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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JAMES WEBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray.

Eternal Lord God, on yesterday, we remembered the life and legacy of Dr. Martin Luther King, Jr. This morning, we invite You to enter the gates of our hearts. Lord, come into our lives and remove all false pride and disunity, replacing them with humility and harmony.

Reside with the Members of this legislative body. Create within them a hunger for holiness. May they dedicate their labors as a gift of love to You, consecrating even their thoughts for Your honor. Generate in their minds a spirit of expectancy that the best is yet to be. Increase their joy and peace as they experience the power of Your presence.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 16, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB 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. REID. Mr. President, the Senate will begin a period of morning business until 1 p.m., with the first hour under the control of the Senator from Oregon, Mr. WYDEN, the second hour under the control of the Republicans, and the final hour equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

At 1 p.m., we will resume consideration of the ethics legislation. Cloture was filed on amendment No. 4, the so-called corporate jets amendment. Cloture was also filed on the substitute amendment and the bill. First-degree amendments need to be filed at the desk by 10:30 this morning, and any second-degree amendments should be filed by 4:30 p.m. today. There will be three votes starting at 5:30 today: the Durbin second-degree amendment regarding earmarks; the DeMint first-degree amendment regarding earmarks, as amended, if amended; and then the cloture vote on Reid amendment No. 4. Members should plan their schedules accordingly and remember that rollcall votes are 15 minutes, with a 5-minute grace period.

We are going to finish this legislation this week. If we finish it Thursday, we will be through Thursday. If the Republican leader agrees, we will finish it Thursday; otherwise, we will push on until we finish this legislation. I hope we can do it Thursday or Friday, but if we have to be here over the weekend, we are going to do it. We are going to finish this legislation. If cloture is not invoked, we will make a decision at that time as to what we will do with the legislation. We have made a lot of progress. There are still a lot of amendments out there floating around, and we will have to see what the body wants to do with those. That will be determined tonight with the cloture votes.

RECOGNITION OF THE MINORITY LEADER

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

COMPLETING ACTION ON S. 1

Mr. MCCONNELL. Mr. President, I say to my good friend, the majority leader, I share his view that we ought to wrap up this legislation this week. We intend to cooperate toward that end. There are some additional amendments over here on which we would hope we could get votes. But I, too, share the view that this legislation should be completed later this week. I will be talking with the majority leader about how to move toward that end.

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

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

Senate will proceed to a period of morning business until the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each and with the first hour under the control of the Senator from Oregon, Mr. WYDEN, the second hour under the control of the minority, and the final hour equally divided and controlled by the two leaders or their designees.

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President, for almost 13 years, it has been considered politically dangerous to come to the floor of the Senate and describe a fresh approach to fixing health care in America. I am going to do that this morning because I do not believe it is morally right for the Senate to duck on health care any longer.

During the Senate's long absence, the skyrocketing costs of health care have hit American communities like a wrecking ball. PricewaterhouseCoopers estimates that health care premiums will rise 11 percent this year, several times the rate of inflation. In America, with the world's best doctors, nurses, hospitals, and other providers, many with health coverage believe they are just one more rate hike away from losing the coverage they have, and more than 40 million Americans have little or no coverage at all.

Just about all of us are baffled about how to purchase the health care that is best for us. In fact, it is easier to get information about the cost and quality of washing machines than it is to get information about health care that can mean life or death. I believe the combination of cost hikes, increases in chronic illness, our aging society, and the disadvantage American employers face in global markets, where their competitors spend little or nothing for health, means our current health system cannot be sustained.

Since health care has been poked and prodded for so many years, I believe it is time for diagnosis and treatment. As usual, it makes sense to start with a look at the financial bottom line. Go there, and it sure looks as if we Americans are spending enough money on medical care. Last year, according to the Center for Medicare and Medicaid Services, Americans spent $2.2 trillion on health care. There are about 300 million of us. You divide 300 million into $2.2 trillion, and it would be possible to send every man, woman, and child in America a check for more than $7,000. Here is another way to look at it: For the money Americans spent on health care last year, we could have hired a group of skilled physicians, paid each one of them $200,000 to care for seven families, and all Americans would have quality, affordable health care. Whenever I mention those figures to a physicians group, it takes about 30 seconds before a doctor stands up and says: Ron, where do I go to get my seven families?

My conclusion, after reviewing the numbers and expenditures for health care: America is spending enough money on medical services; it is just not spending the money in the right places.

While the Senate has taken a pass on fixing health care and redirecting misspent health dollars, several State leaders have stepped forward. In my view, Arnold Schwarzenegger and Mitt Romney deserve substantial credit just for trying to lead on health care. I will discuss in a minute why I do not agree with their decision to continue the link between health insurance and employment, but Governors Schwarzenegger and Romney deserve America's thanks for making it clear that they will not sit quietly by while Washington, DC, slow-walks health care.

As a member of the Senate Finance Committee, I intend to help State officials obtain the special waivers in Federal health programs they need to make Federal dollars in their States stretch further for health care. Having already stated that I believe enough money is being spent on medical services, I am especially interested in helping the States make better use of their existing funds. As a result of the new initiatives in California, Massachusetts, and other States, some in the Congress believe the next few years should be spent watching how the States fare in their efforts. Meaning well, these Congress people believe our role in the Congress should primarily be to ship more Federal money to the States for their reforms and then pretty much call it a day. Respectfully, I disagree. I believe there is no possible way the States can fix health care because the States did not create the major problems in American health care. Who did? The Federal Government, the big spender of health dollars in America, the architect of the policies now driving American health care toward implosion.

Here is how it happened. More than 60 years ago, with wage and price controls in effect, our employers found that they could get good workers by giving them health care benefits. Employer-based health coverage was born and generously greased by the adoption of Federal tax policies that make employer-based health coverage a deductible expense for employers and a tax-free benefit for workers. Soon most workers came to get their health coverage through their employer. It became the norm for talented workers to quickly ask prospective employers: Say, tell me about your health package.

Today, these Federal tax breaks total more than $200 billion annually. The cost, however, involves more than dollars. These tax breaks go disproportionately to the wealthiest in America and subsidize inefficiency to boot. A high-flying CEO at a major corporation can write off the cost of Cadillac health coverage or even getting a designer smile for his face, while the folks at the corner hardware store lack company health coverage and get nothing. With employer-sponsored health coverage, an individual worker is largely in the dark about whether they have been overcharged for health care, and the Tax Code allows for a writeoff for wasteful spending. These Federal tax policies that reward regressive practices and inefficient health spending are taking a large and growing toll.

For example, an increasing number of the uninsured work at small businesses, like the hardware store that fares so poorly under the Federal Tax Code. Because these small businesses cannot afford health care for their workers, these workers often ignore their illnesses until they can bear it no longer. Their next stop—the hospital emergency room, where the medical bills generated by the uninsured are often passed on to the insured and to taxpayers.

My next picture shows where we are headed with the employer-based health coverage. In an era where such cost shifting is widespread and some companies spend almost as much on health care as they make in profit, employer-based health coverage is melting away similar to this popsicle on the summer sidewalk in August.

If PricewaterhouseCoopers is right and health premiums rise another 11 percent this year, those with employer-based coverage will face another round of big copayments for their health care, more deductibles, and additional benefit reduction this year. Their choice is likely to be worse coverage or no coverage.

Recently, a woman in her fifties came to one of my town hall meetings in Oregon and said:

> I just hope my employer can keep offering health benefits and I can hang in there until I get Medicare.

I believe this Senate ought to act when hard-working Americans go to bed at night worried about the prospect of losing their health coverage when they get up in the morning. Now, you could argue that 60 years ago employer-based health coverage made sense. That was before U.S. employers faced determined global competition, U.S. workers changed jobs seven or eight times by the age of 35, and American society became more mobile. It surely doesn't make sense today.

I believe you cannot fix American health care without changing our system of employer-based health coverage and the Federal tax breaks that lubricate it. I believe you cannot fix American health care without changing the incentives that drive our choices and our behavior. Not a State in the Union has the power to bring this about. We in the Senate do.

In a few days, after some additional consultation with colleagues, I will introduce legislation that offers a fresh and different approach to fixing health care in America. I call the legislation the Healthy Americans Act, and it is based on four judgments about health care I have made.

First, Democrats have been correct in saying that to fix health care everybody must be covered. This concept, of course, is known as universal coverage. Republicans, in my view, have been correct in saying there must be more personal responsibility and personal involvement in making health care choices than there is today.

Second, there is a model for fixing health care that every single Senator—every Member of Congress—knows something about. It is the system that serves Members of Congress and their families, offering the Members of this body high-quality, affordable, private health coverage with lots of choice.

Third, America doesn't have health care at all; it has sick care. For example, Medicare Part A will write checks for thousands of dollars so that a senior can be treated in the hospital after they have had a heart attack or a stroke. Medicare Part B—the part of the program that covers outpatient services—provides no incentives for changing the behavior that led to the chronic illness and landed the senior citizen in the hospital. Certainly, it is clear that preventing disease, not just treating disease, must be a bigger part of America's health care future.

Fourth, in my view, you cannot fix American health care if you hurt the middle class who have coverage in order to help those who do not. To fix American health care, you must prove that all Americans have the opportunity to get ahead, starting with their first paycheck under a new health care plan—the Healthy Americans Act that I have drafted and has been posed at my Web site at wyden.senate.gov. Included at this site is a written evaluation of the legislation, done by the Lewin Group. The Lewin Group has been called the gold standard of health care actuarial data.

Their evaluation is clear. Under the Healthy Americans Act, all Americans can be guaranteed a lifetime of private health coverage, at least as good as their Member of Congress receives, for no more than our country spends on health care today. In addition, fixing American health care can be done more quickly than imagined—within 2 years after a reform law is passed—and produce more than $4 billion in savings in the first year, while expanding coverage.

The next chart is especially important because it shows that the Healthy Americans Act will slow the rate of growth in health care spending by almost $1.5 trillion over the next 10 years. The distinguished Presiding Officer is an expert in foreign affairs and our policy with Iraq. I am sure that as he looks at the chart, he can see that, according to the Lewin Group, the amount of money that would be saved in slowing the rate of growth in health care spending is several times—threefold—the amount of money our country has spent on the war in Iraq.

Mr. President, it doesn't take long to explain how the Healthy Americans Act works. It starts by going where Arnold Schwarzenegger and Mitt Romney would not. It cuts the link between health insurance and employment altogether. Under the Healthy Americans Act, businesses paying for employee health premiums are required to increase their workers' paychecks by the amount they spent last year on their health coverage. Federal tax law is changed to hold the worker harmless for the extra compensation, and the worker is required to purchase private coverage through an exchange in their State that forces insurance companies to offer simplified, standardized coverage, and prohibits them from engaging in price discrimination.

Now, requiring employers to cash out their health premiums, as I propose in the Healthy Americans Act, is good for both employers and workers. With health premiums going up 11 percent this year, employers are going to be glad to be exempt from these increases. With the extra money in their paycheck, workers have a new incentive to shop for their health care and hold down their cost. If a worker in Virginia can save a few hundred dollars on their health care purchase, they can use that money so that one of the constituents of the Presiding Officer can be on their way to Oregon to get in some sensational fishing.

In addition, the Healthy Americans Act is easy to administer and guarantees lifetime health security. Once you have signed up with a plan through an exchange in the State in which you live, that is it; you have completed the administrative process. Even if you lose your job or you go bankrupt, you can never have your coverage taken away. Sign up, and the premium you pay for the plan and all of the administrative activities are handled through the tax system. For those who cannot afford private coverage, the Healthy Americans Act subsidizes their purchases.

Businesses that have not been able to afford health coverage for their workers, under the new approach, will pay a fee—one that is tiered to their size and revenue, with some paying as little as 2 percent of the national average premium amount per worker for that basic benefit package. Mike Roach, the owner of the 8-person Paloma clothing firm in Portland, OR, is a 30-year member of the National Federation of Independent Businesses, and he was instrumental in ensuring that this legislation was small business friendly every step of the way.

Mr. President, that is pretty much it, in terms of how the Healthy Americans Act actually works. It will be easy to administer, locally controlled, with guaranteed coverage as good as your Member of Congress gets; and on top of it, there is a model for delivering it that the distinguished Presiding Officer and everybody else in this body knows about. Page 12 of the Lewin report on my Web site shows how the Healthy Americans Act expands coverage for millions of people, guaranteeing health benefits as good as their Member of Congress gets, while saving $4.5 billion in health spending in the first year. Money is saved by reducing the administrative costs of insurance, reducing cost shifting, and preventing those needless hospital emergency room visits. Also, there are substantial incentives that come about because insurance companies would have to compete for the business of consumers, who would have a new incentive to hold down health costs, which I have already described as the Virginian's opportunity to go fishing in Oregon.

There are other parts of the Healthy Americans Act I wish to describe briefly.

As the name of the legislation suggests, I believe strongly that fixing American health care requires a new ethic of health care prevention, a sharp new focus in keeping our citizens well, and trying to keep them from falling victim to skyrocketing rates of increase in diabetes, heart attack, and strokes.

Spending on these chronic illnesses is soaring, and it is especially sad to see so many children and seniors fall victim to these diseases. Yet, many Government programs and private insurance devote most of their attention to treating Americans after they are ill and give short shrift to wellness.

Under the Healthy Americans Act, there will be for the first time significant new incentives for all Americans to stay healthy. They are voluntary incentives, but ones that I think will make a real difference in building a national new ethic of wellness and health care prevention.

Parents who enroll children in wellness programs will be eligible for discounts in their own premiums. Instead of mandating that parents take youngsters to various health programs—and maybe they do and maybe they don't—the Healthy Americans Act says when a parent takes a child to one of those wellness programs, the parent would be eligible to get a discount on the parent's health premiums.

Under the Healthy Americans Act, employers who financially support health care prevention for their workers get incentives for doing that as well. Medicare is authorized to reduce outpatient Part B premiums so as to reward seniors trying to reduce their cholesterol, lose weight, or decrease the risk of stroke. It has never been done before. For example, Part B of Medicare, the outpatient part, doesn't offer any incentives for older Americans to change their behavior. Everybody pays the same Medicare Part B premium right now. The Healthy Americans Act proposes we change that and ensures that if a senior from Virginia or Oregon or elsewhere is involved in a wellness program, in health care prevention efforts, like smoking cessation, they could get a lower Part B premium for doing that.

The preventive health efforts I have described are promoted through new

voluntary incentives under the Healthy Americans Act, not heavy-handed mandates. Under the Healthy Americans Act, there is no national nanny established under the legislation to watch who is hitting the snack food bowl.

What this legislation says is—let's make it more attractive for people to stay healthy, to change their behaviors, to promote the kind of wellness practices we all know about but somehow don't seem to find time to actually get done in our hectic schedules.

Finally, and most importantly, the Healthy Americans Act does not harm those who have coverage in order to help those who do nothing. The legislation makes clear that all Americans retain the right to purchase as much health care coverage as they want. All Americans will enjoy true health security with the Healthy Americans Act, a lifetime guarantee of coverage at least as good as their Member of Congress receives.

Most American families will obtain this coverage with either their premiums reduced from what they pay today or for less than a dollar a day more. That can all be seen in the Lewin chart as No. 10 at my Web site. In addition, all Americans benefit from the reduced administrative costs the legislation produces, the insurance reforms, and, of course, the new focus on prevention.

I am now going to explain briefly how care for the poor is handled under the Healthy Americans Act and why this is good for both low-income people and taxpayers. This is especially important in light of a recent article in the health policy journal, ''Health Affairs.''

This article points out that more than half of the Nation's uninsured are ineligible for public programs such as Medicaid, but do not have the money to purchase coverage for themselves.

At present, for most poor people to receive health benefits, they have to go out and try to squeeze themselves into one of the categories that entitles them to care. So what we have, Mr. President, in Virginia, in Oregon, and elsewhere, is citizens trying to crunch themselves into one of these boxes, one of these categories that might make them eligible for health care in Virginia or Oregon.

As former Oregon Gov. John Kitzhaber has noted, there are more than 20 different categories of Medicaid. Administrating all of this takes funds, in my view, that ought to be spent caring for poor folks in America.

Under the Healthy Americans Act, low-income people will receive private health coverage, coverage that is as good as a Member of Congress gets, automatically. Like everyone else, they will sign up through the exchange in their State. When they are working, the premiums they owe are withheld from their paycheck. If they lose their job, there is an automatic adjustment in their withholding.

In addition, under the Healthy Americans Act, it will be more attractive for doctors and other health care providers to care for the poor. Those who are now in underfunded programs, such as Medicaid, are going to be able to have private insurance that pays doctors and other providers commercial rates which are traditionally higher than Medicaid reimbursement rates.

Because low-income children and the disabled are so vulnerable, if Medicaid provides benefits that are not included in the kind of package Members of Congress get, then those low-income folks would be entitled to get the additional benefits from the Medicaid program in their State.

I am now going to explain how Medicare is strengthened by the Healthy Americans Act.

As the largest Federal health program, Medicare's financial status is far more fragile than Social Security. Two-thirds of Medicare spending is now devoted to about 5 percent of the elderly population. Those are the seniors with chronic illness and the seniors who need compassionate end-of-life health care. The Healthy Americans Act strengthens Medicare for both seniors and taxpayers in both of these areas.

In addition to reducing Medicare's outpatient premiums for seniors who adopt healthy lifestyles and reduce the prospect of chronic illness, primary care reimbursements for doctors and other providers get a boost under the Healthy Americans Act. Good primary care for seniors also reduces the likelihood of chronic illness that goes unmanaged. This reimbursement boost is sure to increase access to care for seniors—and I see them all over, in Oregon and elsewhere—who are having difficulty finding doctors who will treat them.

To better meet the needs of seniors suffering from multiple chronic illnesses, the Healthy Americans Act promotes better coordination of their care by allowing a special management fee to providers who better assist seniors with these especially important services.

Hospice law is changed so that seniors who are terminally ill do not have to give up care that allows them to treat their illness in order to get hospice. In addition, the Healthy Americans Act empowers all our citizens wishing to make their own end-of-life care decisions.

The legislation requires hospitals and other facilities to give patients the choice of stating in writing how they would want their doctor and other health care providers to handle various end-of-life care decisions.

The tragic case of the late Terri Schiavo came before the Senate before the distinguished Presiding Officer of the Senate had joined this body, but I was particularly struck during that debate and afterwards how strongly the American people feel about making sure that the patient and not Government gets to drive all of the decisions surrounding their end-of-life care. Under the Healthy Americans Act, that would be the norm rather than the exception.

In writing this legislation, I spent a lot of time looking back—looking back literally over 60 years—since Harry Truman tried to fix health care in the 81st Congress in 1945. I tried to make sure, particularly, that the lessons of 1994 were ones the Senate would pick up on and make sure that the same mistakes were not committed again.

For example, in 1994, the last time this Senate considered fixing health care, the principal piece of legislation before the Senate was 1,369 pages long. The Healthy Americans Act posted at my Web site saves a lot of Oregon trees by coming in about 1,200 pages shorter.

In 1994, getting to universal coverage was, in effect, put before securing the savings to responsibly finance an expansion of coverage. The Healthy Americans Act, as noted in the Lewin report, generates billions of dollars in savings in the first year as the legislation is implemented.

In 1994, the principal method of financing universal coverage was an employer mandate. The Healthy Americans Act requires no such employer mandate, provides financial relief for employers competing in tough global markets, and still ensures that every business takes some measure for financing health care in a way that is going to allow those businesses to be competitive in tough global markets. In 1994, there was never a coalition of employers, union leaders, and patient advocates behind a specific piece of legislation. Now, Andy Stern, president of the 1.8 million-worker Service Employees International Union; Steve Burd, CEO of Safeway with more than 200,000 workers, patient advocates representing various points of view, and employers of all sizes have joined behind the Healthy Americans Act.

There is also a moral question I would like the Senate to consider. Given what I have just outlined, how can this Senate justify denying all Americans health care coverage as good as Members of Congress receive? The Lewin report proves it can be done—proves it can be done without spending more money than the country spends now and, in fact, can be done saving more than $4 billion in the very first year.

There is a model for putting reforms in place: the system enjoyed by all the Senators serving in this body today. Fixing health care under the Healthy Americans Act will reduce administrative hassle and expense and allow all our citizens finally—finally—to go to bed at night without fear of losing essential medical care.

I want 2007 to be the year when the Senate, as well as the various State governments, step up on health care. The States deserve our support, but they cannot possibly remedy the health problems created by Federal leaders in this city more than 60 years ago. The Senate can provide this remedy. Here on this floor, the Senate can

acknowledge that the employer-based system of health coverage that worked back in 1945 no longer makes sense for 2007. We can acknowledge, as I have done today, that I think Democrats are right about making sure that everybody gets covered and Republicans are right about promoting personal responsibility and more personal involvement in making health care choices. We can end 13 years of ducking on health care, 13 years of slapping Band-Aids on health care, and roll up our sleeves and go to work. A lot of it—and I know the distinguished President of the Senate has been to many community meetings in his home State of Virginia—simply means following up on what constituents say at home.

Every time health care comes up when I have community meetings somebody usually says, ''Well, I guess we ought to go to what is called a single payer system. You know, one where the Government essentially runs it and you don't have these private insurance companies.''

After somebody at a town meeting says we ought to have a single payer system, somebody else says, ''No, we already voted on that.'' In fact, Oregonians did. They voted against a single payer system by more than 3 to 1 just a few years ago.

But the other speakers say, ''We don't want all that Government. We don't want the Government to make all the decisions.''

So after a bit, somebody raises their hand at one of my townhall meetings and says, ''Ron, what we want is what you Members of Congress have. We want health care coverage like you have.''

Then everybody in the room shakes their head in agreement.

So much of what I propose in the Healthy Americans Act comes from those townhall meetings that I hold in all of Oregon's 36 counties. I have an approach that guarantees benefits like Members of Congress have; that is delivered in the same way; and that can actually be implemented with the very first paycheck that a worker gets under the new system.

Part of the reason I have written this legislation as I have has been to ensure that the Congress and the Federal Government could pick up some lost credibility on health care. My sense is that after the debate of 1994 on health care in America a lot of Americans said: The United States Congress can't figure out how to put together a two-car parade let alone a reform that involves one-seventh of the American economy.

That is why I have written this legislation so it can be understood and the effects can be seen from the time the very first paychecks go out under the legislation. The legislation works in a way that will be attractive to both workers and employers.

So I have spent a lot of time listening to my constituents as I brought together the various principles that are contained in the Healthy Americans Act. I know colleagues in this body have other ideas.

I would like to wrap up by simply saying I think health care has been studied enough. It has been commissioned. It has been blue-ribboned. It has been the subject of white papers, blue papers, pink papers, papers of every possible description. It is time for the Senate to act. The Senate has ducked on health care for almost 13 years. Health care and Iraq are the driving issues that our citizens care about most. It is time to fix health care, and I think with the Healthy Americans Act, this body can get the job done.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that the time today from 4:30 to 5:30 be equally divided and controlled between the two leaders or their designees, and that 10 minutes of the majority's time be allocated to Senator FEINGOLD.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the majority leader be recognized at 12:30 p.m. today.

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

Mr. WYDEN. Mr. President, I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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.

PRESCRIPTION DRUGS

Mr. GRASSLEY. Mr. President, I am going to proceed in morning business, but I want to welcome the new Senator from Virginia to the Senate. I look forward to serving with him. I am sorry that maybe the Senator's first time being in the chair he has to listen to my speech, but I am very glad to have the opportunity to speak to you and Members of the body and the people of the United States about a very important issue that is going to be coming before us. This is an issue that I have been speaking about for the last several days on the floor. In fact, I think 4 days last week I did. I talked about the Medicare prescription drug benefit and the so-called prohibition on Government negotiation with drugmakers for low prices. I spent time doing that because people need to understand that some proposals could have drastic consequences, not only for Medicare and the beneficiaries of Medicare but also for anyone else who buys prescription medicine.

I want to make this very clear because when you are talking about seniors and the disabled on Medicare, and on prescription drugs, you might get the impression that we make a decision here, and the only people it is going to affect are those on Medicare. But I hope I made it very clear last week, and I am going to go over this again today.

In other words, if we change Medicare in this instance dealing with the prices of prescription drugs, it will increase prices of prescription drugs for everybody. It is not going to impact just those on Medicare, the decisions we make. I have said it before, and I say it again: Having the Government negotiate drug prices for Medicare might be a good sound bite, but it is not sound policy if it is going to increase the price of prescription drugs for everybody regardless of age in the United States.

