant in a continuum of time. The significance of this club and its actions, your actions, will seem to fade over the years. Spent will be the money we worked so hard at raising from Hip Hop 4 Hearts; the smiles we have put on the faces of those whom were fed, clothes and given gifts will have waned. The tangible accomplishments of this club will vanish gradually like footprints in the sand. Instead, thoughts of college life will fill your mind; money will still be sorely needed the world over; and everywhere, pariahs of humanity will hide in obscure poverty, waiting to be lifted from the black pit of circumstance.

Nevertheless, our actions and intentions have not been in vain. NHS has not immortalized the happiness of an individual. That would be impossible. National Honor Society has catalyzed your involvement in a lifelong process: a journey of love; a wrestle with dignity; a mission to make a difference. The road that lies before you is intrinsically more important that what you have done with these past three quarters of your high school career. With your experience and whetted appetite to serve, you will find that it becomes easier to replenish the smiles on the faces of troubled friends and strangers. If you pledge yourself to improving the lives of others, you ensure that life continues. My life, taken alone, is meaningless. As soon as I become one with my community, I gain an identity: a purpose. I can do this by volunteering, donating the fruits of my labor to a worthy cause, or simply by giving everyone I see a smile. After all, ''a friend may well be reckoned the masterpiece of nature'' (Emerson). Deeds, both great and small, are never wasted. As Emily Dickinson wrote:

If I can stop one heart from breaking,
I shall not live in vain:
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin
Unto his nest again,
I shall not live in vain.

Your deeds have been exceptional thus far, and for that we recognize you here today. The next step in serving is to shed yourself of recognition for your actions. Give back to your community more than you take from it, and do so modestly. Do not boast of your accomplishments. Conceit never cured any illnesses. Lao Tzu, ancient philosopher, propounds: ''True virtue does not 'act,' and has no intentions . . . Know glory, but cleave to humiliation.'' By doing this, you will rally others to your side—kindle in the despondent, a flame of hope. Know your charge. Lift others to your side, and never push them down. As for yourself, transcend the grasps of hubris, and look to austere altruism for your guidance, albeit at times seemingly insignificant, for even the smallest action can change the course of history.

DEATH OF FORMER ESTONIAN PRESIDENT LENNART MERI

Mr. BIDEN. Mr. President, today I would like to honor the extraordinary life and legacy of the late Estonian President Lennart Meri. President Meri was an inspiration to his countrymen, a true friend of the United States, and a stalwart advocate for freedom. His passing on March 14, 2006, was a tremendous loss to the people of Estonia and the world.

Born in 1929 to the renowned diplomat and Shakespearean translator Georg Meri, Lennart's early childhood exemplified the plight of the Estonian people. Living in a country ravaged by war and subjected to the brutality of Soviet occupation, Lennart attended nine different schools and studied in four different languages. He was eventually deported from his homeland to Siberia along with thousands of other Estonians, Latvians, and Lithuanians. During his forced exile, he helped feed his family by picking potatoes.

President Meri experienced more hardship as a boy than most men do in a lifetime, but he was quick to turn his struggles into opportunities. In the course of his itinerant education he became fluent in French, German, English, and Russian. He also developed a tenacity that would serve him well throughout his life.

Lennart eventually came back to Estonia to study history and languages, graduating from Tartu University with honors in 1958. The Soviet Government prevented Lennart from working as an Estonian historian, but he again found possibility where others might have only seen discouragement. Instead of accepting defeat, he established himself as a writer, filmmaker, and dramatist, and used these avenues to preserve Estonia's national identity.

For over 20 years, the Soviet Union refused to allow Lennart to venture beyond the Iron Curtain. Ultimately, when he did travel abroad, he served as a lone, unofficial emissary of what was by then an almost forgotten country. He established contact with politicians and journalists, recounting the story of Estonia to whoever would listen. When the collapse of the Soviet empire finally freed his country, Lennart was able to continue representing his newly independent homeland as an Ambassador and Foreign Minister. Ultimately, Lennart served two terms as President of the country he had loved and championed for so long.

Lennart's accomplishments were myriad; he helped build Estonia's Foreign Service from the ground up, established strong ties with the West, and reached an historic agreement with Boris Yeltsin to end Russia's military presence in Estonia. Beyond these remarkable achievements, though, Lennart left behind a bequest of liberty that will endure along with the free nation of Estonia. I hope each of us will appreciate that legacy and continue working to advance the cause of freedom.

WOMEN'S HISTORY MONTH

Mr. JOHNSON. Mr. President, today I want to give a statement on Women's History Month. This is an important time for Americans to reflect on the invaluable contributions women make in our society. Women are our families, our coworkers, and our neighbors. They juggle many roles in making our homes, our neighborhoods, and our country stronger. Eighty million women in our country are mothers. Sixty percent of American women work at least part time. Nearly 2 million American women are veterans. More than 200,000 women are doctors, and more than 2½ million women are registered nurses.

South Dakota's own history is filled with women who balanced the needs of their families and their communities to make our country better. Mamie Pyle is one such woman. In 1902, Mamie's husband passed away when she was just 36, leaving her to raise four young children on her own. Not only did Mamie find a way to send all four of her children to college in the early 1900s, but she also led the South Dakota women's suffrage movement for a decade. Because of Mamie's determination, South Dakota ratified the national women's suffrage amendment in 1919. Mamie continued to serve her community as a member of the Huron College board of trustees for more than 40 years. In 1947, South Dakotans honored Mamie by naming her the State's Mother of the Year at age 81.

It is women like Mamie who teach South Dakota girls—and all of us—of the difference one person can make in our society and of the thousands of women who have made South Dakota the great State it is today.

This month we remember that women are our soldiers, our doctors, our social workers, our mothers, and our teachers. And we remember the women who came before them and made these roles possible. So many of

them are unknown to us, but our gratitude to all of them is no less real.

Women's opportunities continue to expand in South Dakota, in America, and throughout the world. They are leaders in South Dakota, taking on new roles every day in our communities. Cecelia Fire Thunder is one such woman. Cecelia is the first female president of the Oglala Sioux Tribe. She has fought to improve the education of her tribe's children and the health of her tribe's community. This is not Cecelia's first role as a caregiver to her community. Before becoming president, she was a nurse and healthcare provider.

Yet even as we celebrate South Dakota's women of yesterday and today, we live in uncertain times for women. As we honor the women who have helped us throughout history and those who make our country a better place today, it is imperative that we keep our promises to them.

As the 200,000 active American women soldiers return home, we must keep our promise to them to give them access to the health care they need. Four million women are battered in their homes in this country every year. We must keep our promise to them to fully fund law enforcement and violence prevention programs under the Violence Against Women Act. More than 2,500 children will be born into poverty today alone in this country. We must keep our promise to their mothers that every child in every community in this country will receive a quality education. One in four Native American women live in poverty. We must keep our promise to them to make their communities stronger with programs that provide access to quality, affordable housing under the Native American Housing Assistance and Self Determination Act.

And most importantly, when the women in our communities are vulnerable, we cannot abandon them. We cannot ignore their needs. When we know that the leading causes of death for women are heart disease and cancer—and the average fatality rates for South Dakotans with these diseases are higher than the national average fatality rates—we cannot cut Government support for research that will cure these deadly diseases as the current 2007 budget proposes. We as a community must stand by our promise to women to find a cure for these diseases.

This month we honor the women who protect our values in our homes, in our communities and overseas. This month we thank them for their sacrifices, their compassion, and their leadership. This month we renew our promises to them to continue building a safer, better, more just society for them, for their families and for all Americans.

IN RECOGNITION OF GERALD J. LEELING

Mr. NELSON of Nebraska. Mr. President, I rise today to recognize Gerald ''Gary'' Leeling for receiving the Colonel Paul W. Arcari Meritorious Achievement Award from the Military Officers Association of America—MOAA—on March 18, 2006.

I have come to know Gary through his service as minority staff director of the Senate Armed Services Personnel Subcommittee, of which I am ranking member. His responsibilities include recruiting and retention, separation and retirement, pay and benefits, personnel policies, military medical programs, and military officer nominations. Gary is highly deserving of this award for his strong staff work on numerous legislative initiatives affecting military people. Whether he is briefing me on pending nominations or changes to numerous defense programs, Gary does so in a professional and committed manner.

Before beginning his service in the Senate in December 1998, Gary was an Army Judge Advocate General's corps officer. During his 28 years of service in the Army, Mr. Leeling served as chief of the Administrative Law Division, Office of the Judge Advocate General of the Army; staff judge advocate for III Armored Corps, Fort Hood, TX; faculty, Industrial College of the Armed Forces; staff judge advocate for 2nd Armored Division, Fort Hood, TX; and deputy staff judge advocate for VII Corps, Stuttgart, West Germany.

Gary received a bachelor of science degree from South Dakota State University and a juris doctorate from the University of South Dakota. He is a graduate of the Judge Advocate General's Graduate Course, the Army Command and General Staff College, and the Industrial College of the Armed Forces.

I consider Gary a tremendous asset that the Senate Armed Services Committee is lucky to have, and I commend Gary on his accomplishments and thank him for his contributions to our country's servicemembers.

PASSING OF RAY MEYER

Mr. OBAMA. Mr. President, I rise today with sadness to note the passing of a college basketball icon, Ray Meyer, the longtime coach of the DePaul University Blue Demons. Mr. Meyer died on March 17 of congestive heart failure at age 92. Although we mourn his passing, I choose to celebrate the memory of a good and decent man and a quintessential Chicagoan.

Ray Meyer had a hardscrabble upbringing on the West Side of Chicago the youngest in a family of seven boys and three girls. His dad ran a wholesale candy business but died when young Ray was only 13. Finding an outlet in competitive sports—baseball, basketball, football, and wrestling—Ray Meyer started to make a name for himself at St. Agatha's Grade School, Quigley Preparatory Seminary, and St. Patrick's Academy.

Coach Ray's earliest mentoring skills led him to the love of his life—Margaret Mary Delaney—when a local priest cajoled Ray into assisting him with the St. Agatha's parish girls team. The ''Coach and Marge'' had a lifelong love affair in a marriage of 46 years that ended only with Marge's death in 1985 at age 72.

Earning a scholarship to Notre Dame under coach George Keogan, Ray Meyer had a distinguished collegiate career. He graduated on the honor roll with classmates including future Notre Dame president Theodore Hesburgh and future executive vice president Edmund Joyce. Graduating in 1938, Ray was the proud recipient of Notre Dame's Byron V. Kanaley Award for lettermen demonstrating the highest in academic achievement and leadership.

Following graduation, Meyer worked several jobs unrelated to his love of sports. Shortly after his marriage, Ray was offered the job of basketball coach at Joliet Catholic high school, but he refused when the school fell $100 short of his requirement for an $1,900 annual salary. But fate intervened when his former Notre Dame coach George Keogan suffered a heart attack and Ray was hired to fill in for the remainder of the 1940–41 season, staying on as an assistant to Keogan until 1942 when DePaul University came calling.

