combat decorations given to others during the course of that war.

What Senator JOHN KERRY did was to volunteer to serve our country, put his life on the line, face combat, stand up and fight for his fellow sailors on that swift boat, and then come back to the criticism, the chief criticism of a group known as the Swift Boat Veterans for Truth.

Now, if the Senator from Texas is going to be filled with rage over those who would cast any disparaging remarks about our military, he should be consistent. He should amend his amendment—and I will seek to do it for him, incidentally—to add the Swift Boat Veterans for Truth as a group that should be repudiated. If we are going to get into this business of following the headlines, responding to advertisements and repudiating organizations, let's at least be consistent.

Mrs. BOXER. Madam President, will my friend yield?

Mr. DURBIN. I will yield.

Mrs. BOXER. Madam President, I wish to thank my colleague very much for pointing out the inconsistency of an attack on one organization that I guess my friend doesn't admire anyway, and that is his right. It is also our right to speak the truth on this floor. The fact of the matter is the Swift Boat Veterans for Truth went after a war hero and told stories to the American people that were not true and tried to sully a hero's reputation.

But he is not the only Senator who was attacked, as my friend remembers what happened to our colleague, Max Cleland. I know he does. Here is a veteran who gave three limbs for his country—three limbs. It is harder for him, for the first 2 hours of every day, to get ready for the day than it is for the Senator from Texas or myself or the Senator from Illinois to do our work for a month. Yet this man was viciously attacked and his patriotism called into question. Oh, yes, my friend might say, it was during a political campaign. It was disgusting. So we raise these issues.

What I wish to ask my friend is this: I was thinking—as the Senator from Texas, my friend and colleague, was speaking—I was thinking about some retired generals who spoke out against this war and said they were called traitors and worse. So I am looking at ways to incorporate into this a condemnation of anyone who would attack a retired general for speaking out against a war because I think that was low and it was horrible. It was frightening because, in a way, it was saying to these retired generals that they had no voice, no independent voice.

So I wish to thank my colleague, and I wonder if he recalls these generals. I will have more details as I put together my second-degree amendment as well.

Mr. DURBIN. Madam President, I would say in response to my colleague from California that if we are going to get into the business of standing up for members of the military, past and present, who were attacked for their positions on issues, then so be it. Let's be consistent about it. Let's remember our fellow colleague from Georgia, Senator Max Cleland, and remember what happened to him, when someone, during the course of a campaign, ran an ad suggesting he was somehow consorting with Osama bin Laden—a man who had lost three limbs to a grenade in Vietnam and who was attacked in a way that none of us will ever be able to forget.

The Senator from Texas includes in his whereas clauses, his sense-of-the-Senate clauses, to strongly condemn any effort to attack the honor and integrity of all the members of the U.S. Armed Forces. I hope if that is his true goal, he will allow us to amend his resolution to not only include the Swift Boat Veterans for Truth but those who attacked Senator Max Cleland during the course of his campaign.

I don't think the fact that it happens during a campaign absolves anybody from the responsibility of telling the truth and honoring those who served. In this case, two Democrats, Senator Max Cleland and Senator JOHN KERRY, were attacked, and there wasn't a long line of people on the floor to condemn the attackers. Now that the Senator from Texas has decided we should bring this up as part of the Defense authorization bill, I hope he will be consistent, and I hope he will consistently stand up for the reputations of the men and women in uniform, starting with General Petraeus but including those who served in this war and other wars in the past.

Each of them deserves our respect. I might add, parenthetically—it is worth saying—even if we disagree with their political views, they still deserve our respect. To attack their honor and integrity is wrong.

Mr. SMITH. Mr. President, last year the Senate enacted legislation that stripped the courts of jurisdiction to hear pending habeas claims brought by unlawful enemy combatants. It was with sadness then, as it is now, that the Senate failed to restore and protect this great writ. The writ of habeas corpus is a cornerstone of the rule of law. The right of an individual to learn of his or her detention by the government in a court of law is fundamental to our Constitution. Permanent detention of foreigners, without reason or charges, undermines our moral integrity in the world and does violence to our Constitution. It troubles me greatly that we have limited the ability of the judicial branch to ensure that detainees are being held fairly and justly by the American Government. It is my sincere hope that we will take up this amendment again in the near future.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Texas is recognized.

CHARACTER ASSASSINATION

Mr. CORNYN. Mr. President, I will not speak long because I know my friend from Iowa is here to speak in morning business.