I think the House bill, which is numbered H.R. 4 and passed the House last week, very definitely falls into that category. It may be a good sound bite. It may be very politically beneficial. But a good sound bite is not good policy. It will be bad for Medicare beneficiaries and other consumers of prescription drugs.

That outcome was voiced by witnesses just last week when they appeared before the Senate Finance Committee, chaired by the Senator from Montana, Senator BAUCUS.

At that hearing, one of the witnesses, Dr. Fiona Scott Morton, a professor of economics at Yale University, made a key point about the size of the Medicare market and when you deal with the price that Medicare recipients pay for drugs, the fact that it has negative consequences for everybody else in America.

She pointed out that of course we all want to obtain discounts for drugs for seniors. But she said:

> With close to half of all spending being generated by those seniors, whatever price they pay will tend to be the average price in the market.

Her point is, if you are half of the market, the math makes it virtually impossible for your prices to be below average. Dr. Scott Morton said that because Medicare is so large, if drugmakers had to give it the lowest price they give any customer, they would have a strong incentive to increase their prices for everybody else.

Professor Scott Morton also stated:

> This approach to controlling prices harms all other consumers of pharmaceuticals in the United States and is bad policy.

I pointed out how Part D has already given seniors, on the 25 drugs most used by seniors, 35-percent lower prices than we anticipated when we wrote the bill. While it is great to be doing things for seniors, there is no free lunch. Everybody, regardless of age, will pay more for prescription drugs. Do you want that to happen? Do you want those unintended consequences to happen?

Then we had another witness at the hearing held by Senator BAUCUS before the Senate Finance Committee last week. It was a representative of the Government Accountability Office who talked about its Year 2000 report on this very issue, and echoed Professor Scott Morton's view. Remember, in 2000 the General Accounting Office concluded:

Mandating that federal prices for outpatient prescription drugs be extended to a large group of purchasers such as Medicare beneficiaries could lower the prices they pay, but raise prices for others.

That is from a nonpartisan Government agency working for the Congress of the United States called the Government Accountability Office.

One thing we keep hearing is that Medicare should not pay more than the Veterans' Administration pays. We had another witness, Professor Richard Frank of Harvard University, who said that if Medicare got the same prices the Veterans' Administration gets for drug prices—if that happened—it would likely raise Veterans' Administration prices for our veterans for all drugs. Do you want to hurt veterans with these unintended consequences of some of these ideas that are floating around this new Congress?

Then we had other panelists. As they listened to Dr. Frank's response, other panelists nodded in agreement. Talk about unintended consequences, do you know who else agrees with these professors who have been testifying before our committee? I point to the Military Order of the Purple Heart. In a letter to Members of Congress, the Military Order of the Purple Heart expressed its concern about the impact that extending Veterans' Administration prices to Medicare could have on veterans. In fact, they stated that several veterans organizations passed formal resolutions opposing legislation to extend the Veterans' Administration prices to Medicare because it would threaten Veterans' Administration's current discounts.

What is the end result? Higher drug prices for those who get their drugs from the Veterans' Administration.

Another key point made at last week's hearing before the Senate Finance Committee was that it is not simply about the number of people for whom you are buying drugs. In response to a question I asked Professor Scott Morton, the professor said it doesn't matter whether you negotiate on behalf of 1 million people or 43 million people—which is the number of senior citizens in this country. What matters is what leverage you have and how you use that leverage. And if you don't have a fundamental tool, and that would be the formulary, you have no leverage over drugmakers. A formulary is a list of drugs that a plan will cover.

Here is what Professor Scott Morton said would happen if someone negotiating drug prices couldn't have a formulary:

Each manufacturer would know that, fundamentally, Medicare must purchase all products. The Medicare ''negotiator'' would have no bargaining leverage, and therefore, simply allowing bargaining on its own would not lead to substantially lower prices.

That is the end of the quote from Professor Scott Morton.

Then we had a Mr. Edmund Haislmaier, a fellow at the Heritage Foundation, talk about the limits of bulk purchasing power alone. In his written testimony he said:

. . . volume purchasing encourages manufacturer discounting, it is not, in and of itself, sufficient to extract large discounts. Manufacturers will only offer substantial discounts if the buyer combines the ''carrot'' of volume with the ''stick'' of being able to substitute one supplier's goods with those of another.

In drug negotiation, that stick he is talking about—Mr. Haislmaier is talking about—is the formulary.

Here is what is wrong with the House bill that just passed. It prohibits the Secretary of Health and Human Services from using a formulary. Thus the stick that is necessary, that the Veterans' Administration uses to drive down the price of drugs, is not even in the bill that passed the House that is supposed to guarantee senior citizens lower drug prices.

For all of their talk about getting savings from Government negotiations, the House Democrats took away a key tool to get lower prices. That was a key lesson we also learned from last week's Finance Committee hearing that Senator BAUCUS chaired.

Here is what the Congressional Budget Office said about H.R. 4. Here I have a chart. The bottom line of it is that it would have negligible effect on Federal spending. To emphasize that, I want to read it all. For the benefit of new Members, I point out we will soon find out that when you refer to the Congressional Budget Office, it is like God on Capitol Hill. When the Congressional Budget Office says something costs something—and you might have intellectually honest, good reasons for disagreeing with it—the Congressional Budget Office is always right. If there is a point of order against it, then you get 60 votes. The 60-vote requirement around here almost makes anything or anybody or any agency a god, because it is difficult to get 60 votes. So CBO generally stands. Sometimes they are overridden but not very often. So this god of CBO:

CBO estimates that H.R. 4—

I want to emphasize, that is the bill that just passed the House last week, a Democratic bill—

would have negligible effect on Federal spending because we anticipate that the Secretary—

meaning the Secretary of HHS—

would be unable to negotiate prices across a broad range of covered Part D drugs that are more effective than those obtained by PDPs under current law.

You heard it during the campaign. You heard it a long time before the campaign. If we do away with this noninterference clause, we are going to get drugs cheaper for the citizens. This is supposedly on top of the 35 percent of the average reduction in the price of the 25 drugs most often used by senior citizens, and the god of Capitol Hill says there is not going to be the savings. That is not only for the people who pay out of their pockets some portion for drugs, but also saving the taxpayers money.

I am going to quote another thing from the Congressional Budget Office that gets back to this carrot and stick, the stick being the formulary that is used by the Veterans' Administration to get the low prices they get—the same pattern that proponents of doing away with the noninterference clause want to follow, to get lower prices for senior citizens, and that is the formulary. The Veterans' Administration has a formulary, but the House bill passed last week does not have a national formulary, so you do not have a stick to accomplish the goals.

Without the authority to establish a formulary, we believe the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

It is pretty clear that what we are being told you are going to get as a result of the House-passed bill is not happening. So I would quote another independent actuary—maybe not quite the god that CBO is, but the actuaries at the Center for Medicare Services, the agency that oversees the Medicare drug benefit. They said about the same thing about H.R. 4 not having a formulary.

Although the bill would require the Secretary to negotiate with drug manufacturers regarding drug prices, the inability to drive market share via the establishment of a formulary or development of a preferred tier significantly undermines the effectiveness of negotiations.

Whether you are CBO, responsible to the Congress of the United States, working for the Congress of the United States, or whether you are the actuaries downtown at the Center for Medicare Services working for the President of the United States—and maybe actuaries are fairly independent—but the point being they came to the same conclusion, that the tool that is necessary to accomplish what Democrats say they want to accomplish by doing away with the noninterference clause to negotiate prices with drug companies isn't going to be effective because the tool to be effective is not in their legislation.

Let me point out the key downside of having the Secretary establish a national formulary in my next chart. Fewer drugs would be covered. I have made a point about keeping the Government bureaucrat out of the medicine cabinet, not to be the person between the doctor and the patient. We set up, as a principle in the Medicare bill, to do it differently than the Veterans' Administration because the Veterans' Administration did not allow every therapy to be available to a veteran. A bureaucrat makes a decision that a veteran can have this, but a veteran cannot have that, the Government will not buy this. We did not want the senior citizens to be treated that way, so every therapy has to be available.

This chart shows only 30 percent of the drugs covered by Medicare will be available to seniors if done the way the Veterans' Administration does it. Do you want to get the complaints from the seniors of America, as I sometimes get from veterans? They come to my town meetings saying: My doctor says I should not take this pill because there are side effects, I should take this one. Why won't the Veterans' Administration let me buy this pill? The doctor said I ought to have it.

I can go to the Veterans' Administration and advocate for this veteran, but it is not a sure thing. We do not have to worry about that with seniors.

Let me sum up two important points from the Senate Committee on Finance hearing we had last week and from the experts from the Congressional Budget Office and the chief actuary of Medicare.

First, giving Medicare the lowest price a drugmaker gives any purchaser, whether that is a private plan or the Veterans' Administration, will increase prices of prescription drugs for everyone else in America. That means higher prices for working Americans and for small businesses. Second, in summary, the ability to use a formulary to negotiate means you have to be able to tell a drugmaker: If you do not give me a good price, I will pick another drug to put in my formulary. If you do not believe all the experts, if you do not believe all of the people that have studied this over a long period of time, whom are you going to believe?

I remind everyone from where the prohibition on negotiations came. We have 10 new Members of the Senate, and a lot of them will not be familiar with the genesis of the noninterference clause. The opponents of the drug benefits seem to conveniently forget their own bills had the same language and that they supported a benefit run by private plans. My next chart demonstrates this better.

The prohibition of Government negotiation—what is referred to as a noninterference clause—first appeared in Democratic bills; in total, seven bills introduced and supported by 34 Senate Democrats and more than 100 House Democrats had the prohibition in these legislation. On top of that, many of the Members who are now twisting that language cosponsored that very legislation.

I will not emphasize every Democratic Congressman or Senator who introduced these seven bills, but I will emphasize President Clinton, in 1999, when he proposed from the White House a plan for prescription drugs for seniors. The plan proposed by President Clinton took the same approach. President Clinton said so many good things that I didn't have to think up new things, just repeat what President Clinton said about saving money and the ability of plans to negotiate and save money, and to make sure there was a wide range of drugs available for our seniors.

We have a good basis for including in our bipartisan bill that passed in 2003 things that Democrats had in their bills before we passed our bill. I don't see any of them embarrassed about that fact even while they go on talking about how bad the provision is now that it's in a bipartisan bill. Plans are negotiating for seniors, and those negotiations are reducing the cost of the 25 most often used drugs by seniors on an average of 35 percent. President Clinton said so many good things that I don't have to say them. I wish Members would read some of the things President Clinton said about this.

Continuing to summarize, the Secretary does not need the authority to negotiate and a national formulary is a bad idea. Competition among these plans that seniors are now joining—91 percent of the seniors have prescription drug coverage; the Medicare prescription drug benefit is a voluntary program; they do not have to get in it if they don't want to—had led to lower drug prices for beneficiaries and, more importantly, lower costs for taxpayers and the States. This is saving taxpayers $189 billion. I will cover that in a minute.

Premiums are lower than they were estimated to be. I talked of lower drug prices, but now I am talking about the premiums to join the plans. Before 2006, the Medicare chief actuary estimated the average monthly premium would be $37. In fact, we struggled to make sure, when we wrote the Medicare bill, that the premium would be between $35 and $40 a month because we felt above that there would be resistance to joining, and we would not have 91 percent of the people in. We planned on $35 to $40. The chief actuary said $37. But because of competition, it ended up being only $23 in 2006. In the year 2007, premiums are going to average $22. Competition is working.

The net cost to the Federal Government is also lower than expected. This is that $189 billion. Last week, the official Medicare actuary announced the net 10-year cost has dropped by $189 over the original budget window used when the Medicare Modernization Act was enacted. That is a 30-percent drop in the actual costs compared to what was projected. Competition is working.

I ask any Member how often a Federal program comes in under cost. We always speak of overruns. Every Federal program is costing more than we anticipate when we pass it. Overruns do not seem to be the sin they ought to be. We have a program $189 billion under what we thought it would cost, so we have an underrun. We never hear of that. We could not get the lower prices and lower costs unless the prescription drug plans are, in fact, what we anticipate they would be—strong negotiators with the drugmakers. Competition is working.

I know the opponents of the drug benefit will likely keep up their attacks on the program. They have pandered through the last election and they have to deliver. What are they delivering? They are delivering a pig in a poke. They may be delivering something very negative for the seniors of America. I have been working hard this week to give people important facts that have been left out of the debate on negotiation of drug prices.

The plain and simple fact is that competition among the plans is working. The Medicare plans are delivering the benefits to Medicare beneficiaries. These private sector plans have the experience in negotiating better drug prices. As I pointed out last week, for 50 years, Federal employees, under the Federal Employee Health Benefit Program, have been doing it this way. It has successfully worked. That is why we adopted it for seniors.

These Medicare negotiators have proven their ability to get lower drug prices. The Medicare plans are negotiating with drug companies using drug formularies within the rules set by law. These plans have to be approved by the Centers for Medicare & Medicaid Services. Medicare beneficiaries have access to the drugs they need and 70 percent of the drugs that are out there under the Medicare prescription drug benefit are not offered by the Veterans' Administration to veterans.

I have an example from the ALS Association, better known as the association dealing with Lou Gehrig's disease. Here is what they said about repealing the noninterference clause in a January 4 letter to Members of Congress:

> The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies.

The letter continues to say that individuals with ALS:

> . . . will either be forced to forego treatment, or only have access to less effective treatment options—ones that may add a few months to their lives but not ones that will add years to their lives.

Just for the record, drugs to treat ALS are covered under the Medicare drug benefit right now.

I end with a statement I have so often used in the last week: If it ain't broke, don't fix it.

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

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

THE AMYOTROPHIC LATERAL SCLEROSIS ASSOCIATION,
Washington, DC, January 4, 2007.

DEAR MEMBER OF CONGRESS: I am writing on behalf of the ALS Association to express our strong opposition to legislation that would eliminate the noninterference provision of the Medicare Modernization Act (MMA). Legislation that authorizes the federal government to negotiate Medicare prescription drug prices will significantly limit the ability of people with ALS to access the drugs they need and will seriously jeopardize the future development of treatments for the disease—a disease that is always fatal and for which there currently are no effective treatment options.

The ALS Association is the only national voluntary health organization dedicated solely to finding a treatment and cure for amyotrophic lateral sclerosis (ALS). More commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that erodes a person's ability to control muscle movement. As the disease advances, people lose the ability to walk, move their arms, talk and even breathe, yet their minds remain sharp; aware of the limitations ALS has imposed on their lives, but powerless to do anything about it. They become trapped inside a body they no longer can control.

There is no cure for ALS. In fact, it is fatal within an average of two to five years from the time of diagnosis. Moreover, there currently is only one drug available to treat the disease. Unfortunately, that drug, Rilutek, originally approved by the FDA in 1995 has shown only limited effects, prolonging life in some patients by just a few months.

The hopes of people with ALS—those living today and those yet to be diagnosed—are that medical science will develop and make available new treatments for the disease; treatments that will improve and save their lives.

However, The ALS Association is deeply concerned that the elimination of the MMA's noninterference provision will dampen these hopes and will result in unintended consequences for the thousands of Americans fighting this horrific disease. The potential impacts are significant and include:

LIMITS ON INNOVATION

While reducing the cost of prescription drugs is an important goal, it should not be done at the expense of innovation. Unfortunately, eliminating the MMA's noninterference provision will limit the resources available to develop new breakthrough medicines. This is especially troubling for a disease like ALS, for the development of new drugs offers patients their best, and likely only, hope for an effective treatment.

Additionally, by establishing price controls, Congress will undermine the incentives it has established to encourage drug development in orphan diseases, like ALS. As resources available for research and development become more scarce, there will be even less incentive to invest in orphan drug development.

LIMITS ON ACCESS

The elimination of the noninterference provision will have particularly cruel consequences for people with ALS. It means that even if a new drug is developed to treat ALS, many patients likely will not have access to it. That's because price controls can limit access to the latest technologies. Proponents of government negotiated prices cite the Department of Veterans Affairs as a model for how the government should negotiate prices for Medicare prescription drugs. Yet under that system, patients do not have access to many of the latest breakthrough treatments. For example, two of the most recently developed drugs to treat Parkinson's and Multiple Sclerosis, neurological diseases like ALS, are not covered by the VA due to the government negotiated price. Ironically, those drugs currently are covered by Medicare Part D.

Given this scenario, we are deeply concerned that any new drug that is developed for ALS will not be available to the vast majority of patients who need it. Instead they either will be forced to forgo treatment, or only will have access to less effective treatment options ones that may add a few months to their lives, but not ones that will add years or even save their lives.

PEOPLE WITH ALS RELY ON MEDICARE

A significant percentage of people with ALS rely on Medicare, and the newly established prescription drug benefit, to obtain their health and prescription coverage. In fact Congress recognized the importance of Medicare coverage for people with ALS by passing legislation to eliminate the 24-month Medicare waiting period for people disabled with the disease. This law helps to ensure patients have timely access to the health care they need. With the establishment of the Part D benefit, Congress also has now, helped to ensure that people with ALS have access to coverage for vital prescription drugs.

Yet this improved access is threatened by short-sighted and inappropriately cost driven efforts to remove the noninterference provision. If Congress makes this change, they will undo what the MMA sought to ensure: access to needed prescription drugs.

While The ALS Association appreciates attempts to improve access to affordable prescription drugs, we believe that Congress must consider the implications of its actions on coverage, access and the advancement of medical science. We fear that in an effort to control costs, Congress may limit treatment options, discourage innovation, and extinguish the hopes of thousands of Americans whose lives have been touched by ALS and who are fighting to find a treatment and cure. On behalf of your constituents living with Lou Gehrig's disease, we urge you to oppose legislation to eliminate the noninterference provisions of the Medicare Modernization Act.

Sincerely,

STEVE GIBSON,
Vice President, Government Relations and Public Affairs.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, January 10, 2007.

Speaker NANCY PELOSI
Washington, DC.

DEAR MADAM SPEAKER: In the coming days the House will take up legislation that, if enacted will repeal the noninterference clause of the Medicare Prescription Drug, Improvement and Modernization Act of 2003. The Medicare Prescription Drug Price Negotiation Act of 2007, H.R. 4, will require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. While there is no specific mention of the Department of Veterans Affairs (VA) and the favorable pricing they receive on pharmaceutical products through the Federal Supply Schedule (FSS), I would like to share with you the concerns of The Military Order of the Purple Heart (MOPH) as you consider H.R. 4.

As you know, Federal law currently enables the Department of Veterans Affairs (VA) to purchase pharmaceutical products for veterans through the Federal Supply Schedule (FSS). Because of the Veterans Health Care Act of 1992, the prices the VA pays through the FSS are substantially discounted from the prices private sector purchasers pay. Extending access to the FSS pharmaceutical discounts to larger groups would cause FSS prices to rise and would dramatically increase the VA's pharmaceutical costs. The Government Accounting Office and the VA have documented the magnitude of this effect in 1995, 1997 and 2000 in response to previous proposals to extend FSS prices to other entities. The studies estimate that the VA would incur many hundreds of millions of dollars in additional expenses.

Our concerns about such proposals were expressed in The Independent Budget of 2006 sent to every Member of Congress. Sixty-two veteran and allied organizations endorse The Independent Budget. Additionally, several veteran organizations have passed formal Resolutions opposing legislation extending FSS prices to Medicare or other programs because it would threaten discounts the VA currently receives.

MOPH is on record as supporting lower prescription drug prices for all Americans, but not at the expense of those veterans enrolled in the VA health care system and the favorable pricing that the VA receives through the FSS.

Respectfully,

THOMAS A. POULTER,
National Commander.

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

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

The legislative clerk proceeded to call the roll.

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

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

RECENT TRIP TO INDIA, SYRIA, AND ISRAEL

Mr. SPECTER. Mr. President, I have sought recognition to report on the recent trip I made from December 13 to December 30 to India, Syria, and Israel.

The trip to India was a revelation to me—to see the vast economic progress that this gigantic nation of 1.1 billion people has made. For a long time, the nation of India resisted foreign investment, perhaps as a result of the colonialization by the British. But for most of the past two decades, India has been open for investment and trade. During the course of my travels there, which are detailed in a lengthy statement that I will include for the RECORD at the conclusion of my extemporaneous remarks, I have detailed the many U.S. plants we visited, such as GE and IBM, all showing a remarkable aptitude for the technology of the 21st century.

I recall, several years ago, being surprised when I sought a number from information and found out that the answering person was in India. I have since learned that this is a common practice because, whereas, it used to cost about $3.50 for a minute conversation between the United States and India, it now costs about 7 cents.

The Indians are very highly educated. They are able to take on jobs, so-called outsourcing, at a much lower rate of compensation. They have physician groups who are available to read, through the miracles of modern technology, x rays. They have a 10½-hour time difference, so they are prepared to do it on pretty much on an around-the-clock basis. While, obviously, there is a loss of jobs with outsourcing, I think our long-range benefits in trade with India—a major trading partner—and the strengthening of this democracy in Asia will provide a tremendous source of strength and assistance to the goals of the United States. I think it is especially important to see the Nation of India develop with its 1.1 billion people as a counterbalance, so to speak, to China with 1.3 billion people. We have in India a democracy, contrasted with the authoritarian government which prevails in China and, in the long run, the incentives and the productivity of free people in a democracy should be quite a counterbalance, if not a nation which will exceed the tremendous strides which China has seen.

A major topic of conversation on my trip to India was the recent agreement between the United States and India, where we will make nuclear technology available to the nation of India. When I first learned of that proposal, I had very substantial misgivings because India was not a party to the Nuclear Non-Proliferation Treaty. But on examining the issues further and seeing that India had not joined that treaty as a matter of principle, feeling it was discriminatory, since the only people who were part of the so-called nuclear club, or were recognized to be part of the so-called nuclear club, were the five major powers. I think if the U.N. Charter were being written today, India would be included as one of the five major powers of the world. At any rate, that was a major topic of conversation.

The nuclear technology that the United States will make available to India will strengthen India's economy and will be a good bridge in cementing relations between the United States and India.

I had the privilege of meeting with Prime Minister Manmohan Singh of India to discuss a wide range of issues. He expressed great pleasure at his relations with President Bush and with the signing of the nuclear agreement, and he made a comment that India did not want another nuclear power in the region and specifically said he was opposed to seeing Iran gain nuclear weapons. I thanked Prime Minister Singh in India for the vote which they cast in support of the U.S. position in the United Nations on the Iranian issue, and I think the agreement will be very helpful in promoting good relations between the United States and India.

I then traveled to Syria, which was my 16th visit to that nation, starting in 1984. During the course of those visits—I have had the opportunity to meet with former President Hafez al-Assad, on nine occasions, and with his successor, his son, President Bashar al-Assad, on four occasions. I recollect that the first meeting I had with Hafez al-Assad was in January of 1988, and it lasted 4 hours 38 minutes, discussing a wide range of issues on the Iran-Iraq war, which had just been concluded, and then on Syrian-Israeli relations and then on U.S.-U.S.S.R. relations, and I found President al-Assad at that time to be a very engaging interlocutor. I suggested, on a number of occasions, that I had taken a sufficient amount of his time, and he generously extended the time until we had discussed a very wide range of issues. I found those discussions with President Hafez al-Assad to be productive.

In 1996, when Prime Minister Netanyahu took office, he made a public announcement that he would hold Syria responsible for the Hezbollah attacks on northern Israel. Syria then realigned their troops. I was in Jerusalem, and Prime Minister Netanyahu asked me to carry a message to President Hafiz al-Assad that he wanted peace, and I did. Later, now Foreign Minister Walid al-Mouallem said that that comment helped to defuse the situation.

For many years, President Hafez al-Assad refused to negotiate with Israel unless all five of the major superpowers sponsored the international conference. Israel's Prime Minister Shamir was opposed on the grounds that he would attend the conference sponsored by the United States and the U.S.S.R. but not when the odds were stacked 4 to 1 against Israel. I discussed that matter on a number of occasions with President Hafez al-Assad, whether my urging him had any effect. The effect is that President Hafez al-Assad agreed to go to Madrid in 1981 to a conference sponsored by the United States and the Soviet Union. I had urged President Hafez al-Assad to allow the Syrian Jews to leave. I made a point to him in the early to mid-1990s that the Jewish women in Syria had no one of their own faith to marry. He made an interesting suggestion. He said that if anyone will come and claim a Syrian Jewish bride, she could leave the country. I translated that offer to the large Syrian-Jewish community in New York and, regrettably, there were no takers. But after a time, President Hafez al-Assad let the Jews go on his own, which was a constructive move.