Early in his career, Coach Meyer was blessed with a bespectacled, gangly 6-foot-10-inch center named George Mikan. Mikan, who later was named the outstanding player of the first half of the 20th century, was awkward and inexperienced. Under Ray Meyer's tutelage and his own work ethic, George Mikan turned into a dominating force as one of the first true big men to excel at the college level.

In 1943, Mikan and his DePaul mates played in the 1943 NCAA tournament against the Georgetown Hoyas and a freshman reserve named Henry Hyde the same Henry Hyde who is just now serving his final term in the other body as a distinguished member of Congress from Illinois. In 1945, the Mikan-led Blue Demons won the National Invitational Tournament, which at the time was more prestigious than the NCAA tourney.

Coming to DePaul in 1942, Coach Ray stayed 42 years on the sidelines and another 13 as the colorful radio broadcaster for the games of the school he loved, then coached by his former player and son, Joey Meyer. Ray Meyer's list of coaching accomplishments is truly impressive: 724 victories at 1 school; 55 years of attending all of DePaul's 1,467 games; 37 winning seasons; an NIT title in 1945; NCAA Final Four teams in 1943 and 1979; and membership in the Basketball Hall of Fame. DePaul University recognized the role of Coach and his wife as ambassadors in its expansion to the largest Catholic University in the United States. DePaul named in its campus Fitness and Recreation Center after the coach and the floor at its home court, Allstate Arena, as the ''Ray and Marge Meyer Court.''

Coach Meyer was not only good, he was resourceful. For many years, his recruiting budget was minimal. Enticing promising players to come to a school in the shadow of the North Side ''L'' was difficult. Finding housing for players near a campus with little student housing at that time was also a challenge. Sometimes, the players were fed from the Meyer kitchen or some extra meal tickets at the Roma on the corner of Sheffield and Webster, where they could enjoy a great Italian beef sandwich. But Coach was imaginative and diligent. He used both qualities to establish and operate a basketball camp in Three Lakes, WI, for 55 summers.

Ray Meyer left an impact on all of his players. He had some great ones Mikan, Jim Lamkin, Howie Carl, Dave Corzine, Mark Aguirre, Rod Strickland, Terry Cummings, and Dallas Comegys, among others. But he had an incalculable impact on his school, his family and friends, Chicago, the Midwest and the Nation. Hall of Fame coach and native Chicagoan, Mike Krzyzewski, may have said it best:

> Coach Meyer casts a large shadow on the game of college basketball. . . . He truly loved the game and the kids he coached. It was so evident. In each game that he coached and each game that he announced. I love him. He served as a great example of what a coach should be.''

To his children sons Tom, Joey, Bob and daughters Barbara and Pat and his 18 grandchildren, I send my most heartfelt condolences, and I ask my colleagues to join me in celebrating the life and memory of a wonderful human being, Coach Ray Meyer.

ADDITIONAL STATEMENTS

IN MEMORY OF BUCK OWENS

• Mrs. BOXER. Mr. President, today, I rise to honor the memory of the late Buck Owens, the Country Music Hall of Fame honoree who introduced a uniquely California sound to country music. Mr. Owens, a long time Bakersfield resident, passed away at his home on March 25, 2006. He was 76 years old.

Alvis Edgar Owens, Jr. was born in Sherman, TX, in 1932. At an early age, he nicknamed himself, ''Buck,'' after a mule on the family farm. Seeking better fortune during the Great Depression, the Owens family moved west in 1937, settling in Mesa, AZ.

An avid music fan, Buck learned to play the guitar in his early teens. By his late teens, he was already a regular on local radio stations and was playing shows in honky tonks and bars around Phoenix. A precocious and determined young man, it was apparent to many that Buck was a prodigiously talented musician who was destined for great success.

Buck's many accomplishments amassed over a five-decade recording and performing career have rightfully cemented his status as one of the greatest country-western entertainers ever. He was truly a trailblazer whose trademark stinging electric guitar and rhythm sound revolutionized country music. Buck's 21 country singles from 1963 to 1988 were a testament to his longevity and staying power. Buck's music was universally celebrated and embraced, as evidence by the Beatles' cover of his song, ''Act Naturally'' in 1965. The consummate entertainer, Buck's iconic television entertainment show, ''Hee Haw'' enjoyed a remarkable 25 year run on the airwaves.

I was delighted to have met Buck back in 1997 at his Crystal Palace in Bakersfield. He was kind and generous of spirit, as when I was invited to present one of his special red, white, and blue guitars to a promising music student named William Villatoro. I still vividly remember how the young man was deeply moved and inspired by his generous gesture. I will certainly remember Buck Owens as a man of great compassion who possessed a profound love for his country. Although he is no longer with us, I take great comfort in knowing that Buck Owens was not only able to be a shining light in the life of a young man from Bakersfield, but also to the millions of others who admired his musical gifts and were touched by his humanity.

Buck Owens has left behind a legacy of artistry and boundless love for his adopted hometown of Bakersfield and California's Central Valley. He will be dearly missed.

Buck Owens is survived by his three sons, Buddy Alan, Michael, and Johnny.•

HONORING JAZZ LEGEND AND COLORADAN DIANNE REEVES

• Mr. SALAZAR. Mr. President, I rise to call attention to one of the world's most recognized jazz vocalists who also happens to call Denver home—Dianne Reeves.

Earlier this year, Dianne won a Grammy for Best Jazz Vocal Album, this time for her work on the soundtrack of the Best Picture-nominee, ''Good Night, and Good Luck.'' The album is filled with standards like ''Straighten Up and Fly Right,'' and ''Too Close for Comfort.''

Dianne grew up in Denver where she was raised by her grandmother, taking piano lessons before discovering her love of singing. She got her start in the jazz band at Denver's George Washington High School when she was discovered by trumpeter Clark Terry while performing with the band at the National Association of Jazz Educators Conference in Chicago. She went on to tour with Harry Belafonte while still in her twenties before being signed to the legendary Blue Note record label in 1987. Just 4 years ago, the world enjoyed her performance at the closing ceremonies of the 2002 Winter Olympics in Salt Lake City, UT, that critics called ''spellbinding.''

This Grammy award was not Dianne's first. Rather, it was her fourth in six nominations. Previously, she won the Best Jazz Vocal award 3 years in a row, an unprecedented feat for an artist in any vocal category. She has joined with fellow jazz giants like Wynton Marsalis, recorded with the Chicago Symphony Orchestra, performed with the Berlin Philharmonic, and was the first vocalist to perform at the Walt Disney Concert Hall in Los Angeles.

Dianne has been recognized around the world for her outstanding artistic accomplishments and contributions, and we in Colorado are proud that she still calls our State ''home.''•

PIEDMONT ELEMENTARY SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor Piedmont Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Piedmont School is truly a model of educational success. The school has 220 pupils in kindergarten through grade 5 and provides school readiness services for 30 preschool children.

One program unique to Piedmont Elementary is its reverse-mainstreaming program, which makes it possible for kindergarteners to spend time in a special education classroom for kindergarten children with special needs. The experience helps these children to interact better with one another and to appreciate the challenges that some children must meet every day.

The school prides itself on its efforts to ensure that everyone will feel valued at Piedmont and that everyone—pupils, staff, parents, grandparents, and visitors—will know that they are always welcome. In keeping with this cordial theme, each child arriving at Piedmont for the first time receives the red-carpet treatment: A red carpet of construction paper, which is signed by all the children currently enrolled, is laid down as part of the welcoming ceremony.

Also along the lines of good citizenship, each month, a new character trait is taught in the classrooms and at monthly assemblies, focusing on respect, responsibility, compassion, citizenship, fairness, and honesty.

Much of the credit for Piedmont School's success belongs to its principal, Kris Teberg, and her dedicated teachers. The children and staff at Piedmont School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Piedmont School should be very proud of their accomplishments.

I congratulate Piedmont Elementary School in Duluth for winning the Award for Excellence in Education and

for its exceptional contributions to education in Minnesota.●

EVELETH-GILBERT PUBLIC SCHOOLS, ELEVETH AND GILBERT, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor the Eveleth-Gilbert Public Schools, in Eveleth, MN, and Gilbert, MN, which recently earned an Award for Excellence in Education for exceptional and innovative achievements in educating children.

The Eveleth-Gilbert Public School District is truly a model of educational success. About 10 years ago, the district initiated an accelerated reader program to teach literacy skills and an appreciation for reading at all grade levels. Originally, this unique reading program was established for the District's 10th-grade students and is now used in grades 2 through 12.

The accelerated reader program takes a fun and exciting approach to promoting reading, both at school and at home. The students read books and take a 10-question, computer-assisted assessment to score their comprehension, earning accelerated reader points for every assessment they pass. The students love to track their own progress, and teachers often involve the class in setting goals for accruing accelerated reader points. Students receive instant feedback and gain increased motivation to read more books. As students test themselves on more books, the accelerated reader system enables close monitoring of general levels or reading performance and other diagnostic information.

The success of the accelerated reader program is reflected in the students' scores on the reading portion of the Minnesota Comprehensive Assessment tests. Over the past 2 years, Franklin Elementary and Nelle Shean Elementary, the district's two elementary schools, and Eveleth-Gilbert Senior High School, earned four- and five-star status from the Minnesota Department of Education for their test scores in reading.

Much of the credit for the success of the Eveleth-Gilbert Public Schools belongs to the superintendent, Mike Lang; the building principals, Deborah Hildie, Jan Mesich, and Lyn Bol; and all the district's dedicated teachers. The students and staff at the Eveleth-Gilbert Public Schools understand that, in order to be successful, a district must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Eveleth-Gilbert Public Schools should be very proud of their accomplishments.

I congratulate the Eveleth-Gilbert Public Schools in Eveleth and Gilbert for winning the Award for Excellence in Education and for exceptional contributions to education in Minnesota.●

DENFELD HIGH SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Denfeld High School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Denfeld High School is truly a model of educational success. The teachers at Denfeld are noted for their outstanding teaching abilities and their strong emphasis on ethics and individualized instruction. Teachers challenge their students with consistently high expectations and also help students, according to their individual needs, to master difficult subject matter.

A unique part of school life revolves around lunchtime. Once a week, Denfeld students participate in integration learning lunches, to which an integration specialist brings foods from different cultures for students to enjoy while they discuss other cultural traditions and the benefits of a diverse society.

With respect to the arts, Denfeld High School focuses significant attention on its music programs. The school is extremely proud of its classic, acoustically pure auditorium, which accommodates an audience of 1,800. Denfeld's orchestra, band, and choir programs help foster the musical talents of all students.

Much of the credit for Denfeld High School's success belongs to its principal, Ed Crawford, and his dedicated teachers. The students and staff at Denfeld High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Denfeld High School should be very proud of their accomplishments.

I congratulate Denfeld High School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

VIRGINIA PUBLIC SCHOOLS, VIRGINIA, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor the Virginia Public Schools, in Virginia, MN, which recently earned an Award for Excellence in Education for exceptional and innovative achievements in educating children.