I do want to say that Senators certainly have every right to offer any amendment they choose, but they don't have a right to require me to modify my amendment.

I am sorry they don't acknowledge the difference between somebody who has volunteered to become a public figure, a political candidate running for election, and somebody such as General Petraeus who in the performance of his duty is reporting to the Congress on the progress in a war in which 170,000 Americans are exposed to loss of life and limb right now.

To try to resurrect the old political battles of the past with regard to what happened in the Georgia Senate race, or what happened in the race for President of the United States, we are not going to achieve consensus here. Those were political races and those people are public figures. I don't like it when I am criticized any more than my colleagues do, including Senator KERRY or Senator Cleland. But that is an apples-and-oranges comparison to somebody who is wearing the uniform of a U.S. soldier who is performing his duty to report to Congress on the progress of military operations in Iraq.

So we may head down that road. As I said, it is every right of my colleagues to offer other amendments. We will take those as they come. But I hope all of our colleagues will, as an act of solidarity and support for General Petraeus and our men and women in uniform, vote for my resolution and condemn this character assassination on the name of a good man.

I yield the floor.

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

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, I am here to follow through on a promise I made back on June 13. At that time, after several speeches on the alternative minimum tax, I said I was going to continue talking about the alternative minimum tax until Congress took action to protect the roughly 19 million families and individuals who will be hit by it in 2007 who did not have to pay it in 2006—19 million families now affected who weren't affected last year.

I am also here to talk about a promise Congress needs to follow through on, which is to protect these 19 million families and individuals from the alternative minimum tax for the tax year we are in right now, 2007.

In 2006, 4.2 million families and individuals were captured by the AMT. For taxable year 2006, the legislation that temporarily increased the amount of income exempt from the alternative minimum tax expired. So, right now, and for the last 9 months, under current law, we expect around 23 million families and individuals to fall victim to the alternative minimum tax if Congress doesn't act.

This chart illustrates the current situation, using the figures I have already referred to: 4.2 million people were paying the alternative minimum tax last year. But what is submerged underneath the surface there is the 19 million people who are affected because Congress has not taken action yet. Tax year 2007, then, is represented by the boat and is rapidly approaching the AMT iceberg. Right now, most of the iceberg—the part that represents the 19 million additional taxpayers who will be caught by the alternative minimum tax this year—is under water.

The full magnitude of this imminent disaster will become apparent when those 19 million families and individuals start working on their 2007 tax returns starting January 2 of next year. Actually, the situation is worse than I implied—if you can imagine that it can be any worse than that. I wish to say that many families have already fallen victim to the alternative minimum tax. Of course, I am referring to those taxpayers who have to file quarterly returns, quarterly estimated returns.

The last time I spoke to you here on the Senate floor was on the occasion of the estimated tax payments for the second quarter due. I wish to say I am also speaking to my fellow Senators, but I am not sure how many of them might be listening because between June, when I spoke last, and the 3 months since, estimated tax payments for the third quarter were due this past Monday, September 17.

Before I go further, I want to specifically address the size of the population that makes estimated tax payments. In case anyone is thinking this is a very small group of people, the statistics of the income division of the IRS state that for tax year 2004, almost 11 million families and individuals made estimated tax payments. I am not saying each of those filers would be captured this year by the alternative minimum tax, but I surely want to remind everybody of the possibility that the number of people making estimated tax payments is very large, and that those among them hit by the AMT—we have already failed them by not taking care of this before the first payments were made in January.

As I have said, I last addressed the AMT on the Senate floor 3 months ago. In that time, no progress has been made on taking care of the problem of the AMT.

The next chart actually portrays what the Senate leadership has accomplished in the past 3 months in regard to this issue. It shows a giant goose egg. I have served the people in Iowa in Congress for many years. In that time, I have learned that generally things do not happen overnight. It takes time to formulate ideas, and it takes time to build enough support to take action. That is why I am particularly unhappy with this giant goose egg.

The current leadership has indicated that they have much they wish to accomplish this year. Time is rapidly running out and a plan for dealing with the AMT has not been proposed, much less a specific solution. The prospects of the AMT swallowing huge swaths of taxpayers is not a new problem. But until now, we have been able to keep it in check and not be 3 months away from 19 million more taxpayers being hit by it.