I first met President Bashar al-Assad at the funeral of his father. I was the only Member of Congress to attend the funeral. It was a 33-hour trip—15 hours over, 3 hours on the ground, and 15 hours back. I made the trip to pay my respects and to meet the new President. On this occasion, I met extensively for more than an hour with Foreign Minister Walid al-Mouallem and the next day for a little over an hour with President Bashar al-Assad. President Assad said that he was interested in undertaking peace negotiations with Israel. He said he was obviously looking for a return of the Golan but that he had a good measure of quid pro quo to offer Israel and assistance on the fragile truce which Israel now has with Hezbollah and also assistance with Hamas. In my formal statement, I go into greater detail on that subject.

I pressed President Bashar al-Assad on the obligations Syria had to abide by U.N. Resolution 1701 to not to support Hezbollah, and he said Syria would honor that requirement, that obligation. I, also, pressed him on allowing the U.S. investigation into the assassination of Lebanese Prime Minister Hariri, and again I received assurances on that subject. It is always difficult to know the validity of the assurances, but I think the dialog and the conversation and pressing the point is very worthwhile.

With respect to Iraq, President Bashar al-Assad said that Syria would be interested in hosting an international conference attended by the warring factions in Iraq and that Syria had already gained the concurrence of Turkey to participate and Syria would invite other Arab countries to such a discussion. I realize that there is some disagreement with the issue of dialog with Syria, but it is my view, developed over many years of foreign travel, that dialog and talk is a very important and worthwhile undertaking.

My trip there followed visits by Senators BILL NELSON, CHRIS DODD, and JOHN KERRY. I think all came away with the same conclusion that the dialog was very much worthwhile. I then traveled to Israel, where I had an opportunity to meet with Israeli Prime Minister Olmert. I relayed to him the interest that Bashar al-Assad had in dialog. Prime Minister Olmert had been reportedly cool to any such discussions subsequent to my visit. Some more positive statements were coming from Israeli officials about possible negotiation also with Israel, but Prime Minister Olmert insisted on having some display of good faith on the part of Syria before even considering undertaking such discussions.

We also met with Foreign Minister Livni and former Prime Minister Netanyahu and our conversations are detailed in my written statement.

We then traveled to Ramallah to talk to Salam Fayyad and Hannan Ashrawi, members of the so-called Third Way, a very small Palestinian party but a very able people and very stalwart advocates for peace. Those comments are contained in my written statement.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

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

REPORT ON FOREIGN TRAVEL

Mr. President, I have sought recognition to report on foreign travel, as is my custom, from December 13 to December 30, 2006.

I traveled to India, Syria, and Israel with overnight travel stops in the United Kingdom, Qatar, and Italy. I was joined by my

wife Joan, my aide Scott Boos, Colonel Gregg Olson, United States Marine Corps, and Dr. Matthew Needleman, United States Navy.

UNITED KINGDOM

On December 13, we departed Dulles International Airport outside Washington, DC. Our first stop was in London, England where we landed at Heathrow International Airport after a flight of just over 7 hours. Upon arriving in London, we were greeted by Mr. James Sindle of the American Embassy in London. After a brief overnight stay, we headed back to the airport and departed for Mumbai, India, the next morning.

INDIA

Upon arriving in Mumbai in the early morning hours of December 15, we were greeted by Mr. Wilson Ruark, from the U.S. Consulate General in Mumbai. Mr. Ruark, a Vice Consul at the Consulate, was assigned to be our Control Officer. Being that it was 2 a.m. local time, we quickly headed to our hotel for some much-needed rest after two full days of air travel.

Among other issues, our meetings throughout India focused on the U.S./India Nuclear Deal, business outsourcing, and India's relationship with the U.S. and its neighbors, including Pakistan.

On the afternoon of December 15, we received a Country Team Briefing with the Consul General, Mr. Michael S. Owen, and his staff: Mr. Wilson Ruark, Vice Consul; Mr. Matthew B. Sweeney, a special agent of the Diplomatic Security Service; Mr. Glen C. Keiser, Consular Chief; Mr. Bill Klein, Consul; and Ms. Elizabeth Kaufmann, Public Diplomacy Chief.

I was pleased to hear that U.S. relations with India are at an ''all-time high,'' much in part to the U.S./India Nuclear agreement, part of a new ''global partnership'' entered into on July 18, 2005, by President Bush and Indian Prime Minister Manmohan Singh. Completion of the final terms of the deal will allow the U.S. to engage in peaceful nuclear cooperation with the world's largest democracy, one that commands respect in an important part of the world. When the United Nations was created in 1945, the 5 permanent members of the Security Council were the United States, Britain, France, China, and Russia. If that decision were made today, there is no doubt in my mind that India would be among the world powers considered for membership. With a population of 1.1 billion, an educated young workforce, and an ever-expanding economy, India provides an important counter-balance to China in its region of the world.

On the U.S./India Nuclear deal, the President characterized the agreement as ''hugely important'' for our strategic relationship with India, and I agree. By way of background, U.S. nuclear energy cooperation with India goes back to the mid-1950's when the U.S. assisted in the building of nuclear reactors in Tarapur, India, and allowed Indian scientists to study in the U.S. During negotiations of the 1968 Nuclear Nonproliferation Treaty (NPT), India refused to join the NPT on grounds that it was discriminatory and only recognized 5 nations with the right to possess nuclear weapons. All other signatories are required to dismantle their nuclear weapons operations. I heard this same sentiment expressed with many of the people I met with in India. However, after India tested a nuclear device in 1974, the U.S. and other nations tightened export controls leaving India in a difficult position without sufficient access to supplies for its civilian nuclear program. An additional test by India in 1998, and a subsequent counter-test by Pakistan, certainly did not advance their ability to obtain fuel and equipment from world suppliers.

On August 26, 1995, on travel with Colorado Senator Hank Brown, I met with India's Prime Minister Narasimha Rao. He stated his interest in negotiations which would lead to the elimination of any nuclear weapons on the Indian subcontinent within ten or fifteen years. Two days later, I raised the issue with Pakistan's Prime Minister Benazir Bhutto. She expressed genuine surprise over the content of my discussion with Prime Minister Rao. She stated that this was the first time that she had heard any such commitment from India and she asked if we had it in writing. I suggested to Prime Minister Bhutto that the U.S. serve as an intermediary to facilitate dialogue. I wrote a letter to President Clinton summarizing the meetings and suggested that it would be very productive for the U.S. to initiate and broker discussions between India and Pakistan. Unfortunately, he did not share my interest in the issue, perhaps because his attention was focused on the election. After the election, I raised the issue again with the President, but again he did not show interest.

Despite being a non-signatory to the Nuclear Nonproliferation Treaty (NPT), India has complied with most of its main tenets. It should be noted that India, unlike its neighbor Pakistan, has not shared its technology or weapons with outside nations. They have been a responsible nuclear weapon state, though not recognized under the NPT like the 5 acknowledged nuclear weapon states: U.S., Russia, France, Britain, and China.

For India, a deal with the U.S. will provide India much-needed credibility and the potential for energy security with access to equipment, fuel, and other assistance for its civil nuclear power program. The international community is likely to follow the lead of the U.S. In return, India, which does not currently have International Atomic Energy Agency safeguards on all nuclear material in peaceful nuclear activities, agrees to open its civil nuclear power reactors to inspection.

Congress recently approved authorizing legislation, with some controversial modifications regarding Iran which I will discuss in more detail later in this report, setting the stage for a final cooperation agreement. The legislation retains the prerogative of Congress to vote on the actual cooperation before it takes effect.

U.S. business ties with India are also on the rise, and have been for some time. India recently hosted 240 American businessmen and women, representing 190 companies—the largest delegation of its kind ever. New Delhi appears to be taking additional steps to embrace trade and has loosened various trade restrictions in recent years.

The Consulate explained that several societal and political functions appear to be restricting the advancement of the country. The risk of ''political paralysis'' has become an issue among competing political factions in the 543-seat Lok Sabha (People's House). No single political party has come close to a parliamentary majority in recent times and coalitions have become necessary to wield greater influence over national affairs. Currently, the National Congress Party occupies more parliamentary seats (145) than any other party, and through alliances with powerful regional parties, leads India's government under the United Progressive Alliance coalition. Congress party chief Sonia Gandhi, the daughter-in-law of assassinated former Prime Minister Indira Gandhi and widow of assassinated former Prime Minister Rajiv Gandhi, has considerable power over the ruling coalition's policy-making process. The Bharitiya Janata Party (BJP), associated with Hindu nationalism, is the country's largest opposition party and controls eight state governments. Meanwhile, the government is led by Manmohan Singh, a Sikh and India's first-ever non-Hindu prime minister.

We discussed India's history and the arrival of the British, who brought rule of law to India despite flagrant disobedience which exists today. Politically controlled by the British East India Company from the early 18th century and directly administered by Great Britain starting the mid–19th century, India became a modern nation-state in 1947 after a struggle for independence marked by widespread use of nonviolent resistance as a means of social protest.

I was surprised to see that the Indians would have built a ''Gateway of India'' monument to celebrate the arrival of King George V and Queen Mary in 1911. Completed in 1924, the massive structure sits atop the port of Mumbai on the Arabian Sea. It did not make sense that the Indians would have built such a structure to celebrate those who were there to exploit their interests, and I was right. As it turns out, the British built the Gateway of India.

While Muslims represent just 15 percent of India's population, the 140 million Muslims places India behind only Indonesia and Pakistan among countries with large Muslim populations. Eighty percent are Hindu, but they represent a diverse mixture of regional characteristics with numerous languages. Three percent of Indians are Sikh; around one percent are Christian. The Jewish population has declined as a result of emigration to Israel since 1948. Currently, 5,000 Jews live in Mumbai and another 4,000 live elsewhere in India.

The Consulate explained the numerous challenges to India's desire to expand its economic base. India has not spent enough money on roads, rail, ports, power, and water infrastructure. The weight of 1.1 billion people has strained India's physical infrastructure, clearly evident driving to meetings throughout Mumbai and along the route to the airport. While India has numerous world-class schools, the Consular staff explained that access to education in rural areas has been getting worse. India recently surpassed South Africa as the country with the most individuals living with HIV and AIDS, registering at over 5 million persons.

Immigration is a highly emotional subject, with some objecting to Indians taking jobs from U.S. workers. However, it is worth noting that these are very bright people and that we are a nation of immigrants. There is a desire to see the U.S. lift its cap on H1B visas, highly sought by Indians in the Information Technology (IT) industry. The current cap is at 65,000 and some are expressing a desire to see that number lifted to 125,000. Overall, the Consulate in Mumbai issued 120,000 visas last year, 15,000 to highly skilled workers. They expect steady and double-digit annual increases in demand.

Finally, we discussed India's relations with Pakistan and the threat of terrorism that exists in India. Continuing violence in Kashmir remains a major source of interstate tension. Both India and Pakistan have built large defense establishments—including nuclear weapons and ballistic missile programs—at the cost of economic and social development. Little substantive progress has been made toward resolving the Kashmir issue, and New Delhi continues to complain about what it views as insufficient Pakistani efforts to end Islamic militancy that affects India.

On July 11, 2006, a series of explosions on seven crowded commuter trains in Mumbai left more than 200 dead and at least 800 injured. On December 1, 2006 Indian police filed formal charges against 28 suspected members of the connected to the Pakistan-based Lashkar-e-Taiba (LeT), a Sunni militant

group fighting in Kashmir and designated as a terrorist organization by the U.S. Police also have alleged that Pakistan's Directorate of Inter-Services Intelligence was behind the bombings. Pakistan has denied the accusation. Thirteen of the accused are in police custody, and the rest are at large.

Later in the afternoon on December 15, I met with several impressive Indian business executives for a roundtable discussion on outsourcing—a word which has picked up a negative connotation resulting from lost jobs in the U.S. which have been shipped to India. These men were very knowledgeable and I was amazed at their rise to such important positions at such young ages—the four men ranged in age from 38 to 42. Anish Tripathi of KPMG, heads the knowledge function in India and reports directly to the Director and CEO. He explained his firm's role in advising U.S. firms on whether, and how, to outsource their operations to India and elsewhere in search of a lower-cost operations base. Saurabh Sonawala, the head of business processing outsourcing for HindiTron, a travel software producer and outsourcing advisor to over 20 major airlines, explained, ''It's not always about cost. India can do a better job.'' Manish Modi, Managing Director of Datamatrix Technologies Ltd., described the process of outsourcing certain accounting functions for the auto industry. While the actual invoice must be handled and mailed in the U.S., a scanned copy on a computer screen in Mumbai allows an Indian worker to perform related accounting tasks. Satish Ambe of KALE Associates also was present in the meeting.

They explained that 80 per cent of outsourcing consists of so-called ''call centers,'' where English-speaking Indians perform various functions from India. I asked how it would make sense to pay the cost of a phone call to India and still achieve cost-efficiency. They explained that 12 years ago, the cost of a phone call was $3.50 per minute. Today it is only 7 cents per minute. The cost of a data connection has also become much cheaper. Ten years ago a 64K line would have cost $10,000 per month. Today it is only $50 to $100 per month.

Other factors contribute to the desirability of using India as a base for operations. The time zone difference allows companies to employ low-cost labor instead of paying the ''graveyard shift'' in the U.S. At a management level, labor costs only 30–40 percent of that in the U.S. At an entry-level, labor in India costs only 10 percent of that in the U.S. The gentlemen I met with claimed that India's workforce is better skilled and better educated. In the U.S. it is difficult to find someone with an accounting degree to man a phone line. However, in India, a degree has become a prerequisite due to the heavy competition for employment. In addition, India has a very large labor pool of young workers. The average age in India is 25, compared to an average age of 35 in China. Finally, workers in India speak English, a characteristic not often found in low-cost labor markets.

Our discussion extended beyond outsourcing to India's economy in general. It was represented that 200 years ago, India's economy accounted for 26 percent of the world's GDP. Today it is only 2 percent, leaving room for expansion. I question the ability to gauge such a statistic, but it still shows the power of the East India Trading Company.

We discussed the similarities and differences between India and China. They explained that perhaps a totalitarian government is most effective in propelling a nation of over 1.3 billion people. Regardless, China's economic expansion began about 10 years before India's and India is likely to eventually surpass China, due in large part to its large population of young workers. However, they explained that the ''aspiration level'' is easily understood—of workers in India is relatively low. Indians who really ''aspire'' move to the U.S. The men agreed that the impending U.S./India Nuclear deal was an important symbolic event which will solidify the relationship between our nations.

On December 16, I met with Julio Ribeiro, Head of Enforcement for the Indian Music Industry (IMI), to discuss issues related to copyright infringement, copyright enforcement and to discuss the IMI's experience in anti-piracy efforts. Mr. Ribeiro was a very impressive man with a long resume of achievement. He joined the Indian Police Service in 1953 and served as Mumbai's police commissioner in the 1980s, commanding a force of 35,000 officers. From 1989 to 1992, he served as Indian Ambassador to Romania. IMI members include major record companies including Saregama India Ltd., Universal Music, Sony BMG Music Entertainment, and Virgin Records. Mr. Ribeiro explained that the copyright laws in India are good, but are not well understood. ''Education is key to enforcement,'' according to Mr. Ribeiro. Corruption in India is a huge obstacle and without proper supervision enforcement of copyright laws becomes a low priority. When I asked who was being bribed, Mr. Ribeiro replied, ''You tell me who is not being bribed.''

That same afternoon, we sat down for a lengthy meeting and lunch with the Director (Projects) of the state-owned Nuclear Power Corporation of India (NPCIL), Mr. S.K. Agrawal to discuss the nuclear power industry in India, its growth prospects, its role in upholding India's non-proliferation regime (outside of the NPT), and the commercial prospects for U.S. companies should the U.S./India civil nuclear agreement become reality. I also pressed Mr. Agrawal on some of the more politically sensitive issues surrounding the agreement, particularly with respect to Iran and its nuclear intentions. Overall, Mr. Agrawal said that his company is ''euphoric'' over the U.S./India Nuclear deal.

The NCPIL has ambitious expansion plans, and hopes to procure more technology and hardware abroad once the U.S./India Nuclear deal is complete. Mr. Agrawal explained that with India's massive population and thirst for energy in an expanding economy, it will need 700GW of electricity capacity by 2032. India's 16 nuclear power reactors currently cover only 2 percent of India's electricity demand, but their goal is to reach 10 percent by 2031 and 30 percent by 2050. The NCPIL has a capacity of about 3.9GW and, if its current construction and future plans for additional reactors come to fruition, it will reach 60GW by 2031. Over 20 foreign reactors will be necessary to achieve this goal. Thermal (coal and gas) currently provides over 80GW of electricity, but India's reserves of fossil fuels are going down. Hydro-electricity provides another 33GW and renewables provide only 6GW.

Mr. Agrawal claims that India already has sufficient know-how to build additional plants, but because India is not a signatory to the Nuclear Nonproliferation Agreement (NPT), foreign countries will not sell reactors. He explained that the leverage of the U.S. trusting India and making a deal will send a strong signal to other countries who will also be interested in exporting its reactors. Mr. Agrawal explained that there is enough business for everyone and that India ''can accommodate France, Russia, and the U.S.'' He also assured me that imported uranium would be used ''only for civilian purposes and not for any para-military'' purpose and that the reactors will be open for IAEA inspection.

I raised the issue of Iran with Mr. Agrawal. The Senate version of the U.S./India Nuclear deal included a requirement that the President determine that India is fully and actively supporting U.S. and international efforts to dissuade, sanction, and contain Iran's nuclear program. Due to heavy pressure from New Delhi, the Conference Report included a watered-down version which only requires an annual report to Congress on India's efforts in this regard. Regardless, this provision has raised opposition and debate over the deal in India. When I asked Mr. Agrawal for his feelings on the matter, he initially claimed that it was not his place to comment, that he was ''just a utility company.'' However, when I pursued the issue, he said that India does not support nuclear proliferation in Iran. He explained that ''India has a uniform policy'' and that it doesn't ''pick and choose'' when, and for whom, to oppose proliferation. I responded that it's appropriate to pick and choose when a country threatens to wipe another country off the face of the Earth, as Iran's President has done towards Israel. During Senate consideration, I supported an even more stringent amendment which would have required Presidential certification that India has agreed to suspend military-to-military cooperation with Iran, including training exercises, until such time as Iran is no longer designated as a state sponsor of terrorism. Regardless, I told Mr. Agrawal that I know that India is a responsible nation and that we wouldn't solve the problem over lunch. I was pleased to see Mr. Agrawal be candid with his views, and those of his country, on this, and a number of related issues.

Mr. Agrawal explained that no final approval would be necessary from the parliament in India, but that a two-day debate would take place on December 18–19. He said that we would see the two sides of public opinion, those who support the deal, and those who question India limiting its ability to freely act on its own foreign policy. Mainly, the discussion will try to answer the question, ''Did the U.S come through with the July agreement'' between Prime Minister Singh and President Bush, or ''did Congress change it too much,'' referring to the Iran report requirement. An article appeared in the Times of India newspaper on the day of our meeting written by ex-scientists claiming that the deal denies India the opportunity for full cooperation in civil nuclear energy. Unlike the U.S., India wants to reprocess its spent nuclear fuel for new experimental reactors for which technology will be ready for development in 15–20 years. However, the Congress included language in the legislation to prohibit such a practice. The legislation passed by Congress also includes a termination clause should India export nuclear-related mater, equipment, or technology—though a Presidential waiver is available. Also, while India hasn't said whether or not it will conduct a nuclear test again, the deal would terminate should a test occur. Despite the article, Mr. Agrawal assured us that the scientists did not represent the majority opinion of Indians.

When I asked why India won't become a signatory to the NPT, he explained that it is a discriminatory arrangement whereby only the 5 acknowledged nuclear weapon states are permitted to possess nuclear weapons. Meanwhile, its neighbor Pakistan, also not a signatory, has been an irresponsible nuclear weapon state and, according to Mr. Agrawal, India is ''not ready to eliminate its weapons'' because it needs them as a deterrent to offset those possessed by its neighbor. In order for India to join the NPT and enjoy the benefits of civil nuclear cooperation, it would be required to draw down its arsenal. Unlike Pakistan, India has shown its global

aspirations. India paid a price for supporting the U.S. already when Iran was referred to the Security Council. A pending deal to build a much-needed natural gas pipeline through Pakistan was put on hold. The deal shows that India needs to be recognized in a realistic way as a nuclear weapon state, because they do in fact possess them. I said I am pleased to see the U.S./India Nuclear deal moving forward. Once complete, India's massive population will be able to enjoy the benefits of peaceful civil nuclear cooperation.

During lunch, Mr. Agrawal explained that the NCPIL would be creating a new university for nuclear training in Mumbai. A state department official who joined me in the meeting expressed interest in possible cooperation with U.S. universities.

On December 17, we departed Mumbai for Cochin, located in the southern state of Kerala. Upon arrival, we were greeted by Mr. Fred Kaplan, Ms. Kelly Buenrostro, and Mr. Finny Jacob of the U.S. Consulate General in Chennai. They provided excellent support and arranged good meetings through my travel in south India.

We departed the airport and drove into Cochin for tea and a tour of the Mattancherry Synagogue with Samuel Hallegua, the leader of the Jewish community. Mr. Hallegua is a former businessman who came from a wealthy Jewish family whose ancestors had migrated to Kerala in 1692 from Spain, by way of Aleppo, Iran, and held large areas of land in Cochin. He explained that his ancestors in Kerala were in the rope trade business and cultivated coconuts and rice on their estate until land reform in 1917 when they were forced to give up land. Once a vibrant community of 2,500 Jews, Cochin now has only a very small Jewish population—32 individuals in the city and another 20 in the suburbs. Entire families and congregations departed for Israel upon its statehood in 1948. I was pleased to hear Mr. Hallegua say that Jews in Cochin have enjoyed ''total religious freedom.'' I asked, ''If it's so good here, why did everyone leave for Israel?'' He explained that they were ''observant Orthodox Jews'' and that they ''felt they could be more observant'' in Israel.

After tea in Mr. Hallegua's 200-year old ancestral home, he walked us through the neighborhood to the Mattancherry Synagogue. Built in 1568, it is one of the great historic places of interest in Cochin. Mr. Hallegua showed us scrolls of Jewish scriptures, copper plates in which the privileges granted by the Cochin Maharajas to the Kerala Jewish community are recorded, and the building's antique chandeliers and Chinese hand painted tiles. As I signed my name into the guest book, I noted that Queen Elizabeth of Britain visited the synagogue in 1997 and signed the same book. I was later told that Mr. Hallegua drew a curious look from the Queen when he told his wife ''Queenie'' to ''hurry up, Queenie.''

That evening I attended a dinner with 12 member of the Indo-American Chamber of Commerce (IACC) in Kerala, including Mr. C.P. Sebastian, CEO of Excel Globe and current President of the Chamber. Founded in 1968, the IACC serves as a link between the businesses in India and the United States and seeks to promote bilateral trade, investment and technology transfer, and other joint ventures. The Kerala branch of the IACC was established in 1992 and has over 60 members. We discussed a number of issues related to the process of outsourcing American jobs to India at a lower cost. They explained that while jobs may be lost in America, India provides a benefit to the American consumer with lower costs for products and services. Our conversation extended into other areas including the U.S./India Nuclear deal. We discussed their views on the Nuclear Nonproliferation Treaty as discriminatory and how it confers second-rate status on Indians, the crisis in the Middle East and the problems in Iraq, relations with China, and intellectual property rights. We toasted the good relations between our nations, and I extended an invitation for the executives to visit the U.S.

On the morning of December 17, we departed our hotel for a boat tour of the Cochin area. Along the way, we saw Chinese fishing nets. Cochin is the only place in the world outside of China where these nets are in use. We also toured areas affected by the tsunami. I was curious to know that the tsunami hit the west coast of India. In Cochin, water was sucked away from land for 45 minutes and then the water rushed back to land killing 80 people and destroying many houses.

I joined 8 area business executives who are members of the Cochin Chamber of Commerce for a working lunch. The Chamber President Mr. Jose Dominic, Managing Director of the CGH Earth Hotels, told me that the Chamber is celebrating its 150th anniversary. Commerce in the region began with English traders in the Cochin area. Today, the region specializes in shipping, agriculture, and tourism. The locals refer to the area as ''God's own country.'' Kerala's economy grew by 9.2 percent last year, largely in part to a growth rate of 13.8 percent in the services sector. Due to the lack of industrial investments, Kerala has a major unemployment problem with over 4 million people out-of-work. Again, we discussed a mixture of business related issues and other issues of international importance. Almost all of the executives had visited the U.S. and many had children in our universities. They remarked that it is ''amazing'' that our 2 big democracies haven't been closer sooner. We discussed the effect of the ruling Communist government and how it restricts the flow of trade. They explained that state funds going into investment are not providing an adequate return. However, the schools and healthcare are exceptional. ''If you were a poor person, Kerala would be a good place to live,'' one man said.