The Virginia Public School District is truly a model of educational success. The district has superbly nurtured students' progress in academics and in the performing arts. Its educators are very proud of their students' accomplishments and believe that the school system provides young people with the highest quality of education in a wonderful learning environment.

Nestled in the center of Minnesota's Iron Range, the Virginia Public School District has endured the ups and downs of a difficult economic climate and declining school enrollments, while continuing to produce extraordinary student successes, academically and artistically.

In 2004–2005, 100 percent of the seniors at Virginia Public Schools passed the Basic Standards Tests in reading, writing, and mathematics. Students at Virginia Secondary School are qualified to enrol in many challenging, upper-level courses, including honors British literature, advanced placement biology, physics, and Spanish 3, honors American literature, accounting, economics, history, and medical careers.

Much of Virginia's success has been attributed to a caring, well-seasoned staff of veteran teachers. Nearly 80 percent of Virginia's faculty have 10 or more years of teaching experience. Moreover, 54 percent of Virginia's teachers hold master's degrees.

In addition to strong academic programs, Virginia is justly proud of its extraordinary music programs. The band, orchestra, and choir students are second to none in the region and well known throughout Minnesota. The orchestra program, which is the only string program remaining on the Iron Range, is one of only a handful existing outside of the Twin Cities metropolitan area.

The Virginia vocal music program has a strong tradition of excellence, reaching back decades. Virginia's A Cappela Choir, the school's premier choir, has consistently won superior ratings at the State music contest.

The Virginia band program is led by the award-winning Virginia Marching Blues, who have traveled across the United States and Canada, winning numerous awards and splendidly representing Virginia and the State of Minnesota. The jazz band and the concert band also consistently win superior ratings at the State music contest, achieving this distinction virtually every year for three decades.

Much of the credit for the Virginia School District's success belongs to its superintendent, Phil Johnson; the dedicated principals, Michael Krebsbach, Willie Spelts, and Kraig Konietzko; and all the district's teachers. The students and staff at the Virginia Public Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for a lifetime of success. All of the faculty, staff, and students at the Virginia Public School District should be very proud of their accomplishments.

I congratulate the Virginia Public Schools in Virginia for winning the Award for Excellence in Education and for exceptional contributions to education in Minnesota.●

TRIBUTE TO DR. KENT WYATT

● Mr. COCHRAN. Mr. President, I am pleased to commend Dr. Kent Wyatt of

Cleveland, MS, for his distinguished service as president of Delta Council this year. Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Northwest Mississippi. Delta Council was organized in 1935 to focus on the challenges which face the economy and society of the region.

Kent Wyatt distinguished himself as the president of Delta State University from 1975 to 1999, and during his years as the president of this proud, regional university, the school experienced unprecedented growth. Since retirement from Delta State University, Dr. Wyatt has provided careful and responsive civic leadership to the Mississippi Delta region. Through his work with Delta Council, he has been a strong advocate and effective leader in advancing adult literacy, for reversing critical teacher shortages in the primary and secondary school system, in increasing access to improved health care, and for sustaining progress in highway developments which are so important to the delta region.

Dr. Kent Wyatt has been a leader in his community and in the field of higher education. He and his wife Janice have committed their entire life toward improving the quality of life for others in this special delta region of our country.

I congratulate Dr. Kent Wyatt for his contributions to the delta region and for his effective leadership of Delta Council. I look forward to his future contributions.●

RECOGNIZING THE 100TH ANNIVERSARY OF THE CITY OF COALINGA

● Mrs. BOXER. Mr. President, I rise to recognize the 100th anniversary of the city of Coalinga, one of the few California cities that was founded as a mining boomtown and survived.

The city originally known as ''Coaling'' was a sleepy coal mining town until oil was prospected in the region as early as 1865 by Southerners displaced by the Civil War. However, aside from being used to control dust on the roads and as a pitch for roofing, there was limited use for petroleum in those days. Limited uses, coupled with transportation challenges, caused early interest in oil to die down considerably. In 1891, the Southern Pacific Railroad purchased the 160-acre Melville Curtiss homestead and laid out the town site that became Coalinga. Local folklore attributes the desire for better musical effect for the addition of the final ''a'' and the eventual adoption of the town name, Coalinga. By the time the city was incorporated on April 3, 1906, the interest in oil had risen again.

In 1909, the Silver Tip well broke loose in the greatest gusher recorded in California at that time; spraying 36,000 barrels of oil in a 72-hour period. The emergence of Coalinga as an oil boomtown caused enough excitement that the Los Angeles Stock Exchange was shut down for a day so that the financiers of California could go witness and experience the boom for themselves. At its peak, the Silver Tip well produced 10,000 barrels of oil a day.

Coalinga's thriving oil fields of that time were to produce personalities and companies that were to become the giants of the industry. R.C. Baker, the founder of Baker Oil Tools, first honed his trade in Coalinga. Republic Oil Field Supply can also trace its beginnings to the city. The formula for world famous A&W root beer was first concocted in downtown Coalinga. Perhaps most famously, Coalinga's oilfield workers fought and won the industry's first 8-hour workday.

On May 2, 1983, a 6.7 magnitude earthquake altered the face of Coalinga. All the brick buildings constructed during the 1900s boom toppled or they had to be demolished. A large slice of the character and charm of Old Coalinga was lost. However, the town's residents demonstrated remarkable unity and determination in putting forth the hard work to make sure that Coalinga continues to grow in spite of the earthquake. Today, the former boomtown with the old brick buildings that was left reeling after the 1983 earthquake is a thriving city that is primed for even greater residential and business growth in the future.

For the past century, the city of Coalinga has served as a testament to the importance of community, optimism, and cooperation. As the residents of Coalinga work together with great pride to make their city a better place to call home, I congratulate them on their centennial anniversary and wish them another 100 years of good fortune and success.●

IN MEMORIAM TO JUDGE DELBERT E. WONG

● Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Delbert Wong, the first Chinese-American judge in the continental United States. Judge Wong passed away on March 10, 2006, at the age of 85.

Delbert Wong was born in Hanford, CA, on May 17, 1920, and was raised a short distance away in Bakersfield. After obtaining an associate of arts degree from Bakersfield College, he transferred to the University of California, Berkeley, where he received an undergraduate degree in business.

After he left U.C. Berkeley, Delbert joined the Army Air Corps during World War II and became one of 18 B–17 Flying Fortress navigators that graduated in his class at Mather Field in Sacramento. During his service with the military, he was 1 of only 3 navigators who completed their 30 bombing missions. For his bravery and dedication, 1LT Delbert Wong was awarded the Distinguished Flying Cross, as well as four Air Medals, for his wartime service.

Following the war, Delbert was faced with a tough choice: should he join his family's grocery business or enter law school? He chose law school, and in 1949 became the first Chinese American graduate of Stanford University's School of Law. After his graduation, Delbert continued to break new ground. He was the first Asian American to be appointed Deputy Legislative Counsel serving the California State Legislature, and the first Asian American to be appointed a deputy state attorney general.

During his tenure as a deputy State attorney general, Delbert was appointed by then-Governor Pat Brown to the Los Angeles County Municipal Court bench in 1959, making him the first Chinese American named to the bench in the continental United States. Two years later, Judge Wong was elevated to the superior court, where he served for over 20 years.

Throughout his career, Judge Wong was an exemplary jurist who dedicated his life to public service. Even after he retired from the bench in 1986, he continued to be deeply involved in his community.

Among his many accomplishments, Judge Wong researched and reported on racial issues within the Los Angeles Airport Police Bureau at the request of the Los Angeles Department of Airports; was appointed by then-mayor of Los Angeles Tom Bradley to serve on a panel tasked with drafting an ethics policy for the city of Los Angeles; and was appointed chair of the Asian Pacific American Focus Program of the National Conference of Christians and Jews, to combat the rise in violence against Asian Americans.

Together with his wife Dolores, Judge Wong was also an ardent supporter of the Chinese American community, making significant contributions to the Asian Pacific American Legal Center, the Chinatown Service Center, and the Asian Pacific American Friends of the Center Theater Group.

Judge Wong was a trailblazer for Asian Americans in the field of law. His dedication to justice and equality was evident in everything that he did. His many years of service—for the city of Los Angeles, for the State of California and for the Nation will not be forgotten.

Judge Wong is survived by his wife Dolores; his children Kent, Shelley, Duane, and Marshall; and his three grandchildren. I extend my deepest sympathies to his family.

Whether he was fighting for our country or fighting for integrity and equality under the law, Judge Delbert Wong was undeterred in his efforts to make America a better place to live. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his passion and dedication to justice.●

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building''.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building''.

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the ''Gene Vance Post Office Building''.

H.R. 4882. An act to ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial.

H.R. 4979. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

The message also announced that the House has passed the following bills, without amendment:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections.

ENROLLED BILLS SIGNED

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

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

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the ''Gene Vance Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4882. To ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

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

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–6159. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 021606D) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6160. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule, Removal of Georges Bank Yellowtail Flounder Daily Limit'' (I.D. No . 021706B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6161. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Final Rule'' ((RIN0648-AU00)(I.D. No. 120805A)) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6162. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Correct and Clarify Amendment 13/Framework 40-A to the Northeast Multispecies Fishery Management Plan'' ((RIN0648-AS80)(I.D. No. 040705A)) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6163. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Bering Sea and Aleutian Islands: Final 2006 and 2007 Harvest Specifications for Groundfish'' (I.D. No. 122805B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6164. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Gulf of Alaska; Final 2006 and 2007 Harvest Specifications for Groundfish'' (I.D. No. 122805A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6165. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report on behalf of the Coast Guard on the Critical Skills Retention Bonus (CSRB) program; to the Committee on Commerce, Science, and Transportation.

EC–6166. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, the annual report assessing the Coast Guard Capabilities and Readiness to Fulfill National Defense Responsibilities; to the Committee on Commerce, Science, and Transportation.