Since 2001, the Finance Committee has produced bipartisan packages—I emphasize bipartisan—that have continually increased the amount of income that is exempt from the alternative minimum tax. This was possible thanks to the help of Senator BAUCUS, currently chairman of the Finance Committee. Together, Senator BAUCUS and I were able to minimize the damage caused by the AMT. These increases in exemptions, designed to keep pace with inflation and slow the spread of the alternative minimum tax, were never what I envisioned as a permanent solution. Rather, I consider a permanent solution to be the policies represented in a bill with the number S. 55, called the Individual Alternative Minimum Tax Repeal Act.

Once again, I have to credit Chairman BAUCUS for his advocacy on behalf of tax fairness, as he introduced this bill with me, with Senators CRAPO, KYL, and SCHUMER signing on as cosponsors, and Senators LAUTENBERG, ROBERTS, and SMITH also signed on as cosponsors.

In case any of our friends in the House of Representatives are paying attention, a companion bill exists in H.R. 1366, called the Individual AMT Repeal Act. It was introduced by Congressman PHIL ENGLISH of Pennsylvania. What these bills—the ones I introduced in the Senate and PHIL ENGLISH's bill—accomplish is to completely repeal the AMT without offsetting it. That is, these bills do not replace taxes no longer collected from the AMT by raising taxes someplace else. I think it is very important to ensure that revenues that the Federal Government does not collect as a result of the alternative minimum tax reform are not collected someplace else.

The alternative minimum tax was never meant to raise revenue from the middle class of America and was certainly not meant to bring in the amount of money under existing budget law and, oddly, that the Congressional Budget Office has to count. In other words, it should not be counted in the first place if you weren't intended to tax these middle-income taxpayers, but it happens because the AMT was not indexed. The AMT, then, was conceived as a way to promote basic tax fairness in response to concern about a very small number of wealthy taxpayers who were able to eliminate their entire income tax liability through legal means.

The tax created to deal with this—the AMT—was originally, back in 1969, created with the impact at that time of affecting about 1 person out of 500,000. Now, over the course of 38 years, this small salute to tax fairness has grown into a monstrosity of a revenue raiser.

The next chart is taken from the Long-Term Budget Outlook, a Congressional Budget Office publication. It was last published in December 2005. These are the latest figures I have. This illustrates how the alternative minimum tax will swallow more taxpayers as revenue is collected from the alternative minimum tax, being the green line on the chart, over a period of the next 45 years almost, or any time between now and the next 45 years. You can see how it continually grows.

That is what the CBO, through the present budget laws, has to count. But they count it from people—remember, the middle-income people who were never supposed to pay it as opposed to the superrich, a very small number of people, who would take advantage of every legal loophole—I emphasize ''legal'' loophole—and not pay a regular income tax but pay the AMT. I suppose that is out of the theory that everybody living in this country, particularly the wealthy, ought to pay a little bit of tax as a matter of fairness. You can argue whether that is a good rationale, but that was the rationale back in 1969.

So you can see that there is a massive amount of revenue projected to come in from people who were never supposed to pay it that somehow you are supposed to offset, so that that revenue that was never supposed to come in is not lost. I know that doesn't sound reasonable to the average commonsense American listening to me out there, but that is the way our budget laws are, and that is the way Congress has to respond to it, whether it makes sense or not.

Left alone, the Congressional Budget Office calculates that more than 60 percent of the families and individuals in America will fall prey to the alternative minimum tax as it absorbs more than 15 percent of the total tax liability by the year 2050.

This next chart, which is taken from the same congressional office publication, illustrates how under current law revenues collected by the Government are projected to push above their historical average and keep growing as the AMT brings in more and more money. We can see the historical average into the future for 40 years, but it

follows a historical average going back 40 years before now, and because of the alternative minimum tax mostly but also for other law changes, current law, we are going to see the revenue coming in to the Federal Government growing to almost 25 percent of gross national product.

From a philosophical point of view and economic point of view, what is wrong with that? Philosophically, there is less freedom for the Americans. As we spend more of their money, they have less economic freedom. But more importantly, the economic harm that comes from 535 Members of Congress spending 25 percent of the gross national product instead of using the historical average of about 18 percent, that 7 percent difference means we are going to make decisions on how to spend it instead of the 137 million taxpayers in this country deciding how to spend it, where it will turn over the economy more times than if we spend it and do more economic good and create more jobs and have more economic freedom.

