are, just like Mike Ensign. So because a perception isn't right, this amendment is pending, and it means Senators should pay the full fare when they fly on someone's private airplane. This is an important amendment. Any Senator who is serious about ethics reform will vote to invoke cloture so this amendment can be included in the final bill.

In the course of this debate on this bill, the Senate has properly focused on ethics and lobbying reform, not on other matters, such as campaign reform. The Senate has wisely tabled matters dealing primarily with campaign finance issues, but Senator FEINSTEIN has assured the Senate and me that campaign finance reform will be addressed separately and comprehensively in her committee, the Rules Committee.

I have some concern about campaign finance rules. I think we need to have serious public hearings on these issues. We have problems dealing with so-called 527s, their foundations—they are basic campaign finance problems we need to look at, and we need to look at them in detail. Senator FEINSTEIN has said she will do that, and I am grateful to her for doing that.

There will also be separate consideration of the proposal to establish an independent ethics enforcement agency. We debated that proposal last year, and it was defeated resoundingly after a bipartisan group of Senators on and off the Ethics Committee questioned the wisdom of such a proposal. Again, the Rules Committee has said they will take this matter up and look at it very seriously.

Senators VOINOVICH and JOHNSON served as chair and vice chair of the Ethics Committee in the last Congress. They both spoke vigorously against a new ethics agency. Senator JOHNSON, as we know, is recovering from an illness. As a matter of fact, I spoke to his family not long before coming here. He is doing very well. Here is what he said last year, though. I quote Senator JOHNSON, who is the chair of the Ethics Committee, who said this last year:

> The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues. . . .[The proposal would leave] open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics procession and create a blunt tool for extreme partisan groups to make politically based attacks.

Despite the defeat of the proposal last year, it makes sense for the Rules Committee and the Governmental Affairs Committee to hold hearings on ways to strengthen enforcement of the ethics rules. I can assure my colleagues that worthwhile proposals which emerge from these two committees will receive meaningful consideration by the full Senate. I have spoken about this in detail, in fact, in my last conversation with Senator LIEBERMAN this morning.

There are other pending amendments that have nothing to do with ethics and lobbying reform. The line-item veto is a good example. It has no place in this bill. I have great respect for Senator JUDD GREGG from New Hampshire. He is a wonderful man and a great Senator. But on this bill is not the place to bring this up. No matter how strongly you feel on this, you should not bring up line-item veto. Should we be debating what is going on in Iraq on this bill? We should not, even though some people believe strongly that we should. But the line-item veto is no different from debating Iraq in this bill. They have no place in this bill, just as there is no place for campaign finance reform in this bill. We are trying to do serious, sound ethics and lobbying earmark reform, and that is what we are doing.

Workable mechanisms for fiscal discipline are certainly important. I hope Senators CONRAD and GREGG take a look at this line-item veto issue, which I personally don't support. But whether I support it or not, it should not be a part of this bill, and I hope they would take this up in the budgeting process along with the pay-go rules which I think are so important. This bill is about ethics and lobbying reform, not budgeting.

Let's focus on what we need to do to move forward on the ethics and lobbying reform. We need to adopt the Durbin and DeMint amendments on earmark disclosure. We need to invoke cloture on my gift and travel amendment and then adopt that amendment. Then we need to invoke cloture on the substitute and debate the various germane amendments that will be pending during the 30-hour postcloture period.

This is a glidepath to finishing the ethics bill this week so we can move to other vital matters: the minimum wage, the President's new Iraq proposal, funding the Government, fixing the Medicare prescription drug plan, expending opportunities for lifesaving stem cell research, pay-go rules, and other important issues.

Ethics reform is the first step in convincing the American people that we, Democrats and Republicans, are hard at work on their behalf. It seems so important that we complete this legislation and move on to the other matters that are so important. But this is something we need to do to help the American people feel better about their Congress.

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.

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

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

Mrs. FEINSTEIN. Mr. President, I know the time has come to speak on the bill, but I would like, since there is only one Senator on the floor, to ask the body's indulgence and ask unanimous consent to speak in morning business.

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

APPOINTMENT OF UNITED STATES ATTORNEYS

Mrs. FEINSTEIN. Mr. President, I have introduced an amendment on this bill which has to do with the appointment of U.S. attorneys. This is also the subject of the Judiciary Committee's jurisdiction, and since the Attorney General himself will be before that committee on Thursday, and I will be asking him some questions, I speak today in morning business on what I know so much about this situation.

Recently, it came to my attention that the Department of Justice has asked several U.S. attorneys from around the country to resign their positions—some by the end of this month—prior to the end of their terms not based on any allegation of misconduct. In other words, they are forced resignations.

I have also heard that the Attorney General plans to appoint interim replacements and potentially avoid Senate confirmation by leaving an interim U.S. attorney in place for the remainder of the Bush administration.

How does this happen? The Department sought and essentially was given new authority under a little known provision in the PATRIOT Act Reauthorization to appoint interim appointments who are not subject to Senate confirmation and who could remain in place for the remainder of the Bush administration.

To date, I know of at least seven U.S. attorneys forced to resign without cause, without any allegations of misconduct. These include two from my home State, San Diego and San Francisco, as well as U.S. attorneys from New Mexico, Nevada, Arkansas, Texas, Washington and Arizona.