EC–6167. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines'' (RIN2137-AE14) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6168. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Safety Standards'' (RIN2137-AB15) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6169. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste: Revision of Requirements

for Carriage by Aircraft'' (RIN2137-AD18) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6170. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR , -145XR, -145MP, and -145EP Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6172. 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-10-10, DC10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11 and MD-11F Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6173. 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 A318-100 and A319-100 Series Airplanes; A320-111 Airplanes; A320-200 Series Airplanes; and A321-100 and A321-200 Series Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6174. 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-8-33, DC-8-51, DC-8-53, DC8-55, DC-8F-54, DC-8F-55, DC-8-63, DC-8-62F, DC-8-63F, DC-8-71, DC-8-73, DC-8-71F, DC-8-72F, and DC-8-73F Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6175. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6176. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hamburger Flugzeugbau GmbH Model HFB 320 HANSA Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6177. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aero Advantage ADV200 Series Vacuum Pumps'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6178. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, and SD3-60 Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6179. 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 A330-200 and -300 Series Airplanes, A340-200 and -300 Series Airplanes, and A340-541 and -642 Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6180. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6181. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines'' (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6182. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135-AA22) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6183. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amending FMVSS No. 224, Rear Impact Protection, in Response to NTEA Petition for Reconsideration for Trailers and Semi-Trailers with Liftgates'' (RIN2127-AJ80) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6184. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Head Restraints'' (RIN2127-AJ84) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6185. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Buy America Requirements; Amendments to Definitions'' (RIN2132-AA80) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHUMER:

S. 2468. A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2469. A bill to posthumously award a Congressional gold medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG:

S. 2470. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. DEWINE:

S. 2471. A bill to suspend temporarily the duty on Basic Red 1 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2472. A bill to suspend temporarily the duty on Basic Red 1:1 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2473. A bill to suspend temporarily the duty on Basic Violet 11 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2474. A bill to suspend temporarily the duty on Basic Violet 11:1 Dye; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. HATCH, Mr. BINGAMAN, Mrs. HUTCHISON, and Mr. MENENDEZ):

S. 2475. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2476. A bill to suspend temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2477. A bill to suspend temporarily the duty on 4,4'-Dithiodimorpholine; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2478. A bill to suspend temporarily the duty on Tetraethylthiuram Disulfide; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2479. A bill to suspend temporarily the duty on certain Tetramethylthiuram Disulfide; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. LEAHY):

S. 2480. A bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. AKAKA (for himself, Mr. VOINOVICH, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LEVIN, Mr. COBURN, and Mr. CARPER):

S. Res. 412. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2006; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 413. A resolution commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship; considered and agreed to.

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

S. Res. 414. A resolution celebrating the musical and cultural heritage of country music and recognizing the ''Country: A Celebration of America's Music'' festival at the John F. Kennedy Center for the Performing Arts; considered and agreed to.

ADDITIONAL COSPONSORS

S. 117

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 709

At the request of Mr. DEWINE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) 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. 1158

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1343

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2278

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2322

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 357

At the request of Mr. MCCAIN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. Res. 357, a resolution designating January 2006 as ''National Mentoring Month''.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 410

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 410, a resolution designating April 2006 as ''Financial Literacy Month''.

AMENDMENT NO. 2954

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 2954 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2970

At the request of Mr. SUNUNU, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2970 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2980

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2980 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2981

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2981 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2983

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2983 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 2468. A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, one of the issues that has been hovering over this Chamber—and this country, of course—is the NSA program, the President's program to do wiretaps on American citizens if part of the call originated in a foreign country.

First, let me stress that I think most of us in this Chamber, Democrat and Republican—certainly myself—believe the President should be given the tools he needs to fight terror. In this brave new world, the tools are different, and because a rule worked in 1960 or 1980 does not necessarily mean it works in 2005 or 2006 or 2004. We have to be flexible. I think you can be flexible in a way that both protects our security and protects our liberty. In most issues, this does not conflict. My watchword on most of these issues is: Have a debate, have a standard, and have an independent arbiter check that that standard is being met.

That worked, for instance, in wiretaps. Before 1971, it was a mess. J. Edgar Hoover was listening in on whomever he chose. There was a debate on this issue. There was a standard—probable cause—and there is an independent arbiter, a federal judge, who determines whether probable cause is met. And it works. Neither the prosecutors nor the defense bar have any complaints.

We could come to the same exact conclusion in the new world we face, where warrants are needed far more quickly regarding many more people. If you are doing information gathering where you look for patterns, that might be needed. Again, because one way worked in the past doesn't mean it still works, and I think most Members, myself included, want to be flexible. The problem is when the executive branch arrogates this issue to itself and says, We can decide to do whatever we want, either under the constitutional executive power—that is pretty broad—or even under a grant of war powers, a grant to use force which, as most know, I supported back when the President asked for it in 2001.

Now there is a great debate. The President and his supporters say he was allowed to do these wiretaps without changing the law, without congressional approval. Some on the other side say he never should have been allowed to do it. I think that is a small minority. Many others say: Yes, he should be allowed to do it, but there ought to be a congressional debate, a change in the law, and perhaps a standard would be applied.

Right now we are deadlocked on that issue. We are deadlocked because, whether it is the Intelligence Committee, the Judiciary Committee on which I serve, this body in general, or the Nation—nobody knows, did the President go outside the ambit of the law about asking for a warrant? Some think yes, and they are pretty sure of that. Some think no, and they are pretty sure of it. They are pretty sure that he couldn't. Many are not sure at all.

I ask you, who is the logical group or person to make that determination? The executive branch generally through our history has had a lean to expand executive power. That is natural.

The legislative branch has had a lean on the other side. That is how the Founding Fathers set up our Government in their wisdom and it seems to have worked very well ever since 1789. To say we should just go along with what the executive branch wants is not going to work. Frankly, even though I am a Senator and believe in protecting the legislative prerogative, if we only did what the legislative branch wanted, that probably wouldn't work, either; and, needless to say, we are divided on this.

The most logical place for this to be settled is in the U.S. Supreme Court. They don't side with executive or legislative power, necessarily. They are authoritative, they are respected, in a sense they are the supreme arbiters, and they could put this question to rest and we could move on.

There is one difficulty. There will be people who will challenge these wiretaps through the normal process and we might get to the Supreme Court in 3 or 4 years. During all that time, the gridlock and deadlock we face on this issue, and the concomitant gridlock and deadlock that occurs in other issues related to this, would be hanging over this body. So I tried to figure out how can we get the Supreme Court to hear this case quickly.

The bill I am introducing right now will do just that. We have consulted some expert authorities and there are two basic problems—one easier, one harder. The easier is to simply expedite the judicial process, to grant expedited review. The minute a case is decided in the district court, it goes right up to the Supreme Court because time is of the essence—and I believe it is here. We have good precedent for this. It was done recently so the Supreme Court could hear on an expedited basis McCain-Feingold, and they came to a conclusion, and elections could be held and we moved forward. That is a typical example of where you would do that.

Our bill does grant such expedited review. But what about standing? How do you quickly get into the district court to do this? And, by the way, I have a feeling very few in this body would want to grant an expedited hearing to someone who might be participating in or accused of terrorism. So you have a dilemma that, while you want expedited review and it would seem logical that the Supreme Court should be the place, the cases that are out there are not the ones that would seem to merit that kind of expedited review—a special case; particularly if someone is accused of terrorism. We in New York know better than anywhere else that is a dastardly act.

What we have done—frankly, in consultation with some leading experts on this—is we have granted standing to a

very narrow class of citizens who actually have refrained from making overseas calls because of a fear that they might be listened to under the NSA program. But these are not people who are accused of terrorism in any way. These are, rather, people who maybe would be—and it is a small class—business people who would regularly call, say, Afghanistan. Maybe they are importing rugs, who knows? But they are afraid to because their calls might be listened in to.

It might be academics, maybe a professor of linguistics who might be doing research into the Pashtun language, and now has refrained from making calls. These are people who have been chilled by the reports that their calls might be listened in to. They are American citizens calling the foreign country and would have standing.

Our bill gives those people standing, gives them a right to go to district court quickly and then with expedited review to the Supreme Court, so we could actually get a decision, very possibly, on whether the President's wiretapping was under the ambit of the law very quickly. It is very authoritative. It might break through the dilemmas we face.

I am introducing this legislation this afternoon and I ask my colleagues to give it careful consideration. It is clearly not partisan legislation. Given the current composition of the Supreme Court and the two new Justices who have just been added, it is hardly a liberal or Democratic court, and it could settle the issue once and for all so our country could achieve some comity on this issue and move on and discuss other issues.

I urge my colleagues and everyone else in this great country of ours to examine this legislation, see if they wish to support this legislation or something close to it, and maybe we can move this kind of bill on the floor quickly so we could get the kind of expedited review that I think many of us would seek from the one body that would have the authority to make such review ultimately, and that is the U.S. Supreme Court.

The bill will be handed to the desk for introduction.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. CRAIG:

S. 2470. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Southern Idaho Bureau of Reclamation Repayment Act of 2006. This Act authorizes prepayment by landowners of their allocated portion of the obligations to the Bureau of Reclamation within A&B Irrigation District and will allow individual landowners to prepay their obligations if they so desire. Additionally, the Act will allow the landowners who have prepaid to be exempt from the acreage limitation provisions set in the Reclamation Reform Act of 1982, thereby creating an appropriate market for the sale of those lands now owned by landowners who have either died or have retired.

I look forward to working with my colleagues to move this necessary bill through the legislative process quickly.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. HATCH, Mr. BINGAMAN, Mrs. HUTCHISON, and Mr. MENENDEZ):

S. 2475. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise to speak about legislation I am introducing today which I believe will enhance the experience of the millions of visitors who visit our Nation's Capital every year, and will contribute to the ongoing, deeply rewarding, and profoundly important process of national self-discovery. As we learn more about who we are as Americans, we gain strength from our history and enrich our vision for the future.

In that spirit, together with Senators MARTINEZ, HATCH, BINGAMAN, HUTCHISON, and MENENDEZ, I have introduced the National Museum of the American Latino Community Commission Act. The bill will establish a Commission to study the potential creation of a National Museum of the American Latino Community. The Commission members, selected by the President and Members of Congress, will be tasked with studying the impact of such a Museum, developing a plan of action and a fundraising plan, and proposing recommendations to make the Museum a reality.

I am pleased to be building on the work of several members of Congress during the 108th Congress, most notably Senator HATCH and Congressman XAVIER BECERRA.

On May 10, 2005, Congressman XAVIER BECERRA re-introduced the Commission bill in the House of Representatives with Congresswoman ILLEANA ROS-LEHTINEN. Since then, 107 Representatives have lent their support to H.R. 2134, and tomorrow, the Subcommittee on National Parks, Recreation and Public Lands in the House Resources Committee will meet to examine the proposal.

Washington, DC is more than the seat of our government; it is the symbolic heart of our country. When American travel to their Capital, they expect the museums, monuments, and national parks they visit to reflect the complete American experience. I celebrate the recent opening of the National Museum of the American Indian and the announcement of the location of the new National Museum of African American History and Culture. I believe we must celebrate the diversity of our Nation and her rich national heritage.

Many assume that Hispanics have just arrived on our country's shores. But these newly arrived Hispanics are only a small segment of a much larger community that has been an integral part of American history since before our country was founded.

Hispanics soldiers fought in the American Revolution alongside General George Washington, our first Commander-in-Chief, and have served in every subsequent military conflict in which the U.S. has fought. During the war that led to our Nation's birth, General Washington's army was successful at Yorktown in part because of support from a diverse army led by Bernardo de Galvez on a southern front against the British, driving them out of the Gulf of Mexico, fighting them on the Mississippi and in Florida.

In the Korean War, 140,000 Hispanic soldiers served. During the Vietnam War, more than 80,000 Hispanics served. While Hispanics comprised only 4.5 percent of the U.S. population at the time, they represented 5.5 percent of those who made the ultimate sacrifice for their country. More recently, 20,000 Hispanics took part in Operation Desert Shield and Desert Storm. And today, more than 10 percent of the United States Armed Forces are Hispanics.