That is what is at stake in this whole debate if we do not do anything about the alternative minimum tax and it continues to grow to 15 percent of the total tax liability by the year 2050. This chart points out the increasing power of Congress through taking more money from the taxpayers without even changing the law if we do not do something about this alternative minimum tax.

Anyone who maintains that the alternative minimum tax reform or repeal needs to be offset is not actually doing anything about the problem these charts illustrate. The problems the alternative minimum tax is responsible for are the ballooning Federal revenues above historical levels and a burden on middle-class taxpayers that keeps increasing over time. Offsetting the alternative minimum tax revenue does absolutely nothing to address these issues, and it seems to me to be an attempt to pretend to solve a real problem by actually trying to hide that problem.

Aside from the long-term problems with the alternative minimum tax that we can solve by repealing it, the alternative minimum tax poses a short-term problem to the taxpayers who will fall into its clutches this year if Congress does not act.

Putting aside the legitimacy of keeping this tax, it is not doing what it was intended to do. Putting aside the long-term solution, we are going to end up right now with 19 million more families and individuals being caught by the AMT this year. That 19 million will probably include many taxpayers making estimated tax payments. Some of these families and individuals may not be taking the AMT into account as they make their quarterly payments simply because they do not realize they ought to take this into consideration.

Additionally, there may be some taxpayers who are required to make estimated tax payments when subject to the alternative minimum tax but are not required to make the estimated payments under the regular income tax system. At the end of this tax year, not only could those well-meaning filers find themselves subject to the alternative minimum tax, but they could also face the increased insult of being fined by the IRS for unintentionally miscalculating their estimated tax payments.

I do not believe these well-intentioned taxpayers ought to be penalized because Congress has not come through on its promise to at least keep the AMT from running wild—in other words, going beyond those 4.5 million taxpayers who are already hit by it and not including the 19 million who are otherwise being hit because of inaction so far.

That is why, on July 23, I dealt with this penalty issue by introducing S. 1855, called the AMT Penalty Protection Act. This legislation protects individuals from a penalty for failing to pay estimated taxes on amounts attributable to the AMT in cases where the taxpayers were not subject to the AMT last year. This is not a giveaway meant to compensate for the AMT, as it does not protect taxpayers who paid the AMT last year. Rather, this bill protects the families and individuals who do not yet appreciate the horrible impact our failure to act is going to have on them.

I am not the only one who thinks this legislation is a good idea. We have these Senators—Senators ALLARD, BROWNBACK, COLLINS, HUTCHISON, SMITH, and SNOWE—agreeing to cosponsor the legislation.

In addition, I have received letters from the Committee on Personal Income Taxation, the New York City Bar, as well as the National Association of Enrolled Agents in support of the provisions of this safe harbor bill so that the IRS cannot apply interest and penalties resulting from the failure to pay estimated taxes on amounts resulting from the AMT in cases where the taxpayers were not liable for the AMT last year.

I ask unanimous consent to have printed in the RECORD these letters to which I just referred.

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

NATIONAL ASSOCIATION OF ENROLLED AGENTS,
Washington, DC, August 3, 2007.

Hon. CHARLES GRASSLEY,
Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: As President of the National Association of Enrolled Agents (NAEA), I write on behalf of 40,000 enrolled agents to express our support for S. 1855, the AMT Penalty Protection Act of 2007.

In a June hearing held by the Senate Finance Committee on the alternative minimum tax (AMT), NAEA Government Relations Chair Frank Degen, EA, testified that the current short-term approach to dealing with the AMT creates uncertainty and hinders tax-planning. Many taxpayers are constantly faced with an unpleasant choice when calculating their estimated taxes to either assume that Congress will enact another AMT patch, or follow the letter of the law literally. If Congress fails to act, those who choose the former option will suffer the consequences of underpayment. If Congress extends the patch, those who choose the latter will likely receive a large refund, amounting to an interest-free loan to the IRS.

S. 1855 would prevent taxpayers who didn't pay AMT last year from being punished for assuming Congress will extend the AMT patch to this year. While not a permanent solution to the AMT problem, this is a step in the direction of certainty.

We applaud you for your efforts to ease the burden of the AMT.

Sincerely,

DIANA THOMPSON,
President.

NEW YORK CITY BAR, COMMITTEE ON PERSONAL INCOME TAXATION,
New York, NY, August 23, 2007.

Re 2007 reform of alternative minimum tax.