Later that afternoon, I met with Chief Justice V.K. Bali and 4 senior judges of the Kerala High Court in Cochin, the highest court in the state. In India, one cannot be a Chief Justice in their native state to avoid any allegations of impartial rulings influenced by area relationships. To become a judge at the High Court, lawyers who practice at the court are chosen by the Chief Justice based on their daily performance. The Chief Justice explained that 45 is a good starting age and that judges are bound to retire at age 62–65 for the national Supreme Court. I told them that in the U.S., Oliver Wendel Holmes served on the federal bench until he was 91. They explained that in India, everything is open to judicial review, including actions taken by the Prime Minister. In the U.S., President Bush campaigned in 2004 on nominating judges that would not legislate from the bench. When I asked if judges in India legislate from the bench, they explained that sometimes it is necessary to ''fill in the gaps,'' and they do so despite the criticism. They gave me an example where a public smoking ban was put into effect by the High Court based on a provision in their constitution providing a ''right to life.''

On December 19, I met with the Editorial Board of the Malayala Manorama, one of the largest circulated newspapers in India with 1.4 million copies sold daily. We discussed the good relations between the U.S. and India bolstered recently by the nuclear deal. They also asked questions about how the deal relates to their relations with Pakistan, Iran, and India's ability to decide foreign policy without foreign influence. We also discussed the Middle East and my view that we should be willing to talk to our adversaries if we intend to solve the problems at hand. I was asked questions about religious freedom, personal privacy in the U.S. since 9/11, the 2008 Presidential election, trade policy with India, relations with Pakistan, and my views on India as an investment destination. I was very surprised by the newspaper's account of my interview, as published on December 20. The board of editors grossly mischaracterized my statements on the war in Iraq, the war's relationship with the Muslim community, treatment of detainees at Guantanamo Bay, and my view of India in the world. I would certainly rethink granting another interview with the Malayala Manorama newspaper on any future visit to Kerala. I wrote the Managing Editor, Mr. Philip Mathew, and explained the misrepresentations in their reporting. I ask consent that a copy of my December 22, 2006, letter be included at the end of these remarks.

Later that day, we drove into the backwaters area of Kerala for a boat tour of the region.

On December 20, we departed Kerala for Bangalore, India, a city of nearly 10 million people. The state of Karnakata has around 60 million people and all of south India has nearly 250 million people. Again, we were accompanied by the very able officers of the U.S. Consulate in Chennai. Also joining us from the State Department on this leg of the trip was Mr. George Mathew who provided helpful information on the local issues.

Upon our arrival, I hosted a lunch with former Chief Justice Malimath of both the Karnakata and Kerala High Courts, the Indian equivalent of a state supreme court in the U.S. However, the Chief Justice earned his distinct reputation for his leadership of a judicial reform committee focused on criminal procedures which recently published a report bearing his name. Among the recommendations to reduce the backlog of criminal court cases and bring order to the system was the introduction of plea bargaining, which was absent in the Indian Criminal Procedure Code. That recommendation has been adopted. He explained that police interrogation techniques in India often involve torture because police are not aware of proper methods. When a detainee dies in custody, suicide is usually given as the reason for death. Reforms to the system now require police to report any instance of death with reasons and must perform a video-recorded postmortem. Another recommendation pending approval is the creation of a witness protection program. The Chief Justice explained that in India only 7 percent of serious offenses end up in conviction because witnesses are afraid to testify. The Chief Justice also headed a comprehensive study of child trafficking in India for the National Human Rights Commission. Its recommendations have been enacted into a government program to disrupt such networks.

We also discussed procedures for confessions, double jeopardy, and the lack of a right to a trial by jury. I was interested to learn that the Chief Justice has a daughter living in Pittsburgh, Pennsylvania.

We then visited the IBM Global Operations Center in Bangalore, located in a massive commercial office park with many other U.S. based corporations. The operations center enables IMB to use the high quality workforce at a low cost of labor to remotely troubleshoot and maintain computer networks for clients at locations around the world. For example, during Hurricane Katrina, their monitoring system identified server outages throughout the Gulf Coast. They explained the challenges that come with working in India, including poor infrastructure of roads, ports, and power supply,

exemplified by the lights going out during the presentation. Delayed decision-making of coalition politics and labor laws limiting work hours also are not well suited to the information technology (IT) industry. Still, the Chairman and CEO of IBM, Sam Palmisano, recently announced that over the next 3 years, IBM will triple its investment to $6 billion in India.

Later that afternoon, we visited the General Electric (GE) Jack Welch Technology Center, where over 3,000 scientists and support personnel conduct various research and development operations. The center holds 30 patents. One such innovation breakthrough is the development of a digital railway system where wireless information technology (IT) logistics can be used to monitor operations. The center is also responsible for the development of a diagnostic imaging device where the bone can be taken away from a CT scan. I received a demonstration of the machine and saw very advanced 3 dimensional digital scan a human brain.

On December 21, we departed Bangalore and traveled south to Thiruvananthapuram, India, better known as Trivandrum. We were joined on this leg of the trip by David Hopper, the Consul General of the U.S. Consulate General in Chennai.

Our first meeting was a working lunch at U.S. Technologies, a 100 percent U.S. owned, California-based information technology (IT) firm, specializing in IT consulting and development services for healthcare, retail, financial services, manufacturing, utilities, transportation, and logistics clients. We were greeted at the door by 2 elephants and an indigenous music arrangement consisting of horns and drums. Established in 1999, U.S. Technologies' goal is to become a $1 billion company with a workforce of 30,000 employees by 2010. Already the largest employer in Kerala, they explained that they have a 99.24 percent defect-free process and strive for quality and happy employees. One of their major clients is Blue Cross Blue Shield, based in Philadelphia, Pennsylvania.

Later that afternoon, we met V.S. Achuthanandan, the 83-year old Chief Minister of Kerala, India. A Chief Minister in India is equivalent to a governor in the U.S. The Chief Minister assumed the position in May 2006 and is a prominent leader, and true believer, of the Communist Party of India-Marxist (CPI–M). He had been a Communist party worker for 66 years and the party's politburo member for 10 years. In India, the CPI–M politburo is a policy making committee which advises the government on how to rule. The CPI–M has a history of anti-U.S. rhetoric, especially when it is the opposition party. After the death of his father, the Chief Minister left school after just 7 years to assist in his brother's business. Our conversation covered a number of topics including Communist thought and dialect materialism, the policies of President Bush, China, and Cuba.

In between events, we stopped briefly at Trivandrum's Napier Museum where we saw a vast collection of antique, cultural, and artistic artifacts.

Early that evening, I visited his Highness Marthanda Varma Maharaja, the head of the Royal family of Travancore, and other members of the Royal Family for high tea at the Kowdiar Palace. The Royal Family used matrilineal succession. Marthanda Varma's elder sister, Lakshmi Bayi, uses the palace as her residence along with her two daughters Gouri Parvathi Bayi and Gouri Lakshmi Bayi, and their children. Marthanda Varma's brother Bala Rama Varma was the last member to hold power. When Lakshmi Bayi's uncle died, he became King as a small boy in 1941. After his death in 1991, his Highness Marthanda Varma assumed the role as head of the family. Next in line would be her son, a 50 year old doctor in Bangalore. Travancore was a princely state which covered most of central and southern Kerala during the British period. . After independence, the Royal Family lost political power and the princely state merged with other Malayalam language-speaking areas in south India to form Kerala. We discussed the challenges of holding power and how it is different from the current democratic government structure.

On December 22, we departed the southern areas of India for the eastern city of Bhubaneswar, located in the state of Orissa. I was greeted by Mr. Doug Kelly, Public Affairs Officer at the U.S. Consulate General in Calcutta.

Our first meeting was a working lunch with Mr. Vishambhar Saran, Chairman of VISA Steel, and numerous Orissa government officials, at the home of Mr. Saran's son, also an executive at VISA Steel. The lunch provided an opportunity to interact with senior businessmen and state officials and get their insights on Orissa's current economic, political, and social issues. Mr. Saran was a educated to be a mining engineer, served as Director of Raw Materials for TATA Steel, and has over 37 years experience in the mining and steel industry. He explained that the demand for steel in India is growing at a rate of 10 percent and India faces competition from China and the Ukraine. Power is an important issue for their mining and steel-making operations. He told me that India has 300–400 years of coal remaining, but that the quality is not as good as the coal in Pennsylvania. Mr. Saran explained that India is currently producing 42 million tons of steel. By 2012, it will produce 80 tons and by 2020, it will reach 110 tons or more. During lunch we also discussed the situation in Iraq and India's relations with Iraq. Mr. Saran told me that he has been to Pittsburgh several times to visit family.

After lunch, we visited Infosys where I was briefed on company operations by Mr. Ardhendu Das. He also led me on a tour of the Infosys campus which includes cafeterias and recreational areas for employees. Infosys provides clients with business management consulting, information technology (IT) consulting, reengineering and maintenance support, and outsourcing and offshoring services. The company was created in 1981 with 7 employees and $250. Today, it operates in 18 countries and 50 major cities, employing over 66,000 workers with 476 clients. The Infosys CEO was recently named Forbes Asia Businessman of 2006. We discussed India's well-educated labor pool and business comparisons with China.

I met with Orissa Chief Minister Naveen Patnaik to discuss the state of affairs in Orissa and elsewhere in the world. The Chief Minister, head of the Biju Janata Dal (BJD)-Bharatiya Janata Party (BJP) coalition, was first sworn in on March 2000 and then again in March 2004. He began his political career in 1997 after the death of his father. He also served in Prime Minister Vajpayee's Cabinet as Minister in charge of Steel and Mines. Prior to his political career, Mr. Patnaik was a writer. We discussed the U.S./India Nuclear deal, the growing information technology (IT) industry, steel and mining, tourism, the difference between elections in India and the lengthy process in the U.S., and global issues including the war in Iraq.

Later that evening, my wife and I attended a dinner hosted by Baijayant (''Jay'') Panda, a Member of Rajya Sabha, India's parliament. We discussed world affairs with some 20 prominent citizens of Bhubaneshwar and toasted the successful relationship of our two countries. Born in 1964 and educated in the U.S., Mr. Panda has a very bright future ahead and is one of New Delhi's prominent young parliamentarians. His wife Jaggi runs a cable television network in Bhubaneshwar.

On December 23, I departed Bhubaneshwar for the capitol city of India, New Delhi, where I was greeted at the airport by Mr. Geoffrey Pyatt, Deputy Chief of Mission, and Ms. Karen Schinnerer, consular officer and our control officer.

After some difficulty landing in New Delhi due to fog, I immediately drove to the residence of India's Prime Minister where I was joined by the U.S. Ambassador to India David C. Mulford for a meeting with Prime Minister Manmohan Singh. My meeting was the first U.S. visit with the Prime Minister since President Bush signed legislation earlier that week allowing the U.S. and India to move forward with civil nuclear cooperation. The Ambassador told me that 680 million people watched the ceremony on 11 stations, attesting to the interest in the expanding relations between our nations. In between the signing and our meeting, harsh skepticism was voiced in parliament against the U.S./India Nuclear deal. I urged the Prime Minister to move forward quickly with the remaining technical terms of the agreement, which I am told should not be too difficult. The U.S. Congress must still give final approval of the technical terms of the deal. We also discussed the Presidential signing statement and my belief that Congress should be able to sue if the legislation is changed by a statement.

We discussed the strong relationship between India and the U.S. and the good relationship with President Bush. We also discussed the diversity of India, a country with the world's second largest Muslim population. He spoke of his commitment to the rule of law including freedom and human kindness. On the issue of India's relations with Pakistan, I asked the Prime Minister if U.S. involvement could be helpful in mediating the differences between the countries. I explained that I had tried to have President Clinton invite the heads of state of India and Pakistan to the Oval Office in 1995, but without success. The Prime Minister explained that he has had several meetings with Pakistan's President Pervez Musharraf and there has been talk of normalizing relations.

I expressed my appreciation for India's vote on Iran in the U.N. on nuclear proliferation. The Prime Minister expressed that India is not in favor of another nuclear state in the region and would oppose Iran having nuclear weapons. We also discussed, more broadly, the difficult situation in the Middle East including the war in Iraq, the struggles in Israel, and Hezbollah in Lebanon.

We also discussed relations with China, Afghanistan, and Israel, the future direction of economic cooperation between the U.S. and India, and Indian students in the U.S. We also exchanged stories about our children and grandchildren. One of the Prime Minister's daughters graduated Yale Law School and now works on civil rights in New York City. I previously met with the Prime Minister in 2001 when he served as the opposition leader in parliament.

Following my meeting with the Prime Minister, I joined the Ambassador at his home for a country team briefing with his staff. We discussed the nuclear proliferation agenda of Iran and North Korea and its relation to India, which has stopped a cargo ship from North Korea to Pakistan with equipment for nuclear weapons.

We discussed in more detail the U.S./India Nuclear deal and the political fallout the Prime Minister is facing due to language in the bill passed by Congress requiring a Presidential report on India's efforts to keep Iran

from becoming a nuclear power. We also discussed economic ties with India, outsourcing of American jobs, and China's practice of currency manipulation. He explained that in the coming years, the U.S., China, and India will continue to emerge as the world's largest economic powers.

QATAR

On December 24, I departed India for Al Udeid Air Base near Doha, Qatar, as a stopover on the way to Damascus, Syria. Upon arrival I was greeted by U.S. Ambassador Chase Untermeyer and Michael Ratney, Deputy Chief of Mission, who briefed me on overall relations between the U.S. and Qatar and the importance of our air base there. While at Al Udeid, I had an opportunity to visit with Pennsylvania troops stationed there. We exchanged stories, took photographs, and I wished them a happy holiday.

SYRIA

On December 25, I arrived in Damascus, Syria. My 16th visit included my 4th meeting with President Bashar al-Assad. I had previously met his father, President Hafez al-Assad, on nine occasions and attended his funeral in 2000. During the course of my previous visits, I have found the dialogue with the Syrian officials to be very helpful and have carried messages to other foreign leaders, including Israeli prime ministers, and back to the President of the United States. These visits have contributed to the discussion of many issues with my colleagues in the United States Congress.

Upon arrival I was greeted by the Chargé d'Affaires, Mr. William Roebuck, and our State Department Control Officer, Mr. Hilary Dauer. Our first meeting was a Country Team Briefing at the U.S. Embassy in Damascus with Mr. Roebuck, Mr. Dauer, and the rest of the State Department staff: Maria Olson, Acting Political/Economics Chief; Allen Kepchar, Acting Consul General; Adrienne Nutzman, Acting Public Diplomacy Chief; David Hughes, Political Section; John J. Finnegan, Jr., Management Counselor; Michael Mack, Regional Security Officer; and Mike McCallum, Acting Defense Attaché.

We discussed the difficulties associated with controlling a large border between Syria and Iraq and a recent Memorandum of Understanding (MoU) between the nations to control the traffic of foreign fighters from Yemen, Algeria, Kuwait, Saudi Arabia, and elsewhere seeking to fight the U.S. forces in Iraq. They explained that the Syrians have increased troops on the border and have built new guard positions, but that serious difficulties still remain.

We discussed the public stance taken by Syria on their willingness to negotiate ''without preconditions'' with Israel. The State Department officials explained that in reality, the Syrians are interested in starting any negotiations from where they previously left off. This includes a return of the Golan Heights, occupied by Israel, as a ''basis'' for negotiations to resume. They explained that since Prime Minister Sharon took office, negotiations have been ''frozen'' with little interest on the Israeli side. We discussed many issues including the Golan and Syrian interests in Lebanon.

We discussed the perceived power of Bashar al-Assad as compared with the influence of his father. The State Department officials feel that he is not as strong as his father was and does not rule with the same ''iron fist.'' However, they explained that there is not much opposition to President Assad within Syria. I asked if he is, or was, concerned with a U.S. attempt at regime change. They felt that he is less concerned now than when U.S. troops first entered Iraq. Ongoing U.S. problems in Iraq and Afghanistan have eased fears that the U.S. would turn next to Syria.

We discussed Syria's role in Lebanon, its influence over Hezbollah, and its cooperation with U.N. Resolution 1701 regarding the flow of arms to Hezbollah in south Lebanon. They explained that Syria is a ''corridor window'' for Iran to Hezbollah with strong support through Damascus, and that high level political contacts play a role in the tensions in Lebanon through street protests and other actions. They explained that President Assad has taken various positions on his influence in Lebanon in his recent visits with Senator Bill Nelson, and then with Senators Christopher Dodd and John Kerry.

We discussed the February 2005 assassination of former Lebanese Prime Minister Rafik Hariri and the ongoing U.N. investigation into the matter. The State Department staff described second-hand accounts of threatening conversations between President Assad and Hariri. They explained that the Syrians are experts at removing the command structure from the evidence, making it difficult to establish facts to back up allegations. The first two reports U.N. reports by Detlev Mehlis described Syrian interference in the investigation. However, the most recent reports by Serge Brammertz have described Syrian cooperation with the investigation.

Later that evening, I sat down with Syrian Foreign Minister Walid al-Mouallem. He had not accepted my offer for a meeting until I called him on the phone that afternoon. We discussed a variety of issues including the U.S. presence in Iraq, Syria's influence with Hezbollah, peace negotiations with Israel, the Hariri assassination, Syrian relations with Iraq, and Iran's influence in the region. We also discussed the peace process between Israel and the Palestinians, and the complications of a government led by Hamas. We recounted our previous visits and agreed that only through dialogue can we achieve a common ground on the difficult issues at hand.

The Foreign Minister told me that it is time to rethink U.S. policy towards Syria. He told me that isolating Syria was not working and that we are isolating ourselves at the same time. He blamed much of the instability in the Mideast to the Bush Administration. He explained that in Syria, the number one priority is peace in the region, including an end to the Arab/Israeli conflict. When I asked why a peace agreement has not been completed with Israel, he told me that there is a ''lack of political will'' in Israel since Yitzhak Rabin's assassination in 1995. He told me that Syria is willing to negotiate with Israel without preconditions, but not without the ''basis'' of ''land for peace.''

I asked if the problems with Hezbollah could be solved through a peace agreement between Syria and Israel. He answered, ''Without a doubt,'' but then explained the need to resolve the issue of the Golan Heights and, in particular, Shebaa Farms, a small area of disputed ownership located at the junction of Israel, Syria, and Lebanon controlled by Israel since 1967. When I asked if U.N. Resolution 1701 would be observed in the absence of an Israel/Syria peace agreement, the Foreign Minister told me that in history, no ceasefire can stand without a political solution. Thus, he said, it cannot stand forever. When I explained the distrust in the U.S. with Syria's position that they do not supply arms to Hezbollah, Mouallem asked me to present proof to the contrary. He told me that Syria would respond quickly with corrective action if the allegation could be founded with documentation.

On the issue of the assassination of former Lebanese Prime Minister Rafik Hariri, Mouallem explained that Hariri was a friend to Syria and denied involvement in his murder. ''No wise man can shoot his own finger,'' he said. He told me that Syria is cooperating fully with the investigation and he expressed suspicion of political motives in the initial U.N. Mehlis investigative reports, which said Syria was not fully cooperating.

We discussed then-Secretary Colin Powell's 2003 visit when, according to Mouallem, Powell arrived with six ''take it or leave it'' demands of Syria, including closing the borders, ending support for Hezbollah, ending support for Hamas in Damascus, and ending its chemical program. He explained his preference to seek solutions through dialogue, not through demands and a threat of U.S. troops in Iraq next turning to Syria. He explained that after their meeting, Powell held a press conference at a nearby hotel explaining that Syria was not willing to work with the U.S.

Despite this history, Mouallem told me that he is ''ready to turn this page'' and seek constructive dialogue with the U.S. with the objective of peace.

We discussed Syrian relations with Iraq and the recent establishment of an embassy in Baghdad. According to Mouallem, Syria has taken in one million refugees from Iraq and took another 300,000 Lebanese during the conflict with Israel this past summer. Regional stability is sought by the Syrians, he explained. He discussed the recent Memorandum of Understanding (MoU) for border and security cooperation between Iraq and Syria focusing on information exchange and improved presence and training on the borders. In our meeting, the Foreign Minister declined my request to have a copy of the MoU. He suggested I get a copy from the Iraqis.

The Foreign Minister pointed to U.S. mistakes in Iraq including our being unwilling to open dialogue with all factions of Iraqis including the Saddam-loyalists. If we don't attract the ex-officers, he said they will simply train the resistance. ''They need to eat,'' he said. He said that the Maliki Government needs to be strong and decisive in dismantling militias and that constitutional modifications are needed to assure unity in Iraq. On the issue of a U.S. timetable for withdrawal, he said that it would be immoral for the U.S. to leave now and leave Iraq in the hands of terrorists. He said that Syria, too, wants real leadership in Iraq. He said that a timetable would oblige them to take over and not leave a vacuum.

On the influence of Iran in the region, the Foreign Minister was careful not to speak for Iran, but noted that the U.S. may have missed opportunities to deal with more moderate leadership in the past. We discussed Iran's efforts to achieve a nuclear weapon and he said there is a double-standard when we allow Israel to possess a nuclear weapon. I responded by telling him that unlike India which has recently been recognized by the U.S., Iran is not a responsible country and has threatened to wipe Israel off the face of the Earth.

On the following morning, I met with Syrian President Bashar al-Assad at his Presidential palace in Damascus. Despite the Administration's policy of isolating Syria, I believe dialogue is important. My meeting with President Assad in Damascus is part of increased Congressional oversight in fulfilling our constitutional responsibilities in foreign affairs as a reaction to unprecedented turmoil in the Mideast.

We discussed ways that Syria could help provide stability in Iraq by controlling the border and the flow of fighters into, and out of, Iraq. Assad said that both sides must make an effort, but Iraq is currently unable to fully enforce its border. However, a recently signed Memorandum of Understanding (MoU) between the two nations, which I had also discussed with the Foreign

Minister, might help the situation. President Assad agreed to provide a copy of the MoU.

President Assad explained that Syria has an interest in a stable Iraq, but that U.S. policies have created instability by ignoring political issues and instead focusing on security issues. He attributed much of the sectarian violence in Iraq to the Iraqi Constitution, as it is currently written. He discussed a national conference which could be held in Damascus that would bring all relevant groups in Iraq together in an attempt to stop the violence. He explained that U.S. involvement would be important, but that the conference could not be seen as having been organized by the Americans because of our poor image with many Iraqi factions. He told me that the Prime Minister of Turkey has already agreed, in principle, to participate. President Assad expressed the importance of Iran's participation in the national conference. Iran, he said, is a nation which also does not want complete chaos in Iraq.

We discussed the possibility of resuming peace talks with Israel, continuing my discussion from the night before with the Foreign Minister. President Assad explained that negotiations without preconditions means that any further negotiations must start from the foundation of the Madrid peace conference in 1991 and on where negotiations with former Israeli Prime Minister Rabin left off. When I asked what Israel would get in exchange for the Golan Heights, President Assad said that Israel would get normal relations and peace with both Syria and Lebanon, and that issues related to Hezbollah would be ''solved simply.'' He acknowledged the importance of the U.S. in the peace process, but said that there is currently ''no vision for peace.''

We discussed Syria's role in Lebanon and allegations that it was involved in the assassination of former Lebanese Prime Minister Rafik Hariri. President Assad told me that despite the conflicting reports in the Melhis and Bremmertz investigations of the Hariri assassination, Syria will continue to give its full support to the U.N.'s investigation. President Assad denied any threatening conversation in which he threatened to break Lebanon over the head of Hariri, as was recounted by various second-hand witnesses in the U.N. reports. He described some concerns with a U.N. tribunal on the Hariri assassination and stressed that it should follow the Lebanese constitution.

On the issue of Syria allowing arms shipments to Hezbollah, President Assad said that such allegations should be backed up with evidence. He said that missiles could not be smuggled discretely ''like drugs on the back of a donkey,'' but could only be transported by truck. On a related note, President Assad warned that a decreased presence of Hezbollah in Lebanon would mean an increased presence of al-Qaeda, which is already active in northern Lebanon. Overall, he told me that Syria still has considerable influence in Lebanon, but that Syria's ''happiest day'' was when his army left Lebanon.

We discussed issues relating to Hamas in the peace process between the Palestinians and Israelis. While unity would be needed among the Palestinians, he noted that Hamas is now talking about the so-called ''line of 1967'' as part of future negotiations, a softening of position. He said that without a comprehensive peace agreement including everyone in the region, we would have a ''time bomb'' waiting to happen.