In sum, we will honor the more than 1.1 million Hispanic veterans living in America today, by sharing this long history with all who come to our Nation's Capital.

My own family's story speaks to this truth.

Over 400 years ago, in 1598, my family helped found the oldest city in what is now these United States. They named the city Santa Fe—the City of Holy Faith—because they knew the hand of God would guide them through the struggles of survival in the ages ahead.

For the next four centuries, that faith in their future guided them to overcome extremely painful and challenging times. As humble and poor farmers, the circumstances of their lives forged the priceless and timeless values my father Henry and mother Emma instilled in their eight children.

They were indeed a part of our country's greatest generation. My mother traveled across the country to work in the Pentagon's War Department, and my father was a proud veteran of World War II. In fact, one of his last requests was to be buried in his uniform.

Although neither had a college degree, they taught us about the values and promise of America. All eight of their children became first generation college graduates, inspired by their

dedication to God, family, community and country.

As the National Capital Planning Commission states: ''the memorials and museums that define Washington's Monumental Core express America's connections to its past and its direction for the future. They help us understand what it means to be an American.''

As a proud American, I want to ensure that every individual who visits Washington has a chance to learn the full history of who we are and who we are becoming as Americans. It is my hope that the Senate can work to pass this important bill that will record and preserve our shard American history.

In the coming months, I will work with the Senate Energy and Natural Resource Committee to advance the Commission bill. I look forward to speaking with my Senate colleagues about the Commission bill, and hope we can take the important step of establishing the Commission.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 412—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 1 THROUGH 7, 2006

Mr. AKAKA (for himself, Mr. VOINOVICH, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LEVIN, Mr. COBURN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 412

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) improve and secure our transportation systems;

(12) keep the Nation's economy stable; and

(13) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2006, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 22nd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I stand in recognition of America's public servants who provide the essential, often unseen services on which our great country thrives. As the ranking member of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am honored to submit a resolution paying tribute to these employees in celebration of Public Service Recognition Week. I am delighted to be joined by the leadership of the Senate Homeland Security and Governmental Affairs Committee, Senators VOINOVICH, COLLINS, LIEBERMAN, COLEMAN, LEVIN, COBURN, and CARPER.

The 22nd anniversary of Public Service Recognition Week, which takes place the week of May 1, 2006, showcases the talented individuals who serve their country as Federal, State and local government employees, both civilian and military. From Hawaii to Maine, throughout the Nation and around the world, America's public employees use this week to showcase the exciting challenges of a career in public service and demonstrate how government workers create a brighter future for us all.

Public servants perform essential services that our nation relies on every day. They care for our veterans, protect our public lands, ensure the safety of our food and water, and deliver the mail and needed medical supplies, in addition to countless additional tasks.

Over the past few years we have all been reminded of the remarkable work of public servants, including our men and women in uniform. Their steadfast devotion to the defense of this Nation and the ideals we hold most dear is commendable. Nearly 2,600 military and Department of Defense civilian employees have lost their lives since the beginning of Operation Enduring Freedom and Operation Iraqi Freedom. The sacrifice of these brave men and women remain a constant reminder of the courage with which the members of our Armed Forces serve. Nor should we forget those Federal civilian employees who work side-by-side with our troops abroad and provide needed support for their mission. Military and civilian employees alike continue to earn our admiration with their unwavering strength and dedication.

The men and women who serve in the Coast Guard exemplify public service as demonstrated by their tireless efforts to rescue the people trapped in their homes by the flood waters from Hurricane Katrina.

Another example of the countless contributions public servants give to the Nation is Orlando Figueroa, the Deputy Associate Administrator for Programs, Science Mission Directorate, at the National Aeronautics and Space Administration, who led the Mars Exploration Rover Project. Mr. Figueroa and his team created a mobile science lab used to conduct remote exploration on the surface of another planet, which allowed the exploration of regions beyond the original landing site. This fantastic accomplishment has produced a wealth of scientific discoveries revealing Mars as a potential habitat. The work of Mr. Figueroa and other Federal scientists spark the imagination, fuel the human spirit, and inspire us to pursue even greater things.

President John F. Kennedy said, ''Let the public service be a proud and lively career.'' While Public Service

Recognition week provides the opportunity to honor and celebrate the works of our Federal employees, it also serves as a time to call upon a new generation of Americans to explore the opportunities of such a ''proud and lively career.'' Through job fairs, agency sponsored events, and special exhibits, Public Service Recognition Week allows individuals from all walks of life to gain a deeper appreciation of the challenging, exciting, and rewarding work available in the federal government.

I encourage my colleagues to bring to light the works and services of the federal employees in their states and join in this annual celebration.

SENATE RESOLUTION 413—COMMENDING THE VIRGINIA WESLEYAN COLLEGE MARLINS MEN'S BASKETBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III NATIONAL BASKETBALL CHAMPIONSHIP

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 413

Whereas the students, alumni, faculty, and supporters of Virginia Wesleyan College are to be congratulated for their commitment to and pride in the Virginia Wesleyan Marlins National Champion men's basketball team;

Whereas the National Collegiate Athletic Association (NCAA) championship game against the Wittenberg University Tigers concluded a 28 game winning streak for the Virginia Wesleyan Marlins, the longest in the nation, resulting in an impressive record of 30–3;

Whereas the Virginia Wesleyan Marlins won the 2005 NCAA Division III National Basketball Championship with an outstanding second half when junior forward Brandon Adair made two free throws to tie the game at 56 with 49 seconds to play, allowing sophomore guard Ton Ton Balenga to score the final points with less than three seconds to play, giving Virginia Wesleyan the 59–56 victory;

Whereas the Virginia Wesleyan Marlins added the Division III title to consecutive Old Dominion Athletic Conference titles;

Whereas every player on the Virginia Wesleyan basketball team—Ken Cizek, D'Juan Tucker, Thomas Sumpter, Tory Green, Terrell Dixon, Marques Fitch, Ari' Paschal, Ton Ton Balenga, Brandon Adair, Rodney Young, Tyler Fantin, Devver Miller, Norman Hassell, Matt Towell, Zac Green, Travis Klink, and Marcus Riley—contributed to the team's success in this impressive championship season;

Whereas the Marlins outstanding, creative and motivational basketball Head Coach David Macedo was named the 2006 D3hoops.com Coach of the Year, and has had a successful six year tenure as Virginia Wesleyan's head coach, with a record of 124–45;

Whereas Assistant Coaches David Doino and Brad Dunleavy deserve high commendation for their strong leadership of, and superb coaching support to, the Virginia Wesleyan College Marlins men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III, National Championship;

(2) recognizes the achievements of Head coach David Macedo, Assistant Coaches David Doino and Brad Dunleavy, and all the team's players; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to David Macedo, Head Coach of the National Champion Virginia Wesleyan College Marlins and a copy to the Virginia Wesleyan President William T. Greer, Jr.

SENATE RESOLUTION 414—CELEBRATING THE MUSICAL AND CULTURAL HERITAGE OF COUNTRY MUSIC AND RECOGNIZING THE ''COUNTRY: A CELEBRATION OF AMERICA'S MUSIC'' FESTIVAL AT THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas country music is an essential element of the musical and cultural heritage of the United States, and helps promote an understanding and appreciation of the cultural achievements of the Nation;

Whereas country music is a medium with the power to entertain, connect, and communicate, and embodies the spirit and the lives of Americans with diverse backgrounds;

Whereas the diversity of country music provides a valuable form of artistic expression and embraces musical traditions including folk, bluegrass, gospel, honky-tonk, and rock and roll;

Whereas the popularity and notoriety of country music have had a unique effect on the commercial development of Nashville, Tennessee, commonly known as ''Music City, U.S.A.'';

Whereas the Country Music Hall of Fame and Museum, located in Nashville, is dedicated to—

(1) identifying and preserving the evolving history and traditions of country music; and

(2) educating audiences throughout the world about that rich musical tradition;

Whereas the John F. Kennedy Center for the Performing Arts, the Country Music Hall of Fame and Museum, and other contributors to the ''Country: A Celebration of America's Music'' festival, should be commended for celebrating country music and engaging in a serious curatorial investigation into a form of artistic expression that is unique to the United States;

Whereas the ''Country: A Celebration of America's Music'' festival will—

(1) highlight accomplished singers, musicians, and songwriters of the country music genre;

(2) celebrate the traditional roots and geographical reach of country music;

(3) explore the regional and stylistic variations of country music; and

(4) honor the creators, audiences, and values of country music; and

Whereas additional efforts to recognize the role of folk-based and indigenous arts of the United States should be encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the musical and cultural heritage of country music;

(2) recognizes the ''Country: A Celebration of America's Music'' festival at the John F. Kennedy Center for the Performing Arts; and

(3) commends the John F. Kennedy Center for the Performing Arts and the Country Music Hall of Fame and Museum for promoting the artistry and legacy of country music.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3184. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process.

SA 3185. Mr. LOTT proposed an amendment to the bill S. 2349, supra.

SA 3186. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3187. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3188. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3189. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3190. Mr. SESSIONS (for Mr. AKAKA) proposed an amendment to the resolution S. Res. 410, designating April 2006 as ''Financial Literacy Month''.

TEXT OF AMENDMENTS

SA 3184. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 6, lines 13 and 14, strike ''Enrolling Clerks of the Senate and'' and insert ''Clerk of the''.

On page 6, line 16, strike ''and establish''.

SA 3185. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 39, line 17, after ''employed.'' insert ''This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.''

SA 3186. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 44, line 18, strike ''503'' and insert ''263''.

SA 3187. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 40, after line 2, insert the following:

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

SA 3188. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 27, lines 21 through 23, strike '', in addition to any'' and all that follows through ''House of Representatives.'' and insert ''. The Secretary of the Senate and the Clerk of the House of Representatives shall

use the same electronic software for receipt and recording of filings under this Act.''.

SA 3189. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In the interest of national security and in respect for legal immigration, effective immediately, notwithstanding any other provision of law, there shall be no implementation of provisions in this act creating a guest worker program until the Secretary of Homeland Security has certified in writing to the President and the Congress that borders of the United States of America are reasonably sealed and secured.

SA 3190. Mr. SESSIONS (for Mr. AKAKA) proposed an amendment to the resolution S. Res. 410, designating April 2006 as ''Financial Literacy Month''; as follows:

On page 2, the first whereas clause strike $11,000,000,000 and insert $11,000,000,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 29, 2006, at 10 a.m., to conduct a hearing on ''Economic Impact Issues in Export-Import Bank Reauthorization.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an oversight hearing on Wednesday, March 29, at 9:30 a.m., on the impact of the elimination of MTBE.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 29, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''U.S.-China Economic Relations Revisited.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 2006, at 9:30 a.m., to hold a closed briefing on U.S.-India Atomic Energy Cooperation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 29, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

(1) S. 2078, Indian Gaming Regulatory Act amendments.