Hon. MAX S. BAUCUS,
Chairman, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES B. RANGEL,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. JIM MCCRERY,
Ranking Member, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS, CHAIRMAN RANGEL, SENATOR GRASSLEY AND REPRESENTATIVE MCCRERY: The Personal Income Tax Committee of the Association of the Bar of the City of New York would like to respectfully offer comments on the important subject of 2007 Reform of the Alternative Minimum Tax. In particular, the areas of main concern addressed by this letter are support of a continued increased AMT exemption amount in 2007 and support of a short term 2007 AMT Estimated Tax Relief provision of safe harbor from IRS interest and penalties (which is particularly relevant for those taxpayers whose estimated tax payments for 2007 have not taken into account an extension of the 2006 increased AMT exemption).

A short term 2007 AMT increased exemption is consistent with the short term AMT relief enacted by Congress between 2003 and 2006. In so doing, Congress has held down the number of AMT taxpayers to less than there would have been under prior law. This patch expired at the end of 2006 and Congress has not yet enacted a patch for 2007. Without the proposed 2007 AMT short term reform, the number of Americans affected by the AMT for 2007 will increase from approximately four million to more than 23 million. The Joint Committee on Taxation projects that most of the 23 million taxpayers affected would earn between $50,000 and $200,000, that is middle income families. The problem with the AMT goes beyond just those paying the tax.

The AMT affects a lot of other taxpayers, as well. The AMT forces many taxpayers to have to calculate their tax liability twice, first under the regular tax system, and then again under the AMT. The IRS estimates that the average taxpayer takes about 30 hours filling out a Form 1040. The AMT increases that burden.

BACKGROUND

The first comprehensive AMT was enacted in 1982. The purpose of the AMT, as stated in the legislative history, was to ensure that no taxpayer with substantial economic income should be able to avoid all tax liability by using exclusions, deductions, and credits. Now, the AMT affects middle income families who are working hard and raising children. The Joint Committee on Taxation estimates that 4.2 million paid AMT in 2006. Among those taxpayers, 25,000 had adjusted gross income of less than $20,000, hardly the category of taxpayer that should have to be subject to increased complexity and taxes due in computing and paying their federal income taxes.

In 2006, approximately 200,000 taxpayers subject to AMT had adjusted gross income between $75,000 and $100,000. Approximately 1.3 million AMT taxpayers had adjusted gross income between $100,000 and $200,000. Only about 80,000 taxpayers had adjusted gross income of $1 million and above. In summary, in 2006 more taxpayers earning less than $100,000 were subject to the AMT than taxpayers earning more than $1 million.

The AMT has strayed from its original purpose. At its inception, the AMT was enacted to insure that upper-income taxpayers would pay some amount of income tax. Now, it is subjecting middle-income taxpayers to an additional tax.

PRESENT LAW

Present law imposes an alternative minimum tax. The alternative minimum tax is the amount by which the tentative minimum tax exceeds the regular income tax. An individual's tentative minimum tax is the sum of (1) 26 percent of so much of the taxable excess as does not exceed $175,000 ($87,500 in the case of a married individual filing a separate return) and (2) 28 percent of the remaining taxable excess. The taxable excess is so much of the alternative minimum taxable income (''AMTI'') as exceeds the exemption amount. The maximum tax rates on net capital gain and dividends used in computing the regular tax are used in computing the tentative minimum tax. Alternative minimum taxable income is the individual's regular taxable income increased by certain adjustments and preference items.

The exemption amounts are: (1) $62,550 for taxable years beginning in 2006, and $45,000 for taxable years beginning after 2006, for married individuals filing jointly and surviving spouses; (2) $42,500 for taxable years beginning in 2006, and $33,750 for taxable years beginning after 2006, for other unmarried individuals; (3) $31,275 for taxable years beginning in 2006, and $22,500 for taxable years beginning after 2006, for married individuals filing separately; and (4) $22,500 in the case of estates and trusts.

The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation. The AMT has statutory marginal tax rates of 26 and 28 percent. However, those with alternative minimum taxable income in the phaseout range of the exemption level ($150,000 to $400,200 for married taxpayers filing jointly and $112,500 to $282,500 for unmarried individuals, in 2006) will have an effective marginal tax rate of 32.5 and 35 percent, respectively.