I asked President Assad about the two Israeli soldiers captured at the beginning of the conflict between Israel and Hezbollah on Israel's northern border this past summer. He said that they are ready to negotiate a release in exchange for some 20 individuals captured by Israel, but that a mediator was needed. I also asked President Assad about an Israeli soldier, Guy Hever, who went missing in the Golan Heights in 1997 and is suspected to be in a Syrian prison. He said that perhaps the soldier was lost in the high mountains during the winter.

I asked President Assad about the Iranian President Mahmoud Ahmadinejad and his comments about wiping Israel off the face of the earth. President Assad said that he is not as radical as we think and that we should talk to him. He said that his denial that the Holocaust occurred is his own opinion. President Assad expressed his opposition to nuclear weapons in Iran, or any other country in the region, including Israel.

I raised the issue of the security of the U.S. Embassy in Damascus. He explained that his own office is very close to the U.S. Embassy and that the entire area is well protected. Closing the street, he said, would not improve security as it would still be vulnerable to missile attack. Instead, he suggested that the Embassy move to a new area outside Damascus and a pledge of timely approvals and availability of land was made.

President Assad told me that he wanted to travel to the U.N. General Assembly meeting in New York in 2005, but the U.S. government would not issue a visa.

Before leaving Syria on December 26, I held a press conference at the airport to discuss my meetings.

ISRAEL

On December 26, we departed Damascus for Israel. Our travel required a technical stop in Amman, Jordan. Upon our arrival in Israel, we were met by Peter Vrooman of the U.S. Embassy in Tel Aviv who briefed me on the current issues while on the long car ride to Jerusalem. Along the way, we stopped at my father's gravesite in Holon, Israel.

On the morning of December 27th, I met with the U.S. Ambassador to Israel, Richard H. Jones. I briefed the Ambassador on my meetings with the Syrian Foreign Minister and President in Damascus. We discussed the details of the land issues related to the Golan Heights and Shebaa Farms, the fragile ceasefire created under U.N. Resolution 1701 and the need for a political solution, the perception that the U.S. would seek regime change in Syria following the 2003 invasion of Iraq, and the U.S. policy of pressuring Syria through isolation. We discussed the threat posed to Israel by Iran and discussed the positive impact of Saddam Hussein's removal for Israel.

Later that morning, the Ambassador and I met with former Israeli Prime Minister Benjamin Netanyahu. I told him about my trip and my meetings with Syrian President Assad. We discussed the Syrian President's interest in resuming peace negotiations from where they last left off, with the obvious inclusion of the Golan Heights in any discussion. Netanyahu explained that peace is based on deterrence and that once you give Syria the Golan Heights, one must ask themselves what remains to keeps President Assad to his word of providing normal relations and peace. He told me about his 1998 discussions with Hafez al-Asad which abruptly ended in disagreement over the Golan Heights. The former Prime Minister told me that, unlike the statements of Syria, he does have preconditions to talking with Syria, namely that they stop waging war against Israel. ''They are killing my countrymen,'' he said.

We also discussed the Iranian President's comments regarding the Holocaust never happening and his desire to see Israel wiped off the earth. I related Iran's nuclear ambitions to those of India, a country which can be trusted. He told me that President Bush is doing a good job of pressuring Iran, but said that the ''noose must remain tight.''

On the afternoon of December 27th, we met with Israel's Foreign Minister Tzipi Livni. We discussed President Assad's interest in negotiating a peace agreement with Israel. She suggested that while President Assad may be sending signals for negotiations, in reality he may just want to ease the international pressure that currently exists on Syria due to the Hariri investigation and allegations of arms transfers to Hezbollah. She said that Syria's intentions must be clearly understood before engaging in talks. I told her that President Assad said a mediator was needed to allow for the release of the two captured Israeli soldiers. She said that Kofi Annan had already tried, but little progress is actually being made.

Overall, she said little progress is being made right now on either the Israel/Syria front or between Israel and the Palestinians. ''Only headlines,'' she said. She said there is a desire to negotiate with Palestinian moderates towards a two-state solution and said she ''smelled signs'' of progress, as evidenced by a recent December 23rd meeting between Prime Minister Olmert and Palestinian President Mahmoud Abbas. When I noted that we live in a changing world where terrorist groups want to participate in politics, she suggested that rules should be established to prevent such practices.

We discussed Israel's decision-making process and its practice of consultation with the U.S. before taking action. Foreign Minister Livni explained that the U.S. and Israel share many of the same values and interests in the region and it does not benefit either country to surprise the other without first consulting on an issue. I agreed. I urged Israel to be independent and to follow its own interests.

On the issue of Iran, Foreign Minister Livni said that the world cannot afford to allow Iran to possess nuclear weapons. She expressed her fear that a ''domino effect'' could occur where others in the Mideast will either appease Iran in the interest of safety, or they will seek nuclear weapons of their own for deterrence. She cited the need for stronger, ''real'' sanctions against Iran.

That evening the Ambassador and I met with Israeli Prime Minister Ehud Olmert at his offices in Jerusalem. I briefed the Prime Minister on my meeting with Syrian President Bashar al-Assad. I told him that President Assad says he wants to negotiate with Israel and that he says he can be helpful in dealing with Hamas and Helzbollah. The Prime Minister said he was ''more than interested'' to hear this message, but also said, ''I don't want to fool myself and my friends.'' He cited Syrian support for terrorist groups including Hamas, a group whose leader Khaled Mashal ''sits in Damascus.'' He said Israel would need a ''credible sign'' that Assad is sincere before giving him legitimacy that he currently doesn't deserve.

The Prime Minister described resolving the conflict with the Palestinians as his top priority. The Prime Minister told me about his meeting on December 23rd with President Mahmoud Abbas. He described it as an important bilateral step without the assistance of the U.S., or anyone else. He characterized the meeting as ''very difficult, but very significant.'' As a result of that meeting, he said $100 million would be unfrozen for humanitarian and security purposes.

On the issue of U.S. involvement in Iraq, he said he was glad that Saddam Hussein is gone. He would not give his opinion on whether the U.S. should draw back its forces. He did note that pulling out prematurely ''would encourage radical countries.''

On the issue of Iran, the Prime Minister described Ahmadinejad as a ''madman'' in

control of a nation of over 70 million people. He suggested that economic measures should also be taken outside of the U.N. Security Council to pressure Iran, particularly from European Union member countries.

Despite the regional difficulties, the Prime Minister told me that the economic situation in Israel is better than ever. Over the last year, Israel has seen a positive balance of trade with overall growth of 4.8 percent and low inflation. Before the conflict in south Lebanon, growth was projected at only one percent.

On the morning of December 28th, I held a press conference at the David Citadel Hotel in Jerusalem to discuss my foreign travel, particularly my meetings in Syria and in Israel.

Following my press conference, I was joined by Michael Schreuder of the U.S. Consulate in Jerusalem, and by Jake Walles, Consul General and Chief of Mission in Jerusalem. We traveled into the West Bank for several meetings in Ramallah.

Our first meeting in Ramallah was with Salam Fayyad, a Palestinian in the Third Way party who was the Finance Minister of the Palestinian National Authority in the Fatah government in 2002. He holds a Ph.D. in economics from the University of Texas at Austin and has lived in the U.S. for over 10 years. He explained his interests in decency and fundamental human values, qualities which will help the Palestinian people be better neighbors to Israel.

We discussed his successful reforms in his three and a half years as Finance Minister. He explained that many of those reforms are not being carried out by the current government.

He explained that despite the undesirable outcome of the January 2006 elections, he and other like-minded people are still trying to make progress with Israel and are focusing on providing security. He noted that Hamas is having many problems because of their lack of governmental experience, but still found it difficult to see how elections could be held in the near future. Hamas, he said, is a real problem, because they do not recognize Israel and they judge right and wrong based on ideology and fixed notions of the world. He acknowledged that Hamas will always be part of the system, but he hoped it would not continue to be a majority.

We discussed the recent meeting between President Abbas and Prime Minister Olmert. We also discussed the threat posed to Israel by Iran and Syria's behavior in Lebanon, which he characterized as ''disgusting.'' Fayyad said he has a harder time believing President Bashar al-Assad than he did his father.

We then joined Hannan Ashrawi, also a member of the Third Way party, for lunch in Ramallah. She explained that under the Hamas government, the ''republic has become polarized,'' alternatives have not been permitted to rise, and people have lost their sense of volunteerism. According to Ashrawi, there is currently no process for peace and there hasn't been since 2000. However, she explained that some options exist for President Abbas to negotiate, even though the powers of the President were reduced in 2002 when the position of Prime Minister was created.

We discussed the Palestinian distaste for Israeli occupation within the West Bank. She said that Israeli occupation includes control over the airspace, borders, and checkpoints. She described the difficulties of carrying out even the most mundane tasks as a Palestinian, such as going to the airport. She described the checkpoints as being there ''to humiliate.'' We discussed the technicalities of what appears to be a new settlement in the West Bank, which Israel claims is only an expansion inside an existing area and not in violation of its commitment to the U.S. of no new settlements.

We discussed my meeting with Syrian President Assad, the potential for future talks with Israel, the difficult situation of a Hamas majority in government, the possibilities for new elections, and the need to engage in dialogue with Iran.

Early that evening back in Jerusalem, I met with the mother of an Israeli soldier, Guy Hever, who is believed to be a prisoner in a Syrian jail. Mr. Hever disappeared on the Golan Heights near the Syrian border on August 17, 1997. I previously met his mother on November 6, 2002, and wrote President Assad asking for an inquiry into Mr. Hever's whereabouts. I raised the issue in person with the Syrian President on January 3, 2003, and again in my most recent meeting on December 26, 2006.

That evening in Jerusalem, I met with Saeb Erakat, Head of the Negotiations Affairs Department for the Palestine Liberation Organization. We discussed my visit to Syria and its stability under the rule of President Bashar al-Assad. He told me that Hafez al-Assad used to ''play Iran as a card, but now Ahmadinejad plays Assad as a card.''

On the situation with Hamas, he said there is no alternative but to seek elections. However, he said that Fatah needs to change in a short period of time. It was beaten by a ''party without a program.'' If Hamas sees that Fatah remains weak and does not come up with a plan, it may call for elections again and take more power in government.

We discussed the December 23rd meeting between President Abbas and Prime Minister Olmert, a meeting Mr. Erakat attended. He explained that many Palestinians did not want to see the meeting occur and it fell into place at the very last minute. He praised the courage and leadership of President Abbas for ''sticking his neck out'' to start something. Permanent solutions were not on the table. Rather, four committees focusing on security, economy, prisoners, and sustaining the ceasefire were created to attempt to answer the question of ''where do we go from here.'' He explained that a third party in negotiations is helpful, but that the ''real work'' must be done on a bilateral basis. He expressed his optimism that future negotiations can succeed despite interference and violence spurred by Hamas.

Mr. Erakat requested that the U.S. Congress ease limitations on aid to Palestinians, citing the need to show that President Abbas can deliver for his people.

We also discussed Iran's emerging influence in the region and its impact on the Palestinian people. Mr. Erakat suggested adding another nation to the maps instead of Ahmadinejad's suggestion that Israel be wiped off the map.

ITALY

On the morning of December 29th, we departed Israel for a stopover in Rome, Italy, on the way back to the U.S. Upon our arrival, we were greeted by our State Department Control Officer Mikael McCowan. We drove to the U.S. Embassy and discussed a variety of issues during a Country Team Briefing with the embassy staff headed by Ms. Anna M. Borg, Deputy Chief of Mission. Ambassador Ronald P. Spogli was not in Italy during my visit.

We discussed U.S. relations with the new ''left of center'' government which has withdrawn Italy's 3,000 troops from Iraq. We discussed other forms of military cooperation between the U.S. and Italy, including ties with American businesses selling arms to Italy. Elsewhere, Italy has some 8,400 troops stationed around the world. Following on the summer conflict in Lebanon between Hezbollah and Israel, Italy has played a major role in the peacekeeping operation by providing 2,400 troops, the largest contingent of any country. They are also playing an important role in Afghanistan with some 2,000 troops. Italy also has some 3,500 troops stationed in the Balkans.

We also discussed the judicial structure in Italy where there are three independent levels of jurisdiction, the latest developments on the reported Italian cooperation with CIA renditions, Italy's economy, and its relations with Iran. They explained that Italy, which has a sizeable amount of trade with Iran, has been put in a difficult situation by having to support sanctions against Iran for its nuclear proliferation efforts.

On December 30, 2006, we departed Rome, Italy, and returned to the United States.

I ask unanimous consent that the following be included in the CONGRESSIONAL RECORD as if read on the Senate floor:

1. My letter to Philip Mathew, Managing Editor of the Malayala Manorama in Kerala, India, dated December 22, 2006
2. An article from the Jerusalem Post headlined ''Arlen Specter 'would meet' Ahmadinejad'' dated December 28, 2006
3. An article I wrote for the Philadelphia Inquirer for January 5, 2007 publication
4. My letter to President Bashar al-Assad dated January 5, 2007

U.S. SENATE,
Washington, DC, December 22, 2006.

Philip Mathew,
Managing Editor, Malayala Manorama, Kerala, India

DEAR MR. MATHEW: I was very surprised by your newspaper's account of my interview with your board of editors on December 19, 2006 in Kerala, India.

Contrary to your report, as to the war in Iraq, I said only that had the U.S. known Saddam didn't have weapons of mass destruction we would not have gone to war. Once there, we could not precipitously withdraw and leave the country destabilized.

I did not say that the U.S. war was widely characterized as being against the Muslim community.

The U.S. has already explained that faulty intelligence led to the conclusion that Saddam had weapons of mass destruction. Beyond faulty intelligence, I did not say that U.S. policy required more thoughtful consideration.

As to Guantanamo Bay, I said that the U.S. should allow habeas Corpus to determine if detainees are properly treated.

As to a permanent seat for India on the U.N. Security Counsel, I said that if the U.N. was being organized today India would be considered as one of the World's five greatest Powers.

Your reporting would certainly make me rethink granting another interview to your editorial board on any future trip to Kerala, India.

Sincerely,

ARLEN SPECTER.

[From the Jerusalem Post, Dec. 28, 2006]

ARLEN SPECTER ''WOULD MEET'' AHMADINEJAD

(By Herb Keinon)

Senator Arlen Specter, a Republican from Pennsylvania who broke ranks with the Bush Administration and met Syrian President Bashar Assad earlier this week, said Thursday in Jerusalem that he would now like to sit down and talk with Iranian President Mahmoud Ahmadinejad.

Asked by The Jerusalem Post if he would like to meet the Iranian President, Specter—in Jerusalem for a series of meetings as part of a regional tour—replied, ''You bet I would like to, and give him a piece of my mind.''

The present US policy is not to engage in high-level dialogue with either Syria or Iran,

even though the recently published Baker-Hamilton report advocated actively engaging those two countries. Bush has said he would not change his policy regarding those two countries; Specter thinks he should.

''I disagree with the policy of not dealing with Iran,'' he said.

''When he [Ahmadinejad] says he wants to wipe Israel off the face of the earth, I'd like to tell him how unacceptable that is,'' Specter said, explaining what he would tell Ahmadinejad.

''When he says there was no Holocaust, I'd like to tell him about the Holocaust survivors I've talked to, and about how much evidence there is about the Holocaust. Yes I'd like to see the president of Iran, he could use some information,'' he said.

Specter brushed aside the criticism of his trip to Damascus that was voiced by some in the Bush Administration who argued that his visit, as well as recent visits by three democratic senators, granted legitimacy to the Syrian government. Specter said that as a member of the powerful Senate appropriations committee that sends billions of dollars each year to the Middle East, he was dutybound to see first hand what was happening in the region.

Specter said that while he acquiesced to the Bush Administration's request not to visit Damascus on previous tours to the region last December and August, ''this year in coming it seemed to me that the Administration's program is not working.''

Regarding what he hoped to achieve by going to Damascus, Specter said, ''I believe that all the wisdom doesn't lie with the Administration, there are others of us who have studied the matters in detail, have made contributions in the past, and have something to add here.''

The senior Pennsylvania senator said that while he had a great deal of respect and admiration for US President George W. Bush, there were issues with which he did not agree with the president, and that it was his responsibility ''to speak up, and do so in an independent way.''

Specter said he did not believe that his visit ''alters the issue of legitimacy'' regarding Syria, and pointed out that the US talked to the leaders of the Soviet Union even though there was a Cold War for decades, and that the US talked with the Chinese despite disagreements over slave labor.

Specter reiterated what he said in Damascus earlier this week, that the Syrians were interested in entering into negotiations with Israel without preconditions, and that Syrian President Bashar Assad had told him that in return Syria could be helpful in dealing both with Hamas and Hizbullah.

Specter said that Assad denied that arms were being smuggled into Lebanon through Syria.

Asked whether he believed Assad, Specter, who has met with him five times and with his father Hafez Assad nine times, said, ''I don't know, I can not make the judgment on that, the Israelis will have to do that.''

Specter, who has served in the senate for 26 years, said that the situation in the Middle East is more problematic now than at any time since he was first elected.

''I do not see anyway out except through dialogue,'' he said. ''I do not think there are any assurances that dialogue will succeed, but I think there are assurances that without dialogue there will be failure.''

[From the Philadelphia Inquirer, Jan. 5, 2007]

WHY CONGRESS CAN AND MUST ASSERT ITSELF IN FOREIGN POLICY

(By Sen. Arlen Specter)

My recent meeting with Syrian President Bashar al-Assad in Damascus is part of increased congressional oversight in fulfilling our constitutional responsibilities in foreign affairs as a reaction to unprecedented turmoil in the Middle East. As I mentioned in an extensive Senate speech in the July 16, 2006, Congressional Record, and also in an article in the current issue of the Washington Quarterly, significant results have flowed from my meetings with foreign leaders (some of whom have been unsavory), over the last two decades.

The starting point is a senator's constitutional duty to participate, make judgments, and vote on foreign affairs. In 26 years in the Senate, I chaired the Intelligence Committee in the 104th Congress and have served on the appropriations subcommittees on defense and foreign operations. Senators vote on ratification of treaties, on the confirmation of cabinet offices including the Departments of State and Defense, and on appropriations of $8 billion a month for Iraq and Afghanistan and more than $500 billion annually for military and homeland defense. Under the constitutional doctrine of separation of powers, senators are purposefully independent of the executive branch to provide checks and balances. Accordingly, Congress has a vital role in the formation and execution of foreign policy.

My foreign travels have included 16 visits to Damascus since 1984 involving nine meetings with President Hafiz al-Assad and four with his son, President Bashar al-Assad. When the administration asked me not to go to Syria when I was in the region in December 2005 and August 2006, I deferred to that judgment. But now—with the Middle East embroiled in a civil war in Iraq, a fragile cease-fire between Hezbollah and Israel, and warfare between Fattah and Hamas undercutting any potential peace process between Israel and the Palestinians—I decided it was time for Congress to assert its role in foreign policy. My decision was influenced by the 2006 election, which rejected U.S. policies in Iraq, and by the Baker-Hamilton Group report on Iraq, urging direct dialogue with foreign adversaries including Syria.

My talks with Assad, following his meetings with Sens. Bill Nelson (D., Fla.), Chris Dodd (D., Conn.), and John Kerry (D., Mass.), produced his commitment to tighten the Iraqi-Syrian border to impede terrorists and insurgents from infiltrating Iraq. In my meeting, Assad made a new offer for Syria to host an international conference with all factions in the Iraqi conflict and other regional powers to try to find a formula for peace. I carried a strong State Department message to Assad concerning Syria's obligations under U.N. Resolution 1701 not to arm Hezbollah, and Syria's obligations to cooperate with the U.N. investigation into the assassination of Lebanese Prime Minister Hariri.

Israeli Prime Minister Ehud Olmert was interested in the nuances of my conversation with Assad on Syria's potential assistance with Hezbollah and Hamas as part of an Israeli-Syrian peace treaty involving the Golan Heights. When I met with Olmert, he appeared to be moderating his prior opposition to Israeli-Syrian peace talks, perhaps as a result of many voices, including mine, urging him to do so.

In previous trips to Damascus, especially in the 1990s, I relayed messages between then-President Hafiz al-Assad of Syria—who initially refused to participate in an International Conference with Israel unless sponsored by all five permanent members of the Security Council—and then-Prime Minister Itzhak Shamir of Israel. Shamir would attend such a conference only if it were organized by the United States and the Soviet Union. Shamir did not want to deal with four adversaries and only one friend. Whether my efforts to persuade Assad to accede to Shamir's terms had any effect is speculative, but it is a fact that Syria went to the Madrid Conference in 1991 sponsored by the United States and the Soviet Union.

Shortly after becoming Israeli prime minister in 1996, Benjamin Netanyahu announced that Israel would hold Syria responsible for Hezbollah's attacks on Israel. Syria then realigned its troops near the border with Israel, creating considerable tension in the region. Netanyahu asked me to carry a message to Assad that Israel wanted peace, which I did. I was later credited by Syrian Foreign Minister Walid al-Moualem with aiding in relieving the tension.

In many visits to Damascus, I urged Assad to let Syrian Jews emigrate. Assad at first refused, saying it would be a brain drain. It is hard to say whether my appeals influenced Assad's later decision to let the Syrian Jews go. These and other results from my many trips to Damascus are cited in contemporaneous Senate floor statements reporting on those visits.

More, rather than less, congressional attention is needed on U.S. foreign policy generally and on the Middle East in particular. While we can't be sure that dialogue will succeed, we can be sure that without dialogue there will be failure.

U.S. SENATE,
Washington, DC, January 5, 2007.

His Excellency BASHAR AL-ASSAD,
President, Syrian Arab Republic,
Damascus, Syria.

DEAR PRESIDENT ASSAD: I am writing to thank you for your hospitality during my recent visit to your country. I found our discussion to be very insightful and believe it will prove useful as I continue to advocate for a renewed dialogue between our governments. I would also like to renew a request for your assistance in determining the fate of Mr. Guy Hever, an Israeli soldier who disappeared from the Golan Heights on August 17, 2006. I have raised this matter with you on several occasions, most recently during our meeting on December 26, 2006.

According to information provided to my office, at the time of Mr. Hever's disappearance, he was dressed in army fatigues, wore a military disk numbered 5210447, and carried a key chain and identification papers (Geneva Convention Card). Despite a thorough search, no trace of the missing soldier has ever been found. Some have suggested that Mr. Hever may have illegally crossed the Israeli-Syrian border, leading to his detention in a Syrian jail.

I have twice met with Mr. Hever's mother, most recently on December 28, 2006. The long interval of time which has passed since Mr. Hever's disappearance has caused his family great pain. Given that your personal intervention could potentially end the Hever's family's search for answers, I respectfully request that you order an inquiry to determine if any Syrian authority could assist in resolving Mr. Hever's whereabouts and well being.

Thank you once again for your hospitality and your consideration of this request.

Sincerely,

ARLEN SPECTER.

PRO BONO REPRESENTATION FOR GUANTANAMO DETAINEES

Mr. SPECTER. Mr. President, I note another Senator in the Chamber waiting to speak, so I will be relatively brief in comments on one other subject.

I note that an official in the Department of Justice has challenged the attorneys who have been doing pro bono

work for detainees at Guantanamo, raising an issue as to whether that representation is proper and raising the suggestions that their corporate employers might be interested in reconsidering their employment based on their representation of the detainees at Guantanamo.

It is a little hard to understand how anyone in 2007 would raise a question about pro bono work being done by lawyers who may be undertaking or who are undertaking unpopular causes. That has been the long tradition of the legal profession.

The first noteworthy example was Andrew Hamilton, a famous Philadelphia lawyer who represented Peter Zenger at the time when there were hostilities between the United States and Great Britain. Andrew Hamilton took on an unpopular cause and set the standard for lawyers to do just that.

I recollect the trials under the Smith Act of the Communists where lawyers of the highest repute undertook the representation of the defendants in those cases, a highly unpopular matter. And in the Philadelphia prosecution of the Smith Act, some of the most distinguished lawyers of the city, again, undertook that representation.

A lawyer's duty is to undertake the representation of a client, and it is up to the court to make a decision on whether the attorney is right or the attorney is wrong.

This challenge by a Department of Defense official is in line with the recent position of the Department of Justice in seeking to limit the right to counsel for corporate officials who are being investigated, with the Department of Justice under the so-called Thompson memorandum taking the position that charges might be increased if the firm and the individual did not waive the attorney-client privilege. Then the Department of Justice objected to the firm paying the legal fees.

A Federal judge in the Southern District of New York has already declared it unconstitutional to challenge the payment of the legal fees.