(2) S. 1899, Indian Child Protection and Family Violence Prevention Act amendments.

(3) S. 2245, Indian Youth Telemental Health Demonstration Project Act.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Wednesday, March 29, 2006, at 9:30 a.m., in room 226 of the Dirksen Senate Office Building.

Panel I: Members of Congress, TBA.

Panel II: Brian M. Cogan to be United States District Judge for the Eastern District of New York; Michael Ryan Barrett to be United States District Judge for the Southern District of Ohio; Thomas M. Golden to be United States District Judge for the Eastern District of Pennsylvania.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2006, at 2:30 p.m., to hold a closed briefing.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committe on Aging be authorized to meet Wednesday, March 29, 2006 from 10 a.m. to 12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''What's in a Game? State Regulation of Violent Video Games and the First Amendment'' on Wednesday, March 29, 2006, at 2 p.m. in SD 226.

Witness List

Panel One: Reverend Steve Strickland, brother of Arnold Strickland, police officer killed by teenager in 2004, Fayette County, AL; Dr. Elizabeth Carll, Ph.D., Chair of Interactive Media Committee, Media Psychology Division, American Psychological Association Long Island, NY; Dr. Dmitri Williams, Ph.D., Assistant Professor of Speech Communications, University of Illinois at Urbana-Champaign, Urbana, IL; Dr. David Bickham, Ph.D., Research Scientist, Center on Media and Child Health, Harvard Medical School Boston, MA.

Panel Two: Patricia E. Vance, President, Entertainment Software Rating Board New York, NY; Representative Jeff Johnson, Assistant Majority Leader, Minnesota House of Representatives, St. Paul, MN; Paul Smith, Partner, Jenner & Block LLP, Washington, DC; Professor Kevin Saunders, J.D., Ph.D., Professor of Law, Michigan State University East Lansing, MI.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2006, at 2:30 p.m. to hold a hearing on U.S.-Burma Relations.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on March 29, 2006, at 9:30 a.m., in open session to receive testimony on U.S. nonproliferation strategy and the roles and missions of the Department of Defense and the Department of Energy in nonproliferation in review of the Defense Authorization request for fiscal year 2007 and the future years Defense progam.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, March 29, 2006, at 2:30 p.m. for a hearing entitled, The War on Terrorism: How Prepared is the Nation's Capital? Part (II).

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, March 29 at 2:30 p.m. The purpose of the hearings is to receive testimony on S. 1832, to authorize the Secretary of the Interior to lease oil and gas resources underlying Fort Reno, OK, to establish the Fort Reno Management Fund, and for other purposes; S. 2150, to direct the Secretary of Interior to convey certain Bureau of Land Management land to the city of Eugene, OR; and H.R. 3507, to transfer certain land in Riverside County, CA, and San Diego County, CA, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; S. 1056 to direct the Secretary of the Interior to convey to the city of Henerson, NV certain Federal land located in the city, and for other purposes; and S. 2373 to provide for the sale of approximately 132 acres of public land to the city of Green River, WY at fair market value.

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

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower authorized to meet during the session of the Senate on March 29, 2006, at 3:30 p.m., in open session to receive testimony on Navy/Marine Corps Force structure and future capabilities in review of the Defense Authorization request for Fiscal Year 2007 and the future years Defense Program.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate March 29, at 2:30 p.m., in open session to receive testimony on global strike plans and programs in review of the defense authorization request for fiscal year 2007.

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

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Wednesday, March 29, 2006, at 10 a.m., on Importance of Basic Research to U.S. Competitiveness.

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

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that George Ward, who is serving on my staff for the course of this immigration debate, be granted floor privileges for the full course of the debate on S. 2454, Senator FRIST's border security bill.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that a fellow on my staff, Marc Rosenblum, be admitted to the Senate floor for the remainder of the debate on the immigration legislation.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Liddell-Westefeld of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. SCHUMER. I ask unanimous consent the privilege of the floor be granted to Rebecca Kelly of my staff.

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

EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE ARMED FORCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to S. Res. 385.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 385) expressing 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 women to serve in the United States military, particularly in support of the global war on terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that 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. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the Armed Forces are an all volunteer force, which makes recruiting the necessary number of volunteers for each individual service a challenging task;

Whereas the military recruiters have enabled the individual branches of the Armed Forces to meet the demands of the modern battlefield through the enlistment of quality soldiers, sailors, airmen, and Marines;

Whereas military recruiters work long strenuous hours, in rural and urban areas of the country, and away from the traditional military support systems;

Whereas military recruiters, like many of their deployed colleagues, have forfeited and sacrificed time with their families and placed their mission above all else;

Whereas military recruiters support the global war on terrorism by filling our Nation's military ranks with qualified personnel needed to combat and eradicate terrorists through military power;

Whereas, in the past fiscal year, military recruiters provided the Nation with more than 200,000 new active duty, reserve, officer, and enlisted accessions;

Whereas military recruiters have provided young men and women across the Nation the opportunity to further their education through the use of congressionally mandated incentives such as the Montgomery GI Bill, and various college loan repayment programs, thereby allowing returning veterans greater opportunity to achieve their full potential as successful members of society;

Whereas military recruiters are the face and voice of the Armed Forces in communities in every State across the Nation, as well as Puerto Rico, Europe, Korea, and Guam;

Whereas military recruiters develop close working relationships with families, schools, business professionals, and numerous civic organizations; and

Whereas military recruiters are an essential element of the Department of Defense and play a key role in the security of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our Armed Forces who serve as military recruiters for their service to our country and their dedicated, professional, and noteworthy performance of duty during difficult times of sustained combat and the global war on terrorism; and

(2) reaffirms its commitment to supporting all aspects of the recruiting services of the Armed Forces, by providing sufficient legislative support and incentives in order that recruiters may continue to meet and exceed the personnel requirements of the Armed Forces.

COMMENDING THE VIRGINIA WESLEYAN COLLEGE MARLINS MEN'S BASKETBALL TEAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 413, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 413) commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that 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. 413) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 413

Whereas the students, alumni, faculty, and supporters of Virginia Wesleyan College are to be congratulated for their commitment to and pride in the Virginia Wesleyan Marlins National Champion men's basketball team;

Whereas the National Collegiate Athletic Association (NCAA) championship game against the Wittenberg University Tigers concluded a 28 game winning streak for the Virginia Wesleyan Marlins, the longest in the nation, resulting in an impressive record of 30–3;

Whereas the Virginia Wesleyan Marlins won the 2005 NCAA Division III National Basketball Championship with an outstanding second half when junior forward Brandon Adair made two free throws to tie the game at 56 with 49 seconds to play, allowing sophomore guard Ton Ton Balenga to score the final points with less than three seconds to play, giving Virginia Wesleyan the 59–56 victory;

Whereas the Virginia Wesleyan Marlins added the Division III title to consecutive Old Dominion Athletic Conference titles;

Whereas every player on the Virginia Wesleyan basketball team—Ken Cizek, D'Juan Tucker, Thomas Sumpter, Tory Green, Terrell Dixon, Marques Fitch, Ari' Paschal, Ton Ton Balenga, Brandon Adair, Rodney Young, Tyler Fantin, Devven Miller, Norman Hassell, Matt Towell, Zac Green, Travis Klink, and Marcus Riley—contributed to the team's success in this impressive championship season;

Whereas the Marlins outstanding, creative and motivational basketball Head Coach David Macedo was named the 2006 D3hoops.com Coach of the Year, and has had a successful six year tenure as Virginia Wesleyan's head coach, with a record of 124–45;

Whereas Assistant Coaches David Doino and Brad Dunleavy deserve high commendation for their strong leadership of, and superb coaching support to, the Virginia Wesleyan College Marlins men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III, National Championship;

(2) recognizes the achievements of Head coach David Macedo, Assistant Coaches David Doino and Brad Dunleavy, and all the team's players; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to David Macedo, Head Coach of the National Champion Virginia Wesleyan College Marlins and a copy to the Virginia Wesleyan President William T. Greer, Jr.

COUNTRY: A CELEBRATION OF AMERICA'S MUSIC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 414, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 414) celebrating the musical and cultural heritage of country music and recognizing the ''Country: A Celebration of America's Music'' festival at the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that 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. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas country music is an essential element of the musical and cultural heritage of the United States, and helps promote an understanding and appreciation of the cultural achievements of the Nation;

Whereas country music is a medium with the power to entertain, connect, and communicate, and embodies the spirit and the lives of Americans with diverse backgrounds;

Whereas the diversity of country music provides a valuable form of artistic expression and embraces musical traditions including folk, bluegrass, gospel, honky-tonk, and rock and roll;

Whereas the popularity and notoriety of country music have had a unique effect on the commercial development of Nashville, Tennessee, commonly known as ''Music City, U.S.A.'';

Whereas the Country Music Hall of Fame and Museum, located in Nashville, is dedicated to—

(1) identifying and preserving the evolving history and traditions of country music; and

(2) educating audiences throughout the world about that rich musical tradition;

Whereas the John F. Kennedy Center for the Performing Arts, the Country Music Hall of Fame and Museum, and other contributors to the ''Country: A Celebration of America's Music'' festival, should be commended for celebrating country music and engaging in a serious curatorial investigation into a form of artistic expression that is unique to the United States;

Whereas the ''Country: A Celebration of America's Music'' festival will—

(1) highlight accomplished singers, musicians, and songwriters of the country music genre;

(2) celebrate the traditional roots and geographical reach of country music;

(3) explore the regional and stylistic variations of country music; and

(4) honor the creators, audiences, and values of country music; and

Whereas additional efforts to recognize the role of folk-based and indigenous arts of the United States should be encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the musical and cultural heritage of country music;

(2) recognizes the ''Country: A Celebration of America's Music'' festival at the John F. Kennedy Center for the Performing Arts; and

(3) commends the John F. Kennedy Center for the Performing Arts and the Country Music Hall of Fame and Museum for promoting the artistry and legacy of country music.

FINANCIAL LITERACY MONTH

Mr. SESSIONS. Mr. President, I ask unanimous consent that yesterday's action on S. Res. 410 be vitiated, that the resolution be agreed to, that the technical amendment to the preamble which is at the desk be agreed to, and that the preamble, as amended, be agreed to.

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

The resolution (S. Res. 410) was agreed to.

The amendment (No. 3190) was agreed to, as follows:

On page 2, the first Whereas clause, strike ''$11,000,000,000'' and insert ''$11,000,000,000,000.''

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

Mr. AKAKA. Mr. President, I rise today, as in years past, to submit a resolution to designate April as Financial Literacy Month. I thank my cosponsors, Senators SARBANES, COCHRAN, LAUTENBERG, KOHL, STABENOW, TALENT, LINCOLN, CRAPO, JOHNSON, DODD, MARTINEZ, DURBIN, INOUYE, DEMINT, BAUCUS, FEINSTEIN, COLEMAN, and ALLEN. I am pleased to once again work with colleagues on both sides of the aisle to promote financial and economic literacy for people of all ages all across America. This resolution highlights the need to combat financial and economic illiteracy in our homes, schools, workplaces, and communities,

and mobilize everyone to better educate themselves and others around them.