PROPOSED 2007 AMT REFORM

It is our view that Congress should enact an AMT patch for 2007. The exemption amounts in effect for 2006 should be put into effect for 2007, adjusted for inflation. Taxpayers should be provided safe harbor from IRS penalties and interest for failure to include estimated tax payments in 2007 that take into account an extension of the increased AMT exemption provided in 2006. In computing tax for purposes of the penalties dealing with estimated tax, a taxpayer would be permitted to disregard the alternative minimum tax if the individual was not liable for the alternative minimum tax for the preceeding tax year.

The amendments proposed herein should apply to taxable years beginning after December 31, 2006.

A 2007 AMT short term reform with an increased AMT exemption would prevent expansion of the AMT, reduce taxpayers' compliance costs and make routine tax planning simpler. In addition, the short term reform proposed here will enable Congress to address issues related to substantial changes in our income tax system given the large number of important provisions that are currently scheduled to terminate in the next few years.

Respectfully submitted,

BABCOCK MACLEAN,
Chair.

Mr. GRASSLEY. Mr. President, I would like to believe this legislation is not necessary because we are going to prevent the AMT from swallowing 19 million taxpayers in 2000, but I am not optimistic considering the fact we have not acted yet.

In closing, I encourage—and it is meant to encourage—the Democratic leadership to keep our promise with the American taxpayers and at least modify the exemption amounts for 2007. Of course, the best option is to completely repeal the AMT, and I am going to raise this issue with the Finance Committee members, and I am going to raise the issue with Members outside the committee. We ought to just get rid of it. It is stupid to be saying we are going to collect revenue from people who were never intended to pay, but we are counting that revenue. It is a big shell game. So I will be talking with my colleagues about the sensibility of just getting rid of something.

I will tell my colleagues another reason for getting rid of the AMT. It is supposed to hit the super-rich. We are told by the IRS right now that there are about 2,500 of these super-rich who ought to be paying the alternative minimum tax—we would expect them to pay the alternative minimum tax—but they have found ways legally of even avoiding the alternative minimum tax. So we ought to just get rid of it. But for the time being, the only thing the taxpayers can rely on is the same goose egg we have been sitting on all year.

Mr. GRASSLEY. Mr. President, I also wish to use my time to address another issue. I would like to continue, Mr. President.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator is recognized.

SECRET HOLDS

Mr. GRASSLEY. Mr. President, the ethics bill has now been signed into law and, as my colleagues are aware, it contains new requirements about what we in the Senate call holds, meaning an individual Senator can hold up a bill all by himself from coming up.

Senators may be wondering what exactly is required under these new requirements about holds and how it is going to work. As a coauthor of the original measure, I have to tell my colleagues that I don't know how it is going to work. The provisions have been rewritten from what we had originally adopted on the floor of the Senate by a very wide margin. I am not even sure by whom this has been rewritten because it was a closed process and Republicans were not invited to participate in that process.

Now I am trying to understand how these provisions will work. Let me give a little background.

I have been working for some time, along with Senator WYDEN of Oregon, to end the practice of secret holds through a rules change or through what we call in the Senate a standing order. I do not believe there is any legitimate reason a single Senator should be able to anonymously—I emphasize anonymously—block a bill or nomination. I do not argue with an individual Senator blocking a bill. I do that myself. But I do not think it should be secret. We ought to know who is doing it because the public's business—and the Senate is all about the public's business; we are on television—the public's business ought to be public, and we ought to know who that person is. If a Senator has the guts to place a hold, they ought to have the guts to say who they are and why they think that bill ought to be held up. If there is a legitimate reason for a hold, then Senators should have no fear about it being public.

I am not talking hypothetically; I am speaking from my experience. I have voluntarily practiced public holds for a decade or more, and I have had absolutely no cause to regret telling all my colleagues and the whole country why I am holding up a bill and who CHUCK GRASSLEY is so they can come and talk with me if they want to talk with me about it, know what the rationale is, and maybe we will want to work something out.

Through the years, there have been several times when the leaders of the two parties have agreed to work with Senator WYDEN and me to address this issue, albeit in a way different than what maybe we would have proposed. I have approached these opportunities with optimism, only later on to be disappointed.

For instance, in 1999, at the start of the 106th Congress, Majority Leader Lott and Minority Leader Daschle sent a ''Dear Colleague'' letter to all Senators outlining a new policy that any Senators placing a hold must notify the sponsor of the legislation and the committee of jurisdiction. It went on to state that written notification of the holds should be provided to respective leaders, and staff holds—in other