I have introduced legislation which would revise the Department of Justice policy even further than the revision by Deputy Attorney General McNaulty in the so-called McNaulty memorandum.

But when lawyers undertake the representation of individuals in unpopular causes, they are entitled to praise and not criticism.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Missouri.

TRIBUTE TO LARRY STEWART, SECRET SANTA

Mrs. MCCASKILL. Mr. President, this afternoon I will have the glorious opportunity to travel to the White House to celebrate the 2006 World Champion St. Louis Cardinals, and the echoes of the cheers of St. Louis I will hear.

But today there are even stronger cheers coming from the angels in Heaven because today the angels in Heaven are cheering for a lifetime of kindness and compassion that belonged to the Missouri legend, Larry Stewart.

Larry was known by many names—dad, son, husband, friend—but his favorite name was Secret Santa. This was a title that was given him by hundreds and thousands of anonymous people he had helped over the 26 years that he had a very special way of celebrating our Christmas holiday.

Larry Stewart knew something of the life of those he had helped, but like any legendary, larger-than-life superhero, he remained mysteriously anonymous until the closing days of his life. He grew up poor in Mississippi, later telling stories about how he resorted to sleeping in his car early on just to get by. He, in fact, was homeless.

He told a story of how in 1971 he was eating in a diner, and when the time came to pay for his meal, he realized he didn't have the money. He saw a $20 bill had been dropped next to him on the counter, and he got the attention of the man he had seen drop the $20 bill. The man turned out to be the owner, and the $20 bill had been dropped on purpose. It was a subtle gift trying to not make Larry Stewart feel uncomfortable about not having the money to pay for his meal. Larry Stewart would never forget that moment.

Years later in 1979, well into his career as a businessman, he faced his second Christmas season unemployed. Worried about how he was going to take care of his young family and receiving the news that he had just lost another job, he saw a carhop working outside in the cold with very little to keep her warm. Faced with the situation that his problems were not as serious as hers, he gave the woman a $20 tip, and the joy that $20 tip gave him began a tradition that lasted the next 26 years of his life.

I was lucky enough to be in his very wide circle of friends in Kansas City. I was even more fortunate because there was a time when he turned to me and said: Claire, would you like to go on a sleigh ride?

I said of course, welcoming the opportunity to see Larry Stewart do what really no one else realized he was doing.

The sleigh ride went something like this: We met at Larry's home early in the morning near Christmas. He wore always white overalls—he was a big man—white overalls with a bright red flannel shirt. We would sit in his kitchen drinking coffee. He would be exuberant with excitement as to what was going to happen that day. He would stuff his pockets with mountains of cash. His dear friend, Tom Phillips—then a sheriff's deputy, now the sheriff of Jackson County—would accompany us to make sure that our journey was safe, and off we would go in a large Suburban with another few fortunate friends to watch Santa do his work.

He had a method. I asked him one time: Larry, how do you decide where you go to spread this money?

He said: I try to go places where people are doing their best to get by.

So we would travel to autopart stores where people at the Christmas season were trying to buy that battery to make that car work. We would travel to bus stops where he would love to find people dressed in fast-food uniforms trying to catch a bus to work.

The Suburban would slow down, and Larry would hop out. We would all get out. Quickly he would approach the people and stuff $100 bills in their hands and say: Merry Christmas.

Astonished, these people would look up suspiciously, thinking that maybe something was wrong. Then they realized: It was just a wonderful, kind man spreading Christmas cheer.

We would go into laundromats. We would go into 7–Elevens. We would go anywhere that Larry thought he would find people who were doing their best and having a difficult time making ends meet during the holiday season. I watched Larry Stewart hand out thousands and thousands of dollars to people who were astonished at his generosity, strangers he had never seen before and would never see again. Every Christmas, year after year, this was his tradition.

Those sleigh rides I took with Larry Stewart are some of the most memorable days of my life. I will never forget the feelings that washed over me as I watched the true spirit of Christmas in operation.

On every sleigh ride he would always find some special recipients. This was research he did ahead of time, trying to find families who were really in need. The stories that I have to tell of those special moments I can literally cry thinking of what I witnessed.

I remember one instance where we drove to the suburbs of Kansas City and pulled up in front of a very modest home. I asked Larry what he was doing. He explained to me that there was a woman who lived in this house who had to get dialysis three times a week. She lived with her daughter. Her daughter was a single mom with three kids. They had a broken down van, and her daughter would have to arrange her three jobs she worked to try to take her mother into Kansas City for dialysis, and invariably the van would break down.

Larry heard about this situation, and this was going to be one of his special Christmas gifts. He had a van outfitted with a handicap ramp for her wheelchair, a brandnew van, and he had it fixed up with a giant red bow. He had someone driving it who had a remote-controlled walkie-talkie.

Up we go to the front door of this house. Larry pounds on the door in his white overalls and red flannel shirt, and peeking through the door is the very suspicious daughter. I am standing over to the side watching all this.

Larry says to this woman: Merry Christmas. I hear that you are having a

hard time getting your mom to dialysis.

You can hear her mother in the background saying: Who is it? Who is it? Who is it? Her mother, with difficulty, comes to the door and is standing just behind her daughter.

This daughter says: Yes.

You can see the broken down van in the driveway.

Larry says: I want to try to help to see if we can't get your mom to dialysis with a little more reliability, and with that he talks into the walkie-talkie and says:

Bring it around. And around the corner comes the new van with a big red ribbon on it. It pulls into the driveway, and with that, Larry hands the daughter an envelope with $10,000 in cash in it and says: Merry Christmas.

He walks away and says: The title is in the van.

Of course, you can imagine the reaction of these women—shocked, surprised, joy. And, of course, I am balling like a baby standing there, as all of us were. There were about four of us who watched this event.

That is just one story I can tell, but imagine having the privilege of seeing that kind of scene played over and over several years in a row when I was fortunate enough to be on the sleigh ride. This was an extraordinary man.

During the time he was playing Secret Santa in Kansas City and across our country, he gave out $1.3 million in cash. Kansas City was lucky enough to receive most of his gifts, but he also landed his sleigh frequently in his home State of Mississippi, Florida after the hurricanes, New Orleans after Katrina, New York after 9/11, and this past Christmas, his last, knowing that it was probably his last, he traveled to Chicago to spread cheer around his dear friend Buck O'Neil's neighborhood where Buck O'Neil grew up poor. Buck O'Neil was one of his best friends and, of course, another Kansas City legend we lost last year.

He told the public about his role as Secret Santa last Christmas, so the world knew who Secret Santa finally was. Thousands of people who received his generous spirit contacted him in the closing days of his life. He called me on Christmas Eve to say this was the most special Christmas of all because of the outpouring of love he had felt from all of the people he had helped over the years. What Mr. Stewart, who had built a fortune from nothing, may have seen as a small holiday gift was actually a gesture of compassion so few experience or ever understand due to the frenetic pace of our lives.

Known by his family and friends and colleagues for a soul born of kindness and warmth and a personality as unassuming as his generosity was great, Larry kept his identity under wraps until this year. He was diagnosed with esophageal cancer and in his last months his identity was revealed. When word spread, he was flooded with national media attention about which he could care less. Frankly, he didn't even want to handle it. But he was excited because he realized he had an opportunity to spread what he had done to others and hopefully have it catch on. He loved hearing the stories, but he continually said to all of us this was not about him. It was God's work. He was merely a servant of his Lord.

I ask the Senate to join me in honoring and celebrating the life of Larry Stewart, Missouri's own Secret Santa. I ask that this distinguished body join me in extending our greatest sympathies to his family: Paulette, Joe, John, Kim, and Mark, and the thousands who, like me, were fortunate enough to call him a dear friend.

Mr. Stewart's gifts of hope touched many recipients. However, the compassion that drove his generosity was contagious to all who knew him and that was even a greater gift. As we honor Larry today, let us rejoice in his life, remember his kindness, his sense of humor, and revel in his generosity. He was Santa. He was real, right down to the twinkle in his eye. He loved others as the good Lord intended. May his legacy of kindness always be a reminder to us all to spread hope and compassion to one another.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

ETHICS AND LOBBYING REFORM

Mr. REID. Mr. President, there has been good progress made on ethics and lobbying reform. We have had a good debate. It is time to move to passage of this meritorious legislation.

We will have three votes beginning at 5:30 this afternoon. First we will vote on the Durbin amendment to strengthen the definition of ''targeted tax benefit'' and other aspects of Senator DEMINT's earmark disclosure proposal. I appreciate Senator DEMINT working with Senator DURBIN and others to strengthen his amendment.

Second, we will vote on the underlying DeMint amendment on earmark disclosure.

Finally, we will vote to invoke cloture on an amendment that I offered strengthening the rules on gifts and travel, including travel on private airplanes. Once cloture is invoked on that key amendment, we can move forward to finishing the bill this week. As I announced this morning, we are going to finish the bill this week. If we finish it Thursday at 10 o'clock, we will be finished with votes for the week. If we finish it Saturday at 10 o'clock, we will be finished with votes for the week. But we will finish this legislation.

This ethics reform bill is vitally important to Congress and the American people. Over the past few years, the media has been filled with stories of elected officials who have violated the public trust often in their dealings with lobbyists. Each episode of public corruption contributes to the public's growing cynicism about Congress and other institutions of Government.

First, let me say, lobbyists are not a class who should be denigrated in any way. They render a vital service to their constituents and to Congress. So I want everyone to know we are not trying to berate lobbyists. What we are saying with this legislation is we need to know more about what lobbyists are doing. I think it is going to help them, it will help us, and it will certainly give the American people more confidence in Government.

Think what this country has gone through. For the first time in 131 years, a person working in the White House is indicted. That trial is starting today. In addition to that, a person the President appointed to handle Government contracts involving billions of dollars, Mr. Safavian, was led away from his office in handcuffs and has been convicted.

Two former Members of the House of Representatives are now in prison for selling legislative favors—in prison. A third Member of the House of Representatives, one who has served as the second highest official in the House of Representatives, was forced to resign from Congress because he was indicted. There are other investigations going on as we speak. If there were ever a time when Congress and the executive branch needed to take dramatic action to show the American people we are serious about restoring public trust in Government, this is the time. That is what we have tried to do.

That is what I tried to do with this legislation. In order to send a message about the importance of ethics reform, I designated the bill as S. 1 and brought it to the floor on the first day of legislative activity, meaning that it is an extremely important piece of legislation in the minds of the country, the Congress, the Democrats, and the Republicans. I say the Republicans because I asked the minority leader to cosponsor S. 1 with me, something that hadn't been done for more than 30 years. I did this because I wanted to show this issue transcends partisan politics.

The bill I introduced with Senator MCCONNELL on the first day of the 110th Congress is a very strong piece of legislation. It is based on the text of the bill that passed the Senate last year.

What does it do? It prohibits lobbyists from giving gifts to lawmakers and their staffs. It prohibits lobbyists from paying for trips or taking part in privately funded congressional travel. It requires public disclosure of earmarks. It slows the revolving door by extending to 2 years the ban on lobbying by former Members of Congress.

It makes pay-to-play schemes such as the ''K Street project'' a violation of Senate rules.

It makes lobbying more transparent by doubling the frequency of reporting and requiring a searchable electronic database.

The K Street project. What was that all about? What it was all about is that lobbyists met with Members of Congress—initially they even met here in the Capitol, and then they moved the meetings downtown at a later time. They would discuss what job openings there were and, of course, the only people who were eligible for hire were Republicans and, in fact, companies actually got in trouble with the K Street project, members of the Majority party at the time, for hiring Democrats. That is what part of this legislation is going to prevent.

This bill we have introduced, S. 1, would require for the first time the disclosure of shadowy business coalitions that engage in the so-called ''astroturf'' lobbying campaigns. What does this mean? It means these grassroots campaigns will be able to continue, but there will have to be disclosure of paid campaigns that are, in effect, financing these so-called grassroots campaigns. The American people should know why, suddenly showing up here in Washington or the State capital or one of the other States, these groups are trying to affect legislation, and they wonder why they are trying to do it. The fact is it is because we have lobbyists representing different organizations paying for all this. This would be prevented.

Even though S. 1 is an extremely sound, strong piece of legislation, I wanted to show that we heard the electorate loudly and clearly. So the minority leader and I offered a substitute amendment to make the bill even stronger. Not only did Senator MCCONNELL and I, for the first time in three decades, cosponsor legislation which is the first bill to come before the Senate, but we moved even farther to include new protections to prevent dead-of-night additions to conference reports, to add new rules to say that Members may not engage in job negotiations with industries they regulate, to require fuller disclosure by lobbyists, to ensure proper valuation of tickets to sporting events, to make sure that the Senate gift and travel rules are enforceable against lobbyists, and we toughened criminal penalties for corrupt violations of the Lobbying Disclosure Act.

Senator MCCONNELL and I offered the substitute amendment at the start of the debate, and it remains pending. Since then, we have had a debate in the Senate that strengthened the bill even more. The Senate has adopted other amendments on a bipartisan basis, including Senator KERRY's amendment to strip pensions from Members convicted of corruption, Senator SALAZAR's amendment to ensure public access to committee proceedings, and two amendments by Senator VITTER to strengthen enforcement of ethics rules.

Soon we will adopt the Durbin and DeMint amendments to require full and timely disclosure of all earmarks. The Durbin amendment is a necessary addition to the DeMint proposal because it strengthens the definition of tax earmarks and because it requires public disclosure of earmarks before floor debate. In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosures rules in this regard. Once we are done, the Senate earmark rules will be even stronger than those recently adopted by the House. That is why I said we need to look at what we are doing. Senator DURBIN's amendment gives the DeMint amendment structure that was lacking last week in the original amendment. That is why it didn't pass. Taxes need to be included in detail and now will be when the Durbin amendment passes. So the work done by Senator DEMINT and Senator DURBIN is noteworthy and very good.

After we vote on the Durbin and DeMint amendments later today, we will vote on whether to invoke cloture on an amendment to strengthen the ban on gift and travel bans in the underlying measure. I recognize Senators FEINGOLD, OBAMA, and MCCAIN have contributed to this and I appreciate their work for a number of years in regard to airplane travel in this country and other issues. This amendment will profoundly change the rules, banning not only lobbyists but entities that hire lobbyists from providing gifts and travel. Most notably, it will require that when Senators travel on airplanes, they must pay the full charter rate. Last week I modified the amendment to include additional ideas from Senator INHOFE, FEINGOLD and MCCAIN.

Let me say a word about corporate jets. The State of Nevada is very large areawise. The cities of Las Vegas and Reno are separated by about 450 miles. There is good travel between those two cities. But to get around the rest of the State is not easy. When you travel from Las Vegas to Reno, I again say it is easy. But then let's say you want to go to Elko. By Nevada standards, it is a pretty large city. Going on a commercial airplane, it is very, very, very difficult, and to go to Ely is next to impossible. These two cities, both important in their own right, have required on a number of occasions calling upon people you know who have an airplane to take us up there. Under the old rules, you could pay first-class travel. An example of that is Senator ENSIGN and I, last August, had to go to Ely. It was extremely important. We were working on a piece of legislation that has since passed. We wanted to sit down in person and talk to the people in Ely about what we were doing.

For us to get there was very difficult. The time factor was significant. To drive up and back is 2 days, 1 day up, 1 day back. It was complicated by the fact that Senator ENSIGN had a longstanding engagement in Reno. To go from Ely to Reno—it is hard to get there. If you drive very fast, you can make it in 6 hours. So I called a friend of mine, Mike Ensign, Senator ENSIGN's father. This good man has done very well in the business world. He is a man with limited education but a great mind. He started out working in somewhat menial jobs in the gaming industry. He worked his way up. He became a dealer, a pit boss, a shift boss, and then Mike Ensign moved into the corporate world and became an executive and then ultimately started buying hotel properties himself and has done very well. He is the principal officer and owner of Mandalay Bay, a huge company. It is the second largest hotel-casino operator in the country. I called him and I said: Mike, with one of your airplanes, can you fly me and your son to Ely?

He is a wonderful man, just the greatest guy. He said: Sure, I will be happy to do that. And he did that. He is an example of the type of people we have called upon for these airplanes.

I tell this story. I have used these airplanes a lot because I live in Nevada and because of other duties I have here. The reason I tell the Mike Ensign story is because Mike Ensign doesn't want anything from me. There isn't a thing in the world I can give this man. He is famous, he is rich, he has a wonderful family. I can't do anything to help Mike Ensign. He did this because he is my friend.

Most every—I should not say most. For every airplane I fly on, of course I don't have the relationship with them that I have with Mike Ensign, but I want everyone who has allowed me to use their airplanes to know I am not in any way denigrating them. They have done this out of the goodness of their heart. I have never had anyone say: I will give you an airplane ride if you give me something, or, I have a piece of legislation pending, will you help me with that? That has never happened. I want all these people to know that I am certainly not in any way disparaging these good people who have allowed me and others to fly on their airplanes.

What I am saying, though, is that in this world in which we live, because of all the corruption that has taken place in the last few years here in America, that you not only have to do away with what is wrong but what appears to be wrong. I am confident I have never been influenced by anyone who provided me with the courtesy of a private airplane, but I have come to the realization that this practice presents a major perception problem. It is a major perception problem because the American people have the right to insist that we do what seems right as well as what is right. Does it appear it is OK? For us to fly around in these airplanes doesn't appear to be the right thing, no matter how good-hearted these people

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.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 32 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin modified amendment No. 44 (to amendment No. 11), to strengthen earmark reform.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72-hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Feingold/Obama) amendment No. 54 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I was proud to join my friend and colleague from South Carolina, Senator DEMINT, in offering an amendment that would simply place in the Senate bill the very sensible language regarding earmarks that the House of Representatives has already included. Speaker PELOSI and her colleagues are rightly proud of the very clear definition of earmarks they have included in that legislation that will help to identify spending measures and highlight them so we can have the kind of debate and sort of public scrutiny we should expect and, indeed, welcome, into the appropriations and legislative process.

I was a little bit surprised, however, to find the resistance that was voiced last week, but I understand now that has all been worked out and that a second-degree amendment will be offered by Senator DURBIN as a collaborative effort and a demonstration of bipartisan cooperation on something where there ought to be bipartisan cooperation, certainly on the matter of ethics, that will provide for greater transparency and increases public availability of earmark-related information.

This is good news for all who wish to see greater fiscal responsibility and accountability. Increased transparency for earmarks is something we ought to embrace and it ought to create in us the ability to discern much better than we have been what kind of spending is in the general welfare of the American people and why that kind of spending is absolutely necessary.

Of course, there are those—and I am one of them—who think the Federal Government spends way too much taxpayer money. Our Government was founded as a limited Government with delegated powers. But over the last 220 or so years of our Nation's history, it has been a history of the Federal Government gradually ''filling the field'' to the detriment of State and local government and of the individual freedom by taxpayers, voters, and citizens.

While I applaud amendment No. 26, I think we need to do even more. We can add greater sunshine and clarity on the earmark process by adopting an amendment which I offered last week as well. The current bill requires that all future legislation include a list of earmarks as well as the names of the Senators who have requested them. My amendment would add what may seem like a minor addition but one that would require that the budgetary impact for each earmark also be included, as well as a requirement that the total number of earmarks and their total budgetary impact be identified and disclosed.

What happens now is that it takes some time for the staff of this body to compile the information contained in bills, and literally we are passing appropriations bills chock-full of earmarks, and we do not have a clue, because we will not have had a chance to read it and consider it in advance, what the total sum of those earmarks is and how they impact the budget. Perhaps the top line itself is disclosed but not how that money is actually broken down and spent.

Oftentimes, bills are hundreds of pages long, with earmarks buried in them. It is not uncommon for appropriations, particularly Omnibus appropriations bills, to go into the thousands-of-pages or more in number. Of course, often this is at the end of a legislative period, and there are hours, maybe, or even only minutes to review them.

The goal of my amendment is that when we consider legislation, we have a summary document showing the details, including the costs, of earmarks in legislation—and this is the novelty—before we consider the legislation, before we actually vote on it, not after we have already voted and it is too late to do anything about it but before. It serves the very important purpose of added transparency and, indeed, the accountability that goes along with it.

I would assume those who have asked for earmarks to be included are proud of them. They feel like they are meritorious. They feel like they can be defended. Well, unfortunately, the very process by which those earmarks are added defeats that kind of transparency and accountability, which is why I believe we need this additional step.

Furthermore, if we create, by adoption of this amendment, a fixed baseline from which we can proceed in the future to allow the American public, as well as our staff, to analyze more thoroughly these earmarks, I think we would have created at least a knowledge base that will allow us to make better decisions going forward.

Consider that the Congressional Research Service each year conducts a study to identify the earmarks in each bill. Through that study, one can see that both the total number of earmarks and the total dollar value of those earmarks—surprise, surprise—have grown significantly over the last decade.

For example, the total number of earmarks increased almost fourfold from 1994 to 2005. Furthermore, the total cost of those earmarks increased by a factor of 100 percent. And the numbers appear to be even higher for 2006.

Let me list some of the earmarks that have been included. And we will start with 2007, to give you a flavor of what I am talking about, and the reason why there ought to be greater transparency.

Now, I am not suggesting we limit earmarks. I am considering we ought to make them transparent and obvious. And then I think the benefits of open Government and the kind of scrutiny that will follow will have the beneficial

impact I think we would all hope for and certainly my constituents would hope for, when they worry that we are spending money for inappropriate purposes and in too large amounts, to their detriment.

For example, in January 2007—excuse me. This must have been in last year's appropriations bill—an earmark for $725,000 for the Please Touch Museum. I am not sure what the Please Touch Museum is, but I think it would be beneficial for the sponsor of that earmark to be identified, and it would be beneficial for it to be described how that promotes the general welfare of the American people and why it is justified, taking that $725,000 out of the pockets of taxpayers and putting it in the treasury of the Please Touch Museum.

Then there is the $250,000 appropriations for the Country Music Hall of Fame. I happen to be a country music fan, but even I would wonder how that promotes the general welfare, to take money out of the taxpayer's pocket and put it in the treasury of the Country Music Hall of Fame. I think it bears some scrutiny, some explanation. Maybe there is an explanation, but I have to be honest, I cannot think of one now that would justify transferring the money from the taxpayer's pocket and justifying a Federal appropriation for the Country Music Hall of Fame.

And just so the Rock & Roll Hall of Fame is not left out, there is a $200,000 earmark for that; then the Aviation Hall of Fame, $200,000; the Grammy Foundation, $150,000; the Coca-Cola Space Science Center for $150,000; $150,000 for a single traffic light in Briarcliff Manor, NY. I am not sure why that is a Federal responsibility. In fact, I would think by its description it is not; it is a local responsibility. That cost ought to be borne by the local taxpayer, not the Federal taxpayer through the earmark process—here again, something that cries out for greater accountability through greater transparency.

Then there is the $100,000 earmark for the International Storytelling Center. I am not sure why the Federal taxpayer should have to pay for that. It may be a meritorious expenditure, but maybe through private charity. Maybe corporations would like to contribute some money to support this worthwhile local initiative. Maybe local taxpayers could justify the expenditure, maybe State taxpayers, but why should the Federal taxpayer, why should my constituents in Texas have to pay a $100,000 earmark for the International Storytelling Center in some other State?

Then there is $500,000 for the Montana Sheep Institute.

Madam President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CORNYN. I will not belabor the point. But I think you get my flavor. I am not going to even talk much about the $50 million for an indoor rain forest that was the subject of a Federal earmark. And then again, there are examples anybody can find on the Internet, published by Citizens Against Government Waste, examples from what they call the ''Congressional Pig Book.'' I do not have to tell you why they call it that.

But the point is, things have gotten terribly out of whack here in Washington when we, as elected representatives of our constituents, of the American people, take it upon ourselves to spend their money on inappropriate subjects, or maybe you say there is some justification for these topics. But I think it is easy to see why it is inappropriate that we spend the Federal taxpayer dollar on some of these topics.

Here again, my amendment does not limit these earmarks because I believe there will be a self-corrective mechanism through greater transparency and the accountability that comes with it. That is why I so strongly support the efforts that have been undertaken here on a bipartisan basis to bring greater transparency to the earmark process, because I think it is a problem that can literally fix itself. When people begin to ask the kinds of questions I am asking, when the public begins to shine the bright light of day on some of these special interest earmarks, which have been literally hidden from Members of the Congress until after they have voted on them and published only later by the Congressional Research Service, after they have done a survey of the burgeoning number of earmarks for these kinds of interests, I think this is a problem that can correct itself.

So, Madam President, I appreciate the courtesy of the bill managers and the opportunity to speak once again on this important topic. I think getting this information to Members of Congress early before we vote would be very helpful and provide a baseline of the number of earmarks that can be analyzed so we can go forward and explain why that number should go up if, in fact, we think it should go up, or if you are like me, if you think the number should go down, establish what the facts are so we have a baseline of information with which to explain our position.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 57 TO AMENDMENT NO. 3

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 57.

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

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 57 to amendment No. 3.

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

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

The amendment is as follows:

(Purpose: To require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws)

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

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

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

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

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

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

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

(i) a bank or financial services company;

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

(iii) a trade association for any such companies.

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

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

(ii) a trade association for any such companies.

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

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

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

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

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

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms ''authorized committee'', ''candidate'', ''contribution'', ''political committee'', and ''political party'' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term ''political action committee'' means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

Mr. SANDERS. Madam President, let me begin by applauding Senator REID, Senator MCCONNELL, and all of those who are responsible for advancing this important ethics reform bill. There is no question but that the confidence of the American people in the Congress is now at an almost alltime low. There is no question there have been ethical abuses in Congress in recent years. And there is no question but that we should support the strongest ethics reform possible.

Members of Congress do not need free lunches from lobbyists. Members of Congress do not need free tickets to ball games. And they do not need huge discounts for flights on corporate jets. Congress does need transparency in earmarks and holds, and we do need a new policy regarding the revolving door by which a Member one year is writing a piece of legislation and the next year finds himself or herself working for the company that benefited from the legislation he or she wrote. In other words, we need to pass the strongest ethics reform bill possible. But in passing this legislation, we need to understand this is not the end of our work but, rather, it is just the beginning, and much more needs to be done.

Today in the United States of America, the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wider. In fact, the people at the top, the very wealthiest people in our country, have never, ever had it so good since the 1920s. The sad truth is that Congress, especially over the last 6 years, has not only failed to respond to this crisis, to the decline of the middle class, but in many ways Congress has made the situation even worse.

Time and time again, this Congress has chosen to ignore the needs of ordinary Americans and, instead, has acted on behalf of the interests of the wealthiest and most powerful people in our country. In fact, much of the legislation that has come to the floor of the House and the Senate in recent years has clearly come at the behest of multimillion-dollar corporate interests. This has included a Medicare part D prescription drug bill that, while costing the taxpayers of this country a huge amount of money, in fact provides a relatively weak benefit for our seniors.

Included in this bill, as I think seniors all over this country are beginning to understand, is a very large doughnut hole in which they are going to have to pay 100 percent of the cost of their prescription drugs.

Also, included in that bill is language which prevents the Government from negotiating with the drug companies for lower prices for the American people. We pay today the highest prices in the world for prescription drugs, and yet the Government is prevented from negotiating for lower prices. Meanwhile, despite strong majority support in the House and the Senate, Congress has failed to pass legislation widely supported by the American people that would allow for the reimportation of safe, affordable prescription drugs from well-regulated countries such as Canada and from Europe that would provide huge discounts to Americans of all ages.

At the same time, while there is more and more concern in our country and throughout the world about the danger of global warming and what it will mean for our planet and for our children and our grandchildren, Congress has failed to adequately fund energy efficiency and sustainable energy. But somehow Congress did manage to fund an energy bill that includes billions and billions of dollars in tax giveaways and subsidies to the largest oil companies in America, companies that are enjoying recordbreaking profits, as well as tax breaks and subsidies to other big-energy interests.

Most American workers now know that our current trade policies have failed and that they have failed miserably. During the last 5 years we have lost some 3 million good-paying manufacturing jobs, and we are now on the cusp of losing millions of good-paying, white-collar information technology jobs. In my own State of Vermont, not a major manufacturing center, we have lost 20 percent of our manufacturing jobs in the last 5 years alone, and we just learned the other day that another 175 jobs in Middlebury, VT, are going to be lost because of global competition. Yet despite a $700 billion trade deficit and the loss of millions of good-paying jobs, Congress refuses to fundamentally change our trade policies, a change that is desperately needed.

I know some people like to talk about ''special interests,'' but the truth is that special interests, as I understand them, in fact, are corporate and monied interests. What do we mean when we talk about special interests? Are we talking about millions of American working families who are struggling to keep their heads above water economically? Are they a ''special interest''? I don't think they are. Are we talking about the children of America, 18 percent of whom are living in poverty? Are they a ''special interest''? Not to my mind. Are we talking about millions of seniors who want nothing more than to live out their retirement years with some form of economic security and dignity? Are they ''special interests''? I don't believe they are.

The challenge we face is to rein in the influence and the power that lobbyists and their large corporate clients have over the Congress. The problem is not that the children of America have too much power. It is not that working people have too much power. The problem is that big-money interests, to a very significant degree, dominate what goes on in Washington, DC.

The lobbying reform legislation that we are considering is a very important step forward in addressing that issue. I thank Senators REID, FEINSTEIN, LIEBERMAN, FEINGOLD, OBAMA, and all of those on both sides of the aisle who have worked hard on this issue for their leadership on lobbying reform so that we can begin to restore the confidence of the American people in Congress. But we must keep in mind that while we are eliminating the $20 lunches and the club-level tickets to local sporting events, this bill does not address what is an even more pressing issue; namely, the $10,000 campaign contributions that come from corporate PACs. We have a fundamental problem which literally threatens our democratic form of government, and that is that Senators and Members of the House and their challengers are forced to raise millions and millions and millions of dollars in order to run a winning campaign.

In terms of campaign contributions, let's be very clear. Despite what anyone may have heard, corporate interests are king. They run the show. From 1998 to 2005, for example, drug companies spent more on lobbying than any other industry—$900 million, according to the nonpartisan Center for Responsive Politics. They donated a total of $89.9 million in the same period to Federal candidates and party committees.

We hear a lot about ''labor money'' and about ''big labor.'' But, in fact, corporate interests give more than 10 times as much to candidates than do labor unions. In the 2006 cycle, according to the Center for Responsive Politics, labor gave less than $50 million. That is a lot of money, $50 million. But corporate interests gave well over $525 million—$50 million/$525 million, 10 times as much. That disparity may well explain why the needs of working Americans all too often take a back seat to corporate interests in the Congress. But, more importantly, it tells us why we need real campaign finance reform so that the needs of all Americans are heard rather than just those who can afford to make huge campaign contributions.

To strengthen our democracy we need reforms on a number of fronts. We certainly need to pass this lobbying reform bill, but we also need very strong campaign finance reform. My own view is that we need to move toward public funding of elections. We also need

media reform to stem the growing concentration of ownership among television, radio, and newspaper companies with the result that what Americans see, hear, and read is increasingly controlled by fewer and fewer media conglomerates. Most importantly, in my view, if we are going to change the balance of power, if ordinary Americans are going to get their day in Washington, DC, we need a revival of a grassroots democratic movement from one end of this country to the other, where ordinary people begin to stand up and say: Washington, DC, pay attention to my needs rather than just the needs of large corporate interests.

I understand that the legislation before us today relates only to issues around lobbying reform and that many of the other critical issues I have laid out will be considered at a later time. That is why I have offered the amendment we have before us today. The amendment will provide this body with some of the information it will need when we address campaign finance reform at a later date.

Specifically, this amendment requires the Commission to Strengthen Confidence in Congress, created by the underlying legislation, to report on the aggregate amount of campaign contributions given by certain identified corporate interests 24 months prior to and within 6 months after the passage of four specified pieces of legislation. These four pieces of legislation are the Medicare Part D Program, the bankruptcy reform bill, the Energy bill, and the Central American Free Trade Agreement.

The goal of this report is to begin to throw some light on the volume of corporate contributions that are showered on Congress when legislation important to multinationals comes before the Congress. As a result, this report will focus on the amounts given and the identity of the givers.

It is our obligation to return control of the Congress to the American people. I look forward to helping make that happen with the ethics reform bill we are now considering and the many other equally critical reforms that voters across this great Nation told us they wanted this past November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENTS NOS. 59 AND 39 TO AMENDMENT NO. 3 EN BLOC

Mr. BENNETT. Madam President, I ask unanimous consent to lay the pending amendment aside and call up two amendments, one on behalf of Senator COBURN, No. 59, and one on behalf of Senator COLEMAN, No. 39, and then have them laid aside as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. COBURN, proposes an amendment numbered 59.

The Senator from Utah [Mr. BENNETT], for Mr. COLEMAN, proposes an amendment numbered 39.

The amendments are as follows:

AMENDMENT NO. 59

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike sections 108 and 109 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

AMENDMENT NO. 39

(Purpose: To require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel)

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the ''Disclosure of Member or Officer's Reimbursed Travel Expenses'' form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. BENNETT. I ask unanimous consent that these amendments now be laid aside.

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

Mr. BENNETT. Madam President, I have listened with interest to the Senator from Vermont. I have a few quick reactions. As we get closer to his amendment, I will perhaps be more specific about some of them. Comments about the revolving door situation, I must confess I am a little less than overwhelmed by the arguments about the revolving door because I have been there. I served in the executive branch in the 1960s, left on New Year's Eve of 1969, and took up my new duties as a lobbyist on January 1, 1970. In those days there were no restrictions with respect to a revolving door, and I was immediately called by people who wanted my services with respect to the agency I had just left. They paid well. I accepted their contracts, and I went back to see my old friends back in the Department of Transportation.

It came as somewhat of a shock to me that no one wanted to talk to me. Now that I was no longer a member of the Secretary's Office, now that I no longer had direct access to the Secretary to discuss things important to the administration, now that I was an outsider, my friends were happy to see me for lunch, they were happy to talk about my family, but I could no longer do them any good within the Department. I was no longer a power within the Department. I was an outsider, and they were happy to get me out of their offices as quickly as they could.

I discovered firsthand that the idea of the revolving door is vastly overrated. I was like any other lobbyist. I had to make my points on the basis of the validity of the arguments I was making and not because at one time I had been in the Department with them. We get carried away with

this because the media talks about how terrible is the revolving door. I am willing to let a reasonable period of time pass, but I think many of these arguments go beyond what reality has been to me.

I heard the Senator from Vermont talk about publicly funded campaigns. I will make this observation: We have the largest poll taken in the United States every year on April 15. Every year, every American taxpayer is given the opportunity to set aside just $3 of taxes he already owes—this is not additional money; this is $3 of the money he already owes—to be placed in the Presidential fund to fund Presidential campaigns.

Ninety percent of the taxpayers who have the opportunity to put $3 into a Federal fund for education vote no. That is not by accident. You have to check the box one way or the other. Ninety percent vote, no, they don't want to do that. I am not sure we should be talking about that as a great idea.

Finally, the business that is in the amendment of the Senator from Vermont that says we must disclose corporate contributions 24 months prior to and 6 months after the passage of certain pieces of legislation neglects the fact that corporate contributions are illegal, and they have been since 1902 in the days of Franklin Roosevelt. What the press calls ''corporate contributions''—the press misunderstands—are PAC contributions. I was around Washington when we had the Watergate situation and I remember the rhetoric in these halls when the creation of political action committees was hailed as the basic reform that would clean up campaign contributions, because people make contributions to PACs; corporations do not. Individuals make the money available to PACs; corporations do not.

Corporate contributions are illegal. These are individual contributions put together by a political action committee and then given in the name of the political action committee from the private funds of private individuals. This was hailed as a reform. This was hailed as the way to clean things up. Because the media doesn't understand that, because the people in the media don't realize that a corporate name attached to a political action committee does not mean these are corporate funds, most of my constituents now think, as the Senator from Vermont has suggested, that this is corporate money. I have to patiently explain to them once again this is not corporate money. I could give you an example from one of my colleagues here. He has in his State a very large processing plant that produces products that are sold under the label of Kraft Foods. He is very popular in the town where this big plant is. Employees in that particular town come to him and say: We would like to make campaign contributions to you; how do we do it? He tells them: One way is you give me the money yourself. Another way is you can direct your contribution to the PAC at the plant that produces Kraft Foods to go to me. So the people who run the PAC at Kraft Foods come to this Senator and say here are the contributions that are directed to come to you and we are happy to transfer them through to you. The media gets hold of it and discovers that Kraft Foods is owned by a tobacco company, and the next thing you know, this Senator is being attacked in the press for taking campaign money from tobacco companies. He says: Wait a minute, these are individual contributions from my constituents funneled through the place where they work that has nothing whatever to do with tobacco.

Try explaining that to the New York Times. No, the editorials roll down that he is taking tobacco money, that he is in the pocket of special interests. Finally, the Senator said: I told them don't give me anymore money. It is too much trouble to try to explain the truth in this situation with the overwhelming amount of media publicity about corporations corrupting politicians.

I made the comment before and I will make it again: I have discovered in my 14 years here that there is no such thing as repetition in the Senate. You say the same thing over and over again as if it is brandnew. You cannot corrupt the Senator unless the Senator himself is corrupt. And if the Senator himself is corrupt, he or she will find a way around the rules no matter how we write them.

I am strongly for this bill. I think the transparency part of it, the disclosure part, is exactly what we need. But after 40 years of being involved with Washington, and living through the Watergate experience, living through the scandals, whether it is Abramoff or Duke Cunningham, or the other Members of the House who went to jail in years gone by, whose names I don't remember but whose circumstances I still recall, or whether it is the Congressman with whom I worked as a lobbyist who went to jail because one of my fellow lobbyists gave him a $100,000 bribe, the fundamental fact remains that you cannot corrupt a Senator or a Congressman unless that Senator or Congressman is himself or herself basically corrupt.

We can write all of the rules we want, but if a Member of this body has the instincts of corruption in his soul, he will find a way around the rules. We should not kid ourselves that we are doing something that is going to clean up everything, because if we get a corrupt Member, the corrupt Member will still act in a corrupt way and you will have another Duke Cunningham-type scandal 5 or 10 years from now and, unfortunately, the reaction here is, hey, that proves we need to change the rules.

As I have said, this is the only place I know where, when somebody breaks the rules, the first instinct is to change the rules instead of continuing to enforce them, recognizing that even without what we are talking about here, even without the legislation that is proposed, Duke Cunningham is in jail, and recognizing that even without the kinds of strict changes we are talking about, Jack Abramoff is in jail. These were corrupt individuals who found their way around existing legislation, and trying to solve that problem by additional legislation may very well turn out to be an ineffective effort.

With that, I see my friend from South Carolina on his feet seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I want to speak in favor of the Durbin amendment No. 44, which is a slightly modified version of my amendment No. 11 that was endorsed by a majority of Senators last Thursday on a 51-to-46 vote.

I ask unanimous consent that my name be added as a cosponsor of amendment No. 44 offered by the Senator from Illinois.

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

Mr. DEMINT. The Durbin amendment is a product of a bipartisan agreement that I reached last week with the majority leader and the Senator from Illinois. The Durbin amendment contains bipartisan language that would require disclosure for all earmarks, including those directed toward Federal projects and those contained in report language. It also strengthens Internet disclosure so that bills shall not be in order unless their reports include a list of earmarks, limited tax benefits, and limited tariff benefits, which are posted on the Internet in a searchable format at least 48 hours before consideration.

In addition, it is our understanding that if a spending bill is reported long before its consideration, the list of earmarks will accompany any committee reports for those bills.

The Durbin amendment slightly modifies the definition of a limited tax benefit to ''any revenue provision'' that provides a benefit to ''a particular beneficiary or limited group of beneficiaries.'' This is similar to the definition used in the legislative line-item veto amendment.

I thank the majority leader and the Senator from Illinois for working with me on this important issue. The purpose of the bill before us is to address the culture of corruption in Washington, and it cannot be a serious proposal unless we are completely transparent with the way we spend American tax dollars.

This bipartisan agreement helps achieve that goal. We will be voting today at 5:30 on the Durbin amendment and I encourage all of my colleagues, Republicans and Democrats, to support it. Following that vote, we will vote on my amendment as modified by the Durbin amendment. I encourage my colleagues to support it as well.

I yield the floor.

AMENDMENT NO. 70

Mrs. FEINSTEIN. Madam President, I call up amendment No. 70.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, proposes an amendment numbered 70.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark)

On page 7, after line 6, insert the following: ''4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.''.

Mrs. FEINSTEIN. Madam President, this amendment is presented by myself and Senator ROCKEFELLER, chairman of the Intelligence Committee. It aims to bring the same goals of accountability and transparency of earmark reform to the most opaque of earmarks, and those are classified ones. The amendment prohibits any bill authorization or appropriation from containing an earmark in the classified portion of that bill or accompanying a report, unless there is unclassified language that describes in general terms the nature of the earmark. The amount of the earmark is disclosed and the sponsor of the earmark is identified.

We have cleared this with Senator ROCKEFELLER and also, I believe, with Senator BOND, who requested a change that we have made.

This amendment would provide the public with the assurance that the classified parts of the defense and intelligence budgets—which are indeed large—are subjected to the same scrutiny and openness as everything else. The need for the amendment was made clear by the actions of former Congressman Duke Cunningham. According to a report by the House Intelligence Committee, Cunningham was able to enact a staggering $70 million to $80 million in classified earmarks over a 5-year period. These earmarks benefited his business partners and were not known to most Members of the Congress or the public.

The Washington Post, in a November 2006 editorial, pointed out:

Until the last decade or so, earmarks weren't permitted to intelligence bills because of the absence of public scrutiny.

The Post also notes that Cunningham's earmarks could be the tip of the iceberg in terms of classified pork and corruption.

Under this amendment, the public can be assured that this cannot happen. In saying these words, I say them as a member of the Senate Select Committee on Intelligence; I say them with the knowledge that these earmarks can be very large; I say them with the knowledge that this budget, which is known as a ''black budget'' and is considered by the Defense Subcommittee of Appropriations to be very difficult to get at, even by those of us who serve on both intelligence and defense appropriations. Senator BOND and I are in the process of suggesting a procedure to the chairman of the Defense Appropriations Committee, as well as the leadership, that might bring greater intelligence staff work to bear on the classified part that relates to intelligence of the defense bill.

This amendment is a very simple amendment. It simply says make as clear as possible, without jeopardizing national security, what the earmark is and provide transparency as to who is requesting the earmark. I don't think that is too much to ask. I do not believe it is going to in any way, shape, or form disrupt or change anything other than bring the light of day to classified earmarks.

I am prepared to ask for the yeas and nays. I ask the ranking member if he has looked at this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I have looked at this amendment, and I have no particular problem with it. I would think we could pass it by voice vote, but as a courtesy to Senator BOND and the Intelligence Committee, we have asked them to confirm that the understanding which the Senator from California has is, indeed, correct. I have no reason to doubt her word on this matter, but the earlier comment to us was we want to be sure that the fix has been made. She assures us it has been. But as a courtesy to them, I have asked my staff to check with them. When that word comes back, which I expect to be positive, I will be willing to move ahead with a voice vote.

Mrs. FEINSTEIN. Madam President, I have no problem with trust but verify. I am happy to cease and desist at this time and wait and see. I thank the ranking member. I thank the Chair.

Mr. BENNETT. Madam 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.

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

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

Mrs. FEINSTEIN. Mr. President, I urge—and I think this is my fourth urgent importuning of my colleagues—to please come to the floor with their amendments. The floor is open now. At 5:30 p.m. we will have a vote on two amendments and a cloture vote on a third amendment. I ask them to please come to the floor and press their cause now because the week is going on. It is Tuesday. We all heard the majority leader saying this morning that we could finish this bill as early as Wednesday evening or as late as Saturday. I know we would all want to see it done on the former date.

Hopefully, Members will come to the floor. It is my understanding there are some 60 amendments in the line. If a Senator does not want his or her amendment to proceed further, please so advise us so we can eliminate it from the list.

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. BENNETT. 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. BENNETT. Mr. President, I have heard from the minority on the Intelligence Committee, and they verify what Senator FEINSTEIN has said; that is, that the corrections which they suggested which she has accepted are, in fact, in the bill. I am prepared to go to a vote on the bill at this point, and I will support it.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member. I call up amendment No. 70.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, the question is on agreeing to amendment No. 70.

The amendment (No. 70) was agreed to.

Mr. BENNETT. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. 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. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up three amendments at the desk.

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

AMENDMENTS NOS. 63, 64, AND 76 EN BLOC

Mr. FEINGOLD. Mr. President, I call up amendments Nos. 63, 64, and 76.

They are at the desk, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments numbered 63, 64, and 76 en bloc.

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

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

The amendments (Nos. 63, 64, and 76) en bloc are as follows:

AMENDMENT NO. 63

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, strike line 1 and all that follows through page 51, line 12, and insert the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. 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.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

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

AMENDMENT NO. 64

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

At the appropriate place, insert the following:

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

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

AMENDMENT NO. 76

(Purpose: To clarify certain aspects of the lobbyist contribution reporting provision)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials; except that this paragraph shall not apply to any funds required to be reported under section 304 of the Federal Election Campaign Act of 1974 (2 U.S.C. 434);

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

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

''(2) RULE OF CONSTRUCTION.—For the purposes of this paragraph—

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

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

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

''(A) GIFT.—The term 'gift'—

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

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

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

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

AMENDMENTS NOS. 32 AND 54 WITHDRAWN

Mr. FEINGOLD. I ask that the pending amendments Nos. 32 and 54 be withdrawn.

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

Mr. FEINGOLD. Those were items replaced by what we did prior to that.

AMENDMENT NO. 65 TO AMENDMENT NO. 4

Mr. President, I call up amendment No. 65, a second-degree amendment to Reid amendment No. 4, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 65 to amendment No. 4.

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

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

The amendment is as follows:

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

On page 2, between lines 2 and 3, insert the following:

SEC. 108A. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

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

Mr. FEINGOLD. Mr. President, I withhold further discussion of these particular amendments until a later time.

Now I will move on to talking about a very major vote coming up in the Senate later today.

This evening the Senate will cast a very important vote. The result will go a long way toward deciding whether the gift rule changes before us meet the high standards for reform set by the American people in the most recent elections in November. I am referring to the motion to invoke cloture on Reid amendment No. 4, which contains very important provisions imposing and strengthening restrictions on gifts, travel, and corporate jets.

I take a few minutes to explain why I believe the Reid amendment is so crucial.

In 1995, after another watershed election, the Senate adopted major rule changes, which came to be known as ''the gift ban.'' Prior to that time, there were virtually no limits on the gifts or trips that Senators could accept. Scandalous tabloid TV exposes showed some of the most egregious vacation extravaganzas that some Senators enjoyed at the expense of others, and after an election in which numerous incumbents were defeated and majority control of both Houses shifted, the Senate finally, in 1995, took action.

People forget because the 1995 rules were a major departure from what had gone before, but they contained exceptions and loopholes that, while they might have seemed reasonable at the time, began to cause problems in the years that followed. For example, as I said, before 1995, there were virtually no limits on the gifts that Senators could accept. I was astonished when I came here as a new senator in 1995 to see the things that were being offered to Senators. I could not quite believe some of the things being offered. The 1995 gift ban was actually not a ban at all; instead, we just put a limit on gifts—$50 per gift, and $100 per year from a single source.

Similarly, the 1995 rules prohibited the worst excesses under the previous anything goes attitude about privately funded travel—golf and ski vacations paid for and attended by lobbyists, what were called ''purely recreational trips.'' But it still allowed factfinding and officially connected trips of up to 4 days in length, or 7 days to a foreign destination.

Not surprisingly, and consistent with the new rules, after 1995, as before, much of the gifts and travel offered to Senators and staff came from lobbyists and groups that lobby. Sure, constituents offer us T-shirts or baseball caps or home State products, and the rules allow that. But not too many constituents making a trip to Washington with their kids are offering to take a Senator or staffer out to a $49 dinner or to buy tickets for them to the Kennedy Center or a Wizards game.

Although there are exceptions, most of the invitations to go to conferences or on factfinding trips also come from lobbying organizations, groups with a point of view that they want to share with a Senator or staffer in comfortable, relaxed surroundings, with ample food and drink provided.

The American people, and many of my colleagues as well, have come to view these gifts and trips from those who want to influence us, which are now perfectly legal under our rules, as unseemly. And of course, there have been people who have played fast and loose with the rules. The $100 annual limit is hardly ever discussed. Tickets to skyboxes are sometimes valued at $49.99. A different person picks up the tab at regular lunches or a ''personal friendship'' is developed where one friend always seems to pay. And factfinding trips to Scotland have turned out to be golf adventures.

Now last year the Senate made a half-hearted effort in the direction of cleaning up this problem, but it fell short. It passed a lobbyist gift ban but didn't cover groups that retain or employ lobbyists. It passed new disclosure and Ethics Committee approval requirements for privately funded trips but did nothing to change the underlying standard of what kinds of trips can be taken. On these two key issues, the Senate failed the test of real reform. And in any event, no changes to the rules went into effect because the bill died after it left the Senate.

The public showed its displeasure with these practices and the excesses and lawbreaking in the November elections. Watershed elections occurred. Many new Members and new leaders arrived early this month. To their credit, Speaker PELOSI in the House and Majority Leader REID made ethics reform a top priority for the new Congress—and the first priority in the Senate. But they did something even more important. They put the power of their offices behind tough and comprehensive reform, a strong brew of gift and travel changes, not the weak tea that was before us last year.

Let me be very clear. While the underlying Reid-McConnell substitute includes some important provisions to improve the flawed bill the Senate passed last year, it doesn't make the necessary changes to the gift and travel rules. Only if Reid amendment No. 4 is adopted will that job be complete. Senator REID follows the lead of the House to really ban gifts from lobbyists, instead of letting groups that lobby continue to buy gifts. And he imposes new restrictions on lobbyist funded travel that should reduce, if not eliminate, the excesses that have become commonplace under the 1995 rules.

Senator REID took a bold step as well by agreeing to include in his amendment changes to the reimbursement rules that apply when Senators fly on corporate jets. I am very pleased that this change in particular has been included because it was brought to the attention of the Senate in an ethics reform bill I introduced in July 2005. It will rid us of one of the most obvious ethical fictions in the current rules, and in the campaign laws—that flying on a corporate jet is just worth the cost of a first class ticket on a commercial airline.

To his credit, Senator REID has been flexible in crafting the final version of these new corporate jet rules. He included important disclosure requirements that the Senator from Arizona and I have been seeking for some time. He made clear at the request of the Senator from Oklahoma, that Members who fly their own planes are not affected by these new rules. And he included a provision I suggested to address the concern raised by the Senator from Alaska and others that their official travel budgets might need to be supplemented because of the particularly complicated logistics of travel in their large and rural States.

My colleagues, the vote on Reid amendment No. 4 will tell the American people if we are serious about reform or just trying to get away with doing the least we can. The changes in Senator REID's amendment are absolutely critical to sending the message that the days of lobbyist access and influence based on the perks and privileges they offer us, the meals they buy,

the tickets they provide, the trips they arrange and their clients finance, are over.

Lobbyists play an important, and indeed a constitutionally protected, role in the legislative process. But the Constitution protects the rights of our citizens to petition their government, it does not guarantee that lobbyists hired by those citizens can try to influence elected representatives by taking them out to dinner. All this amendment is saying is that if you want to meet with a lobbyist over dinner, go right ahead—but pay your own way. And if you do not want to pay, then have the meeting in your office. That is the rule the Wisconsin legislature has had for decades. That is the rule my staff and I have followed since I came to the Senate in 1993. That is the rule the U.S. Senate should support today. I urge my colleagues to vote in favor of cloture on Reid amendment No. 4.

I yield the floor and 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. BENNETT. 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. 78 AND 79 EN BLOC

Mr. BENNETT. Mr. President, on behalf of Senator LOTT, I ask unanimous consent to lay aside the pending amendment and call up amendments No. 78 and No. 79.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. LOTT, proposes amendments numbered 78 and 79 en bloc.

The amendments are as follows:

AMENDMENT NO. 78

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

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

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds and may not be supplemented by any other funds, including funds of the Member or from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), or a gift.''.

AMENDMENT NO. 79

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

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

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds or funds from a political committee as defined in section 301(4)) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) and may not be supplemented by any other funds, including funds of the Member or a gift.''.

Mr. BENNETT. I ask unanimous consent these two amendments be laid aside.

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

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

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

AMENDMENT NO. 81 TO AMENDMENT NO. 4

Mr. BENNETT. Mr. President, I call up amendment No. 81.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. BENNETT. Mr. President, I am advised——

The PRESIDING OFFICER. And this is a second-degree amendment to amendment No. 4?

Mr. BENNETT. That is correct, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 81 to amendment No. 4.

The amendment is as follows:

(Purpose: To permit travel hosted by preapproved 501(c)(3) organizations)

On page 3, line 8, after ''clause (1)'' insert ''sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics''.

AMENDMENT NO. 81, AS MODIFIED

Mr. BENNETT. Mr. President, I am advised there was a drafting error in this amendment and we cannot modify it, because cloture has been filed, except by unanimous consent. For that reason, I ask unanimous consent that I be allowed to modify the amendment by adding the word ''or'' at the appropriate place.

The PRESIDING OFFICER (Mr. CARDIN). Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I might respond to the ranking member's comment, I know there are no more second-degree amendments in order. However, I have looked at this modification. It is minor, and I would certainly agree to it.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her courtesy, and send a copy of the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the modification is permitted.

The amendment, as modified, is as follows:

On page 3, line 8, after ''clause (1)'' insert ''or sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics''.

Mr. BENNETT. With that, 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

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

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

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

AMENDMENT NO. 56

Mr. CASEY. Mr. President, I ask that amendment No. 56 now be the pending business.

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

Mr. CASEY. Mr. President, this amendment prohibits the wrongful influencing of a private entity's employment decisions and/or practices in exchange for political access or favors.

As we all know from the recent activity in this body, Reid-McConnell, S. 1, is an ethics reform bill, I think a critically important bill for this body and

for the country. One of the things we want to make sure happens in that bill is that we provide all the protections possible to give confidence to the American people that what is happening in Washington speaks to some of their concerns. This amendment speaks to that by providing criminal penalties punishable, in this case, by a fine or imprisonment for up to 15 years for anyone who would engage in the practice of wrongfully influencing a private entity's employment decisions and/or practices, as I said before, in exchange for political access or favors.

Also, one of the penalties that is contemplated in this amendment is to disqualify an individual from holding public office—any office—if they engage in that activity. What we are talking about is activity that has gone under the umbrella of the name of the K Street Project which has been written about extensively in the public press for several years now, and what we are talking about there, in particular, I believe, is an effort to have a corrupting influence, in my judgment, on a couple of important areas of activity in Washington—first, a corrupting influence on hiring decisions in the private sector in Washington, a corrupting influence on political fundraising which we know has all of the challenges that those of us in Washington who care about doing it the right way have concerns about, and certainly the activities of the K Street Project or any other similar effort, any other similar practice in Washington also has a corrupt influence on the priorities of the Government of the United States. That is why this amendment is so important.

It is long overdue. It is high time to end this corruption, to end this practice which for too long has been a part of the culture of corruption in Washington. I believe this amendment will strengthen S. 1, it will strengthen any effort to provide, as the main bill contemplates, both transparency and accountability, and I do believe this amendment will speak directly to that issue. There is broad bipartisan support for this amendment, as there is for the Reid-McConnell bill.

I also appreciate the fact that as a new Member—and, Mr. President, I include you in this as well as someone who cares very deeply, as you do, about the question of ethics and ethics reform—the bill we are talking about in the Senate was arrived at through a bipartisan effort, and I think it is important this amendment, which deals with the K Street Project or any other similar effort in Washington, also be a bipartisan effort by people in both parties, on both sides of the aisle to make sure we can once and for all tear out by the roots the corrupt practices that, unfortunately, became known as the K Street Project.

I appreciate this opportunity to speak. I yield the floor and suggest the absence of a quorum.

Mrs. FEINSTEIN. Mr. President, before the Senator does that——

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. CASEY. Yes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I indicate to the distinguished Senator from Pennsylvania that I strongly support his amendment. My hope is we will be able to accept it without a vote. I have spoken with the ranking member, and I believe he is vetting it and hopefully we will be able to do that shortly.

I thank the Senator very much. I yield the floor.

Mr. CASEY. I thank the Senator. I yield the floor.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 30

Ms. COLLINS. Mr. President, last week, I was very pleased to join with the Senator from Connecticut, Mr. LIEBERMAN, in offering an amendment to this bill to create an Office of Public Integrity. The American people view the way we enforce ethics requirements as an inherently conflicted process. We are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries, and even though some of our finest Members serve on our Ethics Committee, they cannot escape that perception, they cannot escape the process, nor can they convince the public that the process works to ensure an independent, impartial investigation of allegations brought against Members of Congress.

Last March, Senator LIEBERMAN, Senator MCCAIN, and myself offered an amendment designed to restore the public's confidence in our ethics process by creating a new Senate Office of Public Integrity. Although that amendment failed, I hope our colleagues will take another look at the rationale for this office. I hope our colleagues have looked at the election results in which the public clearly stated its concern over allegations of corruption. The adoption of our amendment is the single most important step we could take to help restore the public's confidence in the integrity of the decisions we make.

I am not saying the amendment the Senator from Connecticut and the Senator from Arizona and I have proposed is perfect. We are very open to working with our colleagues on both sides of the aisle who have suggestions for how to improve our amendment. We incorporated a lot of those suggestions into the proposal we brought before the full Senate last March.

I wanted to point out some basic information about this office. First, it would be headed by a Director jointly appointed by the majority and the minority leaders of the Senate. So those who fear that somehow this Director and this office would be partisan should look at that provision that requires a joint appointment by the Democratic and the Republican leaders. We preserve a very important and strong role for the Ethics Committee, and I believe that, combined, these two entities can help restore public confidence in the independence and impartiality of ethics oversight and enforcement.

I want to take a moment to underline this point about the role of the Ethics Committee. It would be the Ethics Committee that decides if a complaint were frivolous, the Ethics Committee that would decide whether to enforce a subpoena, the Ethics Committee that would determine when and whether investigatory materials are made public. I think there is a lot of misunderstanding that somehow this office would operate completely divorced from the Ethics Committee and on automatic pilot. It would be the Ethics Committee that would continue to provide advice, both informally and through advisory opinions. It would be the Ethics Committee, not the Director of the Senate Office of Public Integrity, who would have sole discretion on what is reported publicly if the committee overrules a decision of the office.

At bottom, our amendment creates an independent, transparent process for initiating and conducting investigations of possible ethical and other violations. I think this is important. We haven't had the problems on this side of the Congress that have troubled our colleagues on the House side, but I think we still need to act to put into place a process that would guarantee to the public an impartial and independent investigation of allegations—not of the final judgment, not of the remedies or punishment that is found by the Ethics Committee to be appropriate but the investigative stage. I suggest that not only would this help restore public confidence in the process, but it would also be helpful to Members because if an independent office concludes there is no merit to allegations lodged against Members of Congress, the public is much more likely to accept that conclusion than if it is made by other Members of the same body who serve with us each day.

I know some of our colleagues are not comfortable generally with the concept of an independent office with any investigatory powers. But I don't believe we are creating some sort of monster, some sort of out-of-control special prosecutor because we impose on the process the discipline and the authority, the ultimate authority of the Ethics Committee. But I do believe we would be creating a process that would help restore the badly tarnished view the public has of our ability to investigate ourselves.

I respect and I honor the constitutional role that says we sit in judgment of our peers, our colleagues, in both bodies. I am not talking about disturbing that role in any way. Instead, what I am saying is it would help restore public confidence, when serious allegations are lodged against a Member of Congress, if we were to create this independent investigative office. There are many safeguards and checks and balances we have carefully built into the amendment that the Senator from Connecticut and I have brought before this body. I urge our colleagues to actually read the amendment and to take a look at it closely. If there are particular concerns, I ask that they work with us to improve our amendment. But what is not acceptable to me is for this amendment not to receive a vote by this body. The Members are familiar with it. I believe it is time for us to go on the record.

I don't think that shoveling off this amendment in the hope that it will come up at some future date is the way to proceed. I think our amendment is well crafted and well balanced. I believe it would make a major difference in the process and help to restore the public's confidence in the whole ethics system. I believe it is carefully crafted so that it does not diminish the very important role of our Ethics Committee, a role I respect and honor, but this amendment would help accomplish the goal of building the public's trust.

Why is this so important? Because if the public does not trust our ethics system, it will not trust the decisions we are making on vital issues—the issues that shape the future of this country. The American people deserve to know that our decisions are not tainted by outside undue influence. They deserve to know we are putting the interests of the American people and our constituents above any other interests.

I have often said, and I will repeat it, that I respect the important role lobbyists play in the process. They provide us with useful information, whether they are representing a children's advocacy group, the business community, a labor organization, or a public interest association. That input is important to us as long as it aids but does not dictate our decisions. It is important that the process be transparent.

There is much in this bill, which we worked very hard on in the Homeland Security and Governmental Affairs Committee last year, that improves the transparency of the process, but we need to add the enforcement piece. We need to make sure not only that we ban inappropriate practices, not only that we have full and more accessible disclosure, but we need the enforcement piece as well. That is what my distinguished colleague from Connecticut as well as the Senators from Arizona and Illinois have proposed, and I believe it is the missing piece that will make already good legislation an excellent bill.

Most of all, it is important that we go on record, that we have an opportunity for a vote because, after all, that is part of the process, too: ensuring that Members express their views and that it is done in a forthright manner. I hope very much we will have an opportunity to have a rollcall vote on this important amendment.

It has been a great pleasure to work with the new chairman of the Homeland Security and Governmental Affairs Committee on this issue, as on every issue on which I have worked with the Senator from Connecticut.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I would like to particularly thank the Senator from Maine, the previous chairman of the Homeland Security and Governmental Affairs Committee, under whose leadership this bill was fashioned, along with myself, Senator MCCAIN, and Senator OBAMA, who has now joined us as an original cosponsor. We have continued this battle. We lost last year, but we think this is an important provision, and sometimes you have to fight for something you think is right until you can convince a majority to join with you.

Senator COLLINS has stated the case very well. The underlying bill here, S. 1, and some of the amendments that have been filed to it represent a significant step forward in the way we in Congress will regulate our own ethics and provide for disclosure and oversight of the behavior of those who lobby us.

This underlying bill is not a perfect bill, but it is a very strong bill. Ultimately the test of it will be its credibility. This is comparable to other laws that we pass—for example Federal criminal law. We pass some good laws, but ultimately we depend on the independence of the investigative and prosecutorial system and the independence of the judges who adjudicate the cases brought before them not only so justice is done, but also that the system of justice we have created enjoys the respect and trust of the people of this country.

Here is the situation in this case. We have a tough, underlying bill with substantial reforms to congressional ethics and lobbying, but there is no change in the enforcement mechanism for implementing the broader reforms that would be adopted under the underlying bill. That is what we propose to do with this amendment number 30, establish an Office of Public Integrity. I will get to it in a moment, but I would also like to echo an appeal that the Senator from Maine made.

Unfortunately, I saw respectfully, in the wisdom of the Parliamentarian, the ruling has come down that this amendment would not be germane post-cloture. We have tried to convince the Parliamentarian otherwise. We have not succeeded. That is a given. We respect it. There is a process that sometimes reaches a conclusion in judgment with which we don't agree, but the process is so independent and reliable that we accept it nonetheless. What that means, obviously, is that unless we are able to bring this amendment, to create an Office of Public Integrity, to a vote prior to a cloture vote on the overall bill—which we presume will be tomorrow—we will not have a chance to bring it to a vote.

We have been told that unanimous consent—which is necessary to set aside the pending amendment and bring this up—will not be granted to this amendment. I urge our leaders and others to please reconsider that. We know—Senator COLLINS, Senator OBAMA, Senator MCCAIN, and I,—that we are still fighting upstream to get the necessary votes we need to agree to this. But I think it is important that we have the debate, that we have the vote, that we build support.

There are many new Members, and I don't presume to know how they would vote, and I know the new Members have gone through the process at home and they know the extent to which our constituents—Democratic, Republican, Independent—are unhappy with a lot of the way we do business. They believe there is too much partisanship and, of course, their views were affected by the scandals of the last few years.

When you think about it, it has been a difficult time for Congress. Of course, obviously, almost all Members of Congress conduct themselves in an ethical way, but we all suffer, and the institution suffers, when some Members do not conduct themselves in an ethical way. Look back over the last 4 or 5 years. In 2002, the majority leader in the House was indicted for conspiring to illegally funnel corporate money into State campaigns, a violation of State campaign laws. Another Member of Congress went to jail for exchanging earmarks for bribes. The FBI raided the office of a third Member in a probe of possible illicit activity. Lobbyist Jack Abramoff pleaded guilty and went to jail for wire fraud and conspiracy, and the investigations into his activities revealed what can only be characterized as the most sleazy, unethical, ultimately illegal behavior by Mr. Abramoff, his associates, and individuals in both the legislative and executive branches of Government.

One Member pleaded guilty to conspiracy and making false statements regarding political favors given to Abramoff in exchange for gifts. A former Deputy Chief of Staff for a Congressman pleaded guilty to conspiracy and corruption charges. A former official at the General Services Administration in the Office of Management and Budget was convicted of lying to various officials at GSA in an attempt to cover up favorable treatment he gave to Mr. Abramoff.

And just as the news of many of these scandals was winding down, the Nation was shaken again last fall by the news

of Congressman Foley's improper behavior. So who can blame the American people for having lost a lot of their confidence in Congress? As we left town last October for the election break, Congress's public approval ratings were hovering in the teens. To put any doubts to rest, I think the American people sent a message on election day that they wanted a change in Washington. Some of the exit polls were stunning because they showed that more voters identified corruption in Washington as influencing their votes in last fall's election than any other issue, including, much to my surprise, the war in Iraq.

America voted for us to clean up our act. That is what the underlying bill, S. 1, will do. But it will not do it as well as it should if we do not also reform the system by which these rules and laws are enforced. That is exactly what this bill does.

The legislation before us pledges to the American people that we are going to put the public interest above our own self-interest. We are saying no to gifts and travel from lobbyists. We are demanding greater disclosure from lobbyists about their activities. We are going to slow the revolving door between Congress and the lobbying firms of K Street. The bill before us is one of the strongest reform measures I have seen in the Senate. I am proud to support it. But, again, it needs an equally strong enforcement mechanism.

Last month, before the ink was dry on the House Ethics Committee report on the allegations of a coverup of Congressman Foley's behavior, the press and a lot of the people dismissed it as a half-hearted job, a kind of ''inside the Congress'' going-easy report. I do not accept that conclusion, but the fact is, when you have Members judging Members along the whole way of the process, that is where a lot of the people are going to inevitably end up.

I know many of my colleagues in the Senate will say the House has a problem, not the Senate. I would say a couple of things to that. First, we all suffer when any Member of Congress acts unethically and Congress seems not to be responding independently and aggressively. Who is to say the process we have for judging our own ethical problems will not someday soon also be seen by the public as having a problem. The public does not care whether the scandal occurred in the House or the Senate. To the public, Congress is Congress. We all swim together or we all sink together.

The fact is, under the status quo of enforcement in the Senate, the Ethics Committee, composed of Members of the Senate, investigate, recommend, and decide on judgment. We need to break that and create an independent part of the process, which is exactly what our amendment would do, to conduct the investigation and recommend an action.

There has been a lot of concern among Members about this amendment. I urge them to take a look at the details. I spoke with one Member earlier today who said he was concerned that an irresponsible ethical complaint would be filed with the independent Office of Public Integrity in the middle of a campaign or before—but particularly during the middle of a campaign—would be used in a 30-second commercial against an incumbent.

Of course, that can happen now if somebody files a complaint with the Ethics Committee. But, in fact, I think the proposal we have made is aimed at an independent investigation but protecting against exactly that kind of abuse.

Let me go through the process, briefly, to reassure Members. A complaint may be filed with the Public Integrity Office by a Member of Congress, an outside complainant or the Office itself at its own initiative. No complaint may be accepted against a Member within 60 days of an election involving that Member. So we are trying to separate this from a campaign caper.

Within 30 days of filing, the director must make an initial determination as to whether to dismiss the case or whether there are sufficient grounds for conducting an investigation. During that time, the Member who is the subject of the complaint may challenge the complaint. The director may dismiss a complaint that fails to state a violation, lacks credible evidence of a violation or relates to a violation that is inadvertent, technical or otherwise of a de minimis nature.

I urge my colleagues to particularly listen to this.

The Director may refer a case that has been dismissed to the Ethics Committee for the Ethics Committee to determine if the complaint is frivolous. If the Ethics Committee determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the office resulting from the complaint.

This is meant to be independent, but it is also meant to be fair and to protect Members from the political abuse of the process we are creating. There is not publicity on this until some judgment is made, so that the prospects for misuse in a political context, in my opinion, are actually less under this proposal of ours than they are in the current system.

This Office of Public Integrity assures the American people that each ethics case is examined by this independent entity. But the Ethics Committee would in no way lose its authority to be the ultimate judge of whether a violation has occurred because that is the authority it has, pursuant to the Constitutional provision that Members of each Chamber shall regulate their own behavior.

It is an interesting fact that the Ethics Committee itself has occasionally retained independent counsel to investigate ethics complaints that come before it. This, in part, I know, is a reflection of the committee's concern that it doesn't have sufficient staff to handle all the investigations that come before it. But I think it is also a reflection of a judgment that motivates this amendment—that there are times when a charge is made against a Senator before a committee of his peers or her peers, Senators, and to establish real credibility for the investigation the Ethics Committee itself has brought in an independent investigator. We are saying that makes good sense, and that is exactly what our amendment would do on an ongoing basis.

Finally, I wish to note that at the suggestion of our friend and colleague from Arizona, Senator MCCAIN, we are assigning, under this amendment, to this Office of Public Integrity, the role of recommending to the Ethics Committee the approval or disapproval of privately funded travel by Members and staff. The underlying bill restricts privately funded travel that may be accepted by Members of Congress and contains a new pre-approval process for privately funded travel. Giving this responsibility to this Office of Public Integrity, independent as it is, I think will help assure the American people that travel requests by Members of the Senate will be scrutinized independently by this independent office.

I will conclude, noting that the time is coming to go to the discussion of the three pending amendments. This proposal for an Office of Public Integrity is entirely consistent with the Constitution's mandate that each House of Congress determines its own rules and sanctions its own members. It is a proposal consistent with the practice of the Ethics Committee of bringing in outside counsel on occasion to assist in its work. It is 100 percent consistent with the message the American people sent in November: for Congress to conduct itself with honor and dignity, in a fashion that earns their trust.

This is a sensible, strong effort to assure the people who are good enough to send us to Washington that we are not only adopting reforms in our lobbying regulations and laws and our ethics regulations and laws, but we are taking strong action to make sure those reforms are well enforced, as they should and must be if we are to restore the public's confidence in our work. This is an important amendment. It deserves a vote. I appeal to my colleagues and leaders to give it that.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time between 4:30 and 5:30 shall be evenly divided between and controlled by the two leaders or their designees.

Mr. CHAMBLISS. 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent the previous quorum call and remaining quorum calls before the vote at 5:30 be equally divided against the time on both sides.

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

Mr. DURBIN. Mr. President, at 5:30 the Senate will be voting on my second-degree amendment to an amendment offered by the Senator from South Carolina, Mr. DEMINT. I thank the Senator from South Carolina for working with Senator REID and myself to craft a strong provision to deal with earmark reform.

One of the concerns many had about the underlying DeMint earmark reform was that we did not think the language was strong enough when it came to tax provisions. There were provisions in appropriations bills which direct money to entities. They can be private entities or public entities, they could be State governments, local governments, any number of different types of governmental units, as well as private entities.

For example, I have directed money in the Defense appropriations bill to two firms in Illinois that are doing breakthrough research on a variety of things of importance to the Department of Defense, so the actual firms were named. That is the nature of an appropriations earmark. I, in my practice in the office, have been as transparent as possible. There is a race to put out a press release as soon as it is done because I take great pride in what we support.

What we are trying to do is to put into the rules of the Senate and the control of legislation in the Senate more transparency, more accountability, so there is no question, so we avoid any abuse such as led to some of the more embarrassing episodes in the last Congress resulting in corruption charges against lobbyists and Members of Congress.

The initial intent of Senator DEMINT in his amendment was positive, to move toward more appropriations earmarks disclosure, but we felt that his language, when it came to tax provisions, needed to be strengthened.

Of course, one can benefit a company by sending money for research. One can also benefit a company by giving them a break in the Tax Code. Both are of value to the company. They should be treated the same when it comes to disclosure, transparency, and accountability.

The purpose of my second-degree amendment was to strengthen the language of the earmark disclosure when it comes to that. We broadened the definition of what is known as a limited tax benefit. If we were to provide a cut in the tax rate for all Americans in certain income categories, that does not have a particular impact on an individual or a company. That is a general tax benefit. When we deal with limited tax benefits, they can be written in a way when they benefit one specific entity, one specific company, or a few, a handful, we want those tax earmarks to be treated with the same disclosure requirements as the earmarks in appropriations.

The DeMint amendment defined a limited tax benefit as a revenue-losing provision that provides tax benefits to 10 or fewer beneficiaries or contains eligibility criteria that are not the same for other potential beneficiaries. That is his original language.

I have thought that the number 10 was the problematic element in