In my State of Hawaii, State Representative K. Mark Takai in a previous year sponsored legislation establishing April as Financial Literacy for Youth Month, as I had in a previous Senate resolution, and this year introduced HB 1920 to redesignate the name of the month as Financial Literacy Month to broaden the month's focus to people of all ages. Testimony from State and local officials and community leaders supporting the legislation included a statement from Ms. Kristine Castagnaro, Executive Director of the Hawai'i Council on Economic Education, who said, ''residents of all ages deserve to possess the skills necessary to make wise choices for their lives and communities.'' Mr. Brent Dillabaugh, Public Policy Director of the Hawai'i Alliance for Community Based Economic Development, said, ''Fostering basic financial and economic literacy is one of the most important aspects in achieving self sufficiency. As credit options become increasingly sophisticated and difficult to understand it is crucial that individuals have the capacity to make sound financial decisions.'' I support such State-level efforts in Hawaii and similar efforts across the country highlighting the need for us to focus on these important issues.

Education in personal finance and economics means empowerment, because it can provide people with the tools they need for sound decisionmaking. Unfortunately, many individuals do not understand even the basics of our complex economic system. Although much continues to be done to provide more Americans with an education in personal finance and economics, a number of troubling indicators show that many people are ill-equipped to negotiate life's financial choices.

For instance, scores went up for the first time on the Jump$tart Coalition's 2004 test of the financial literacy of high school seniors, but on average, students still failed the exam. States have responded so that now all recognize to some degree the need for economic or personal finance in their curriculum. However, according to the National Council on Economic Education, only 17 States require an economics course be offered in their high schools and only 15 require an economics course as a graduation requirement. Moreover, only 8 States require a course be offered with content in personal finance and only 7 States require students to take such a course. This picture must improve, as barriers to credit continue to decrease, and credit card holders become younger and younger. According to a recent national poll by Junior Achievement, 5 percent of teenagers 13–14 years of age reported having credit cards, and this percentage doubles to 10 percent for those 17 years of age, and doubles again to nearly 20 percent for those 18 and older. Early use of credit should be accompanied by early education in money management and the basics of economics.

On the other end of the spectrum, a tenth of our Nation's families are without an account at a mainstream financial institution. The most common reason people give for not having a checking account is that they do not write enough checks to make it worthwhile. Still, checking accounts are useful in a number of other ways and typically serve as the first formal relationship one will have with a mainstream financial institution. Opening an account at a mainstream financial institution is a critical step in the path to homeownership and entrepreneurship and allows individuals to benefit from the relatively low fees, savings instruments, and other wealth building opportunities offered by banks and credit unions.

Increased financial and economic literacy can help people navigate around the countless pitfalls found in the marketplace. Consumers with a variety of credit histories can easily find credit in many different forms. Lenders' aggressive marketing campaigns encourage families to take on substantial debt for indulgences and luxuries, which can be harmful if the families are already saddled with debt and are not saving toward an education or retirement nest egg. Taking out these loans is irrational, but abusive marketing efforts have resulted in unprecedented levels of borrowing.

Thus, although the availability of credit has grown dramatically, financial literacy has not yet increased adequately in response. Consequently, we are presented with a number of troubling statistics. Last year's personal savings rate was negative for the first time since 1933, at the end of the Great Depression. A negative savings rate means that, on average, people are spending more money than they make. Moreover, the household debt service ratio, which gives a sense of the proportion of disposable income people are using to pay off their debt, increased to record levels in 2005. These findings suggest a serious problem exacerbated by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement savings.

As policymakers, we need to focus on these issues year round. However, focusing on Financial Literacy Month in April means that we have a designated part of the year when we can reassess our efforts to highlight that worked and improve on those that have not. Once again, I thank my colleagues for their support of this resolution.

Mr. KOHL. Mr. President, I rise today to join with my colleague, Senator AKAKA, in support of his resolution designating April as Financial Literacy Month.

Financial literacy is an imperative for all Americans. From creating a family budget, to managing credit, to saving for retirement—Americans need to understand financial principles more than ever before. However, research shows that Americans lack a fundamental understanding of personal savings, financial planning, and budgeting. According to the Jump$tart Coalition for Personal Financial Literacy, over 60 percent of our high school students could not pass a quiz with basic questions on savings and budgeting. In addition, an AARP survey found that less than half of those over age 45 could identify and define basic financial terms such as ''diversification'' or ''compound interest.''

Financial literacy is critical as more Americans take on more of the responsibility for managing their retirement savings. Pension plans are shifting from defined benefit plans, which guaranteed a certain benefit level for a lifetime, to defined contribution plans, which are based on the investment decisions of individual employees. Unfortunately, too many individuals do not have the tools to plan for retirement in a manner that will guarantee their long-term financial health. In fact, the Employee Benefit Research Institute found that only 60 percent of current workers are actively saving for their retirement, and only 42 percent of workers and their significant others have calculated what their financial needs will be in retirement.

The lack of financial literacy has serious ramifications, not only for individuals who fail to adequately budget and save, but for the national economy as well. The personal saving rate has recently turned negative, and personal saving is a component of national saving, which drives economic growth.

These trends are certainly troubling. In recent years, the work of Senator AKAKA and others have focused attention on the threat posed by our Nation's high financial illiteracy rate. For example, Senator AKAKA's Excellence in Economic Education Act promotes financial literacy in primary and secondary schools. Many groups have developed innovative programs to reach children of all ages on this topic, and increased access to formal economics classes has helped acquaint students with the financial services marketplace. In addition, public-private partnerships have helped adults increase their financial literacy and gain a better understanding of long-term financial planning tools.

It is my hope that this resolution will take another step to help increase awareness about the need to improve our Nation's financial literacy, and I am pleased to support it.

MEASURE PLACED ON THE CALENDAR—S. 2467

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2467) to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

Mr. SESSIONS. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's calendar, Calendar No. 566. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Randall L. Tobias, of Indiana, to be Administrator of the United States Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 295

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order with respect to S. 295, the China currency bill, be modified to reflect a date no later than September 29, 2006, or the last day of the second session of the 109th Congress, whichever is earliest, and that all other provisos remain in effect.

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

ORDERS FOR THURSDAY, MARCH 30, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 30. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business the Senate resume consideration of S. 2454, the border control bill, as under the previous order.

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

PROGRAM

Mr. SESSIONS. Today, by an overwhelming vote, we passed the lobbying bill. We now have turned to another important piece of legislation, the border control bill. We will be working on this bill for the remainder of the week and into next week. Under an agreement we entered this afternoon, tomorrow we will have more debate on the bill and Senator SPECTER will offer his substitute amendment at noon. Votes are expected tomorrow, and we will alert everyone when a vote is locked in for a certain time.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. On behalf of the majority leader, 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, following the remarks of Senator DURBIN for up to 30 minutes.

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

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I want to thank my colleague from Alabama for coming to the floor and addressing one of the most important bills we will consider this year, the question of the immigration system in America. My colleague and I may disagree—and we do disagree—on the substance of this bill, but I thank him for engaging the Senate in this conversation and dialogue. It is important that the American people know what we are about, and they should also know that we are taking our time to do it right.

I am a member of the Senate Judiciary Committee with the Senator from Alabama. We spent a lot of time on this bill, as we should have. It is a big challenge. I am not sure it is perfect. I think we can make it a better bill. But I am certainly pleased that the bill we brought to the floor is a balanced approach.

The one thing I like about it is it starts in the same place as many of its detractors want us to start, and that is to make sure that we have enforcement in this country. There should be laws; they should be enforced. That means we should do more, put more resources and more effort into making certain that our borders are not porous. It is a challenge. During the course of any given year, I am told that 300 million people pass between the United States and Mexico. The vast majority of them are doing it legally. But at the same time, there are people crossing that border into the United States illegally. We need better border enforcement, smarter border enforcement, using the best technology available today. Some of the suggestions we have heard I think are perhaps in answer to a problem of 100 years ago, but building a wall around the United States is hardly going to stop the immigration problem.

Over half the people currently in the United States undocumented did not enter illegally across the border. They came here legally, and because their visas expired or there were other circumstances or changes in the paperwork that they filed with our Government, they are not presently documented or in legal status. So this concept of building a fence or building a wall seems to me to be nothing more than a symbol—perhaps an unfortunate symbol—for a country as great as America.

Let me say a word or two about the bill that is going to be debated on the Senate floor for several days, perhaps through next week. It is a bill which addresses our immigration system in America. Most everyone agrees: This system needs to be changed. It is not fair. It is not a system that we are proud of because it doesn't deal with the serious issue of how many people are in the United States not in legal status—undocumented people.

One of the comments made several times during the course of the debate by my colleague from Alabama was that the bill coming out of the Senate Judiciary Committee creates amnesty. What is amnesty? Very simply, if you have been charged and found guilty of a crime, an amnesty says: We forgive you. We are not going to hold you responsible for your crime. There are things that you can do to pay your price to society for the crime you have committed. If you pay that price, people say: Well, that isn't amnesty. You have extracted some cost for the crime that has been committed.

Let me remind my colleague from Alabama what this bill does that comes to the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from today's New York Times of March 29, 2006, entitled, ''It Isn't Amnesty.''

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

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word ''deer'' on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12-to-6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a $2,000 fine and back taxes, and knowledge of English and civics. That's not ''amnesty,'' with its suggestion of getting something for nothing. But the false label has muddied the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700-mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out ''those people.''

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the ''amnesty'' semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. DURBIN. Mr. President, let me quote from this:

The path to citizenship laid out by the Specter bill—

which is the bill that will come before us soon—

wouldn't be easy. It would take 11 years, a clean record—

no criminal record—

a steady job, payment of a $2,000 fine, payment of all back taxes, and knowledge of English and civics.

Those are the things a person has to go through to reach the point where they are considered open for the possibility of legalization. So it isn't as if we have wiped away the fact that some people are here illegally; we are making it clear that if they want to become legal in the eyes of the United States, there is a cost to it. It is a cost in commitment, and it is a long one.

So I think The New York Times has it right, and I think my colleague did not have it right. This is not an amnesty. I don't support an amnesty. There are some who do, but no Members of the Senate that I know of are suggesting an amnesty. Instead, we have set up a process. First, enforce the laws at the border and through employers. Second, say to those people who are here: If you are prepared to go through a lengthy, involved, and demanding process, we will give you a chance to be part of America. I think that is the only sensible way to approach this. If we don't start with that possibility, that a person here who wants to call America home permanently can reach that goal legally, what will bring that person out of the shadows? If a year from now or 2 years from now there are still millions of Americans whom we don't know by name, by address or by occupation, we will not have addressed the problems with immigration, and America will not be as secure as it should be.

The process we are putting together will bring these people out of the shadows, into a process where they are disclosed, known to the Government and all others, if they are to stay in the United States. I think that is the only way to approach this sensibly.

There is another part of the bill which my colleague from Alabama addressed which is near and dear to me personally. It is a piece of legislation which I introduced several years ago with Senator HATCH of Utah, reintroduced recently with Senator HAGEL of Nebraska, a bipartisan bill known as the DREAM Act. This part of the bill addresses those who are minors, who were in the United States undocumented.

There is one thing we all should agree on: Adults who enter our country illegally are responsible for their actions. They should be held accountable. That is what the bill does. But undocumented children are different, and I think they should be treated differently. Unlike undocumented adults, children brought here by their parents are too young to understand the consequences of their actions. We are not a country that punishes children for the mistakes of their parents.

Listen to what the Supreme Court said in Plyler v. Doe, and I quote:

Those who elect to enter our territory by stealth and in violation of our law should be prepared to bear the consequences, including, but not limited to, deportation. But the children of those illegal entrants are not comparably situated. They can affect neither their parents' conduct nor their own status.

Now, unlike many undocumented adults and all foreign student visa holders, these young people have lived in this country for most of their lives. It is the only home they know. They have assimilated into American culture. They have been acculturated into American society. They are American in virtually every sense of the word except their technical legal status. Think about it. A child brought into the United States by parents at an early age of 1 or 2, in the United States for 16, 17 or 18 years, still has not reached legal status by virtue of living here, by going to school here, by participating in America. They are still undocumented. If we give foreigners on student visas—those who come to go to school in the United States—a chance to obtain legal status after only a short time in this country, surely we should extend the same opportunity to young people who have grown up here and show a promise to contribute to America.

Under title VI of the chairman's mark which we considered in the committee, an undocumented individual could have qualified for gold card status if they were working in January of 2004, but a person who wasn't working on that date because they were too young or in school wouldn't qualify, no matter how long they lived here. We addressed that. The chairman's mark was not adopted by the committee. A different approach was addressed. And the committee adopted the provision I am talking about today, the DREAM Act.

The DREAM Act would address the situation of many young people. It would permit undocumented students to become permanent residents if they came here as children, if they are long-term U.S. residents, if they have good moral character, and attend college or enlist in our military for at least 2 years.

During the 108th Congress, the Senate Judiciary Committee marked up this DREAM Act, and it was voted out by a vote of 16 to 3, a strong bipartisan vote. Compromises and changes were made.

It is unfortunate that the Senator from Alabama, when he spoke about the DREAM Act earlier, did not make reference to the current version of the law. There were three things in particular that he said that were not accurate, which I would like to clarify for the RECORD.

First, the path for a young person to become an American citizen involves education or military service. It does not include community service, which the Senator mentioned earlier.

Second, those students who go on to college, if they are allowed to by the States where they reside, and receive in-State tuition, that is strictly a State decision. They would not be eligible for Pell grants, the grants of Federal funds to college students. We eliminated that.

The Senator from Alabama referred to Pell grants earlier, but that provision was eliminated from the DREAM Act.

Finally, the number of students who are likely to benefit from this and be involved with our colleges is dramatically less than the number quoted by the Senator from Alabama. He said it is likely—I quote from his statement on the floor:

Sixty-five thousand students would enroll during the first year.

We have a recent report from the Congressional Budget Office. Their estimate is that about 13,000 students might enroll during the next academic year. And they go on to say it is unlikely because they are probably going to be community college students, that they would be receiving substantial amounts of Federal assistance as students.

So those three points made earlier by the Senator from Alabama were not accurate. They do not describe the current law as passed by the Senate Judiciary Committee. I think the best way to describe what this is about is to tell you some of the stories of actual young people who have been affected by this.

A young lady named Theresa was raised in Illinois. She is an amazing young lady. She came to the United States when she was 2 years old. Her parents brought her here from Korea. Her mother is the family's only bread winner, and she works at a dry cleaners in Chicago.

If you know that great City of Chicago, which I am honored to represent, 85 percent of the dry cleaning establishments are owned by Korean Americans. They are wonderful, hard-working people. They are there from the crack of dawn until late at night, 6 and 7 days a week.

Her mother is one of those people. She raised Theresa, and realized at an early age that Theresa was an extraordinary young girl. She had musical talents that none would have imagined. She began playing the piano when she was 8 years old. She became a musical prodigy, winning the Chicago Symphony Orchestra Youth audition. The top music schools in the United States recruited Theresa. They wanted her as a student.

She only learned when she applied to the schools that she had a problem, and the problem is this: When her mother brought her to this country her mother never filed any papers. So Theresa is an undocumented person in America. She is here illegally. Now, at the age of 18, after having lived here all of her life since she was 2, she discovers it, and she calls my office—her mother did—and said: What can be done?

She started filling out the application for the Juilliard School of Music, and they put a question in there on citizenship. She said: I do not know what to put down. We had better call.

They called my office. We asked the Immigration and Naturalization Service. They said she is undocumented. She is here illegally. I said: What can be done? We want to get this young girl on the right track to become an accomplished musician. We know she will be.

They said: There is one thing she can do. She can go back to Korea.

Go back to Korea after 16 years? That was the only alternative available to her.

Luckily, she has gone on to school without financial assistance, incurring a lot of debt in the process. She is in this gray shadow world of people who are undocumented living in the United States—a young woman who will undoubtedly be a great contribution to America's culture at some point in her life. She still does not know what her future holds. She is not the only one.

One of her music teachers told me about her. She said: I worry that our country, the richest and most blessed in the world, will not permit this very large talent to be developed. We are not such a rich land that can throw away the talents of our children.

Theresa is among the lucky ones who went off to college at great financial sacrifice. But she is one of the people I am talking about. Theresa is not alone. There are thousands like her. They turn out to be honor roll students, star athletes, talented artists, valedictorians, aspiring teachers, doctors, scientists, and engineers. They follow the rules and work hard in school. And they beat the odds.

Fifty percent of the Hispanic students in high school in America today drop out. They do not finish high school. They and others who are from other countries have to struggle with culture and language, and many of them give up. But the ones who don't give up are exceptional people.

Let me tell you about another one, Dianna, whom I met, a very bright young lady. She went to high school in Chicago and aspired to become an architect. That was her dream. She entered contests, was an honor student in high school, won competitions statewide in Illinois to move on toward architecture. She graduated from high school with a 4.4 out of 4.0, applied, and was accepted at Northwestern University to become an architect, a dream come true.

Then it was discovered that she was undocumented, the papers had not been filed. She had been here all her life but still was not a legal American, living in the United States. She couldn't get financial assistance to go to that great university and instead had to go to another school where she is pursuing her education at great expense but worries that the day will come when she wants to be licensed as an architect and she cannot be because she does not have legal status. She is not documented.

Those two young women I just talked about are classic examples of why the DREAM Act is important.

Would America be a better place if those two girls left, if we didn't have the architectural skills of Dianna or the musical skills of Theresa or the other student who came up to me in the streets of Chicago and said: Senator, I finished high school and then I went to college and paid for it all on my own because I can't get any financial help. I want to be a teacher. I want to teach in the schools of Chicago, the public school system. I can't be licensed as a teacher because I am undocumented.

Would we be better off if that young man who came up to me left America? I don't think so.

In many respects, these young people, like our own children, are our future. They are our hopes. What we do with the DREAM Act is say we are going to take this group of students and give them a chance. Here are the conditions: They have 6 years under the DREAM Act. A student could obtain conditional legal residency for 6 years if the student has been continuously present in the United States for at least 5 years prior to the enactment of this law, was under 16 years of age when he entered the United States, has graduated from high school or obtained a GED in the United States or has been admitted to an institution of higher education in the United States, can demonstrate good moral character, is not inadmissible or deportable under specifically enumerated grounds.

The student could obtain legal permanent residency if within the 6-year conditional period he earns a degree from an institution of higher education or completes at least 2 years towards a bachelor's degree or serves honorably in the U.S. military for at least 2 years.

That is not amnesty. We say to that young person: We don't know the circumstances that brought you here. But if you have done a good job as a student, if you were prepared to continue your education to contribute to America, if you are prepared to serve America in our U.S. military and risk your life for this country, we will give you a chance to be a citizen. You have to earn it. It is not free. It is not amnesty. It is not unconditional. We put these provisions in the law.

I think that is a reasonable thing to do. I think otherwise we are going to waste talent, talent that America needs among the thousands of students who may be helped by the DREAM Act. They may be a doctor who will treat your child in the future. They may be a researcher who will help advance the cures in medical treatment. They may be an engineer who will help us find new composite metals that we use for a space program. The possibilities are limitless because opportunity is limitless in America.

Why would we want to walk away from these kids? Why would we want to turn our backs on them?

Finally, I say to States across America that you decide how to treat these students. Many States like my own have already decided, but you decide whether these undocumented students will be eligible for instate tuition or out-of-State, which is more expensive. But each State makes the decision. That is a change in the Federal law, but it is a change that States can make without a Federal penalty.

I received a letter of support for the DREAM Act from a group of Americans who lost loved ones in the September 11 terrorist attacks. Here is what they wrote me:

> We will all be safer if we unite against terrorists, and if our immigration system can be made more rational and reflective of our values as a Nation.

President Bush said the other day some words that I think are worthy of repeating on the floor of the Senate. He said:

> It is true that we are a Nation of laws, but we are also a welcoming Nation. We are a Nation of immigrants.

I stand before this body, as I have said many times, so proud of the fact that my grandmother and grandfather had the courage to pick up and leave a tiny little village in Lithuania in 1911. My grandmother picked up my mom, a 2-year-old infant, and brought her and my aunt and uncles on a boat from Germany to Baltimore, MD, where they caught a train and went to St. Louis, MO, and then crossed the river into East St. Louis, the town where I was born.

My grandfather worked in the steel mills, packinghouses, and the stockyards—did things that all immigrants did, the hardest, toughest, dirtiest jobs. He kept the family together.

My mother made it to the eighth grade and then went to work, as young women did in her era, and then was married to my dad and applied and became a naturalized citizen.

I have her naturalization certificate in my office today. I am very proud of it. Today, her son is the 47th Senator in history from the State of Illinois. It is an American story, our family story. And it is a story repeated over and over again.

Some of the children who will be helped here, some of the young people who will be helped here, will make extraordinary contributions to our country. I can't even predict what they will be. But would we be a better nation, a stronger nation by turning them away, telling them to go back to Korea and Mexico and Ireland and Poland and all the places they have come from? I don't think so.

I think the letter from the families of the September 11 victims says it all. We need to have an immigration system that reflects our values as a nation. We shouldn't deport extraordinary people like the ones I have described. They will make America a better place. We should extend a welcoming hand and an opportunity for them to earn their way into legalization in America. That is what the DREAM Act will do.

I urge my colleagues, when they consider this bill as it comes to the floor, to support this legislation and the DREAM Act provisions.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 8:11 p.m., adjourned until Thursday, March 30, 2006, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar under the authority of an order of the Senate of January 20, 2005:

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, March 29, 2006:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

RANDALL L. TOBIAS, OF INDIANA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.