In California, press reports indicate that Carol Lam, U.S. attorney for San Diego, has been asked to leave her position, as has Kevin Ryan of San Francisco. The public response has been shock. Peter Nunez, who served as the San Diego U.S. attorney from 1982 to 1988, has said:

> [This] is like nothing I've ever seen in my 35-plus years.

He went on to say that while the President has the authority to fire a U.S. attorney for any reason, it is ''extremely rare'' unless there is an allegation of misconduct.

To my knowledge, there are no allegations of misconduct having to do with Carol Lam. She is a distinguished former judge. Rather, the only explanation I have seen are concerns that were expressed about prioritizing public corruption cases over smuggling and gun cases.

The most well-known case involves a U.S. attorney in Arkansas. Senators

PRYOR and LINCOLN have raised significant concerns about how ''Bud'' Cummins was asked to resign and in his place the administration appointed their top lawyer in charge of political opposition research, Tim Griffin. I have been told Mr. Griffin is quite young, 37, and Senators PRYOR and LINCOLN have expressed concerns about press reports that have indicated Mr. Griffin has been a political operative for the RNC.

While the administration has confirmed that 5 to 10 U.S. attorneys have been asked to leave, I have not been given specific details about why these individuals were asked to leave. Around the country, though, U.S. attorneys are bringing many of the most important and complex cases being prosecuted. They are responsible for taking the lead on public corruption cases and many of the antiterrorist efforts in the country. As a matter of fact, we just had the head of the FBI, Bob Mueller, come before the Judiciary Committee at our oversight hearing and tell us how they have dropped the priority of violent crime prosecution and, instead, are taking up public corruption cases; ergo, it only follows that the U.S. attorneys would be prosecuting public corruption cases.

As a matter of fact, the rumor has it—and this is only rumor—that U.S. Attorney Lam, who carried out the prosecution of the Duke Cunningham case, has other cases pending whereby, rumor has it, Members of Congress have been subpoenaed. I have also been told that this interrupts the flow of the prosecution of these cases, to have the present U.S. attorney be forced to resign by the end of this month.

Now, U.S. attorneys play a vital role in combating traditional crimes such as narcotics trafficking, bank robbery, guns, violence, environmental crimes, civil rights, and fraud, as well as taking the lead on prosecuting computer hacking, Internet fraud, and intellectual property theft, accounting and securities fraud, and computer chip theft.

How did all of this happen? This is an interesting story. Apparently, when Congress reauthorized the PATRIOT Act last year, a provision was included that modified the statute that determines how long interim appointments are made. The PATRIOT Act Reauthorization changed the law to allow interim appointments to serve indefinitely rather than for a limited 120 days. Prior to the PATRIOT Act Reauthorization and the 1986 law, when a vacancy arose, the court nominated an interim U.S. attorney until the Senate confirmed a Presidential nominee. The PATRIOT Act Reauthorization in 2006 removed the 120-day limit on that appointment, so now the Attorney General can nominate someone who goes in without any confirmation hearing by this Senate and serve as U.S. attorney for the remainder of the President's term in office. This is a way, simply stated, of avoiding a Senate confirmation of a U.S. attorney.

The rationale to give the authority to the court has been that since district court judges are also subject to Senate confirmation and are not political positions, there is greater likelihood that their choice of who should serve as an interim U.S. attorney would be chosen based on merit and not manipulated for political reasons. To me, this makes good sense.

Finally, by having the district court make the appointments, and not the Attorney General, the process provides an incentive for the administration to move quickly to appoint a replacement and to work in cooperation with the Senate to get the best qualified candidate confirmed.

I strongly believe we should return this power to district courts to appoint interim U.S. attorneys. That is why last week, Senator LEAHY, the incoming Chairman of the Judiciary Committee, the Senator from Arkansas, Senator PRYOR, and I filed a bill that would do just that. Our bill simply restores the statute to what it once was and gives the authority to appoint interim U.S. attorneys back to the district court where the vacancy arises.

I could press this issue on this bill. However, I do not want to do so because I have been saying I want to keep this bill as clean as possible, that it is restricted to the items that are the purpose of the bill, not elections or any other such things. I ought to stick to my own statement.

Clearly, the President has the authority to choose who he wants working in his administration and to choose who should replace an individual when there is a vacancy. But the U.S. attorneys' job is too important for there to be unnecessary disruptions, or, worse, any appearance of undue influence. At a time when we are talking about toughening the consequences for public corruption, we should change the law to ensure that our top prosecutors who are taking on these cases are free from interference or the appearance of impropriety. This is an important change to the law. Again, I will question the Attorney General Thursday about it when he is before the Judiciary Committee for an oversight hearing.

I am particularly concerned because of the inference in all of this that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. attorney. In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor. Therefore, it is surprising to me to see that she would be, in effect, forced out, without cause. This would go for any other U.S. attorney among the seven who are on that list.

We have something we need to look into, that we need to exercise our oversight on, and I believe very strongly we should change the law back to where a Federal judge makes this appointment on an interim basis subject to regular order, whereby the President nominates and the Senate confirms a replacement.

I yield the floor.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that after the bill is reported, Senator CORNYN be recognized to speak with respect to the bill for up to 10 minutes and that Senator SANDERS then be recognized to call up amendment No. 57.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

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

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform.

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

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

Vitter/Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

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

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

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

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

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

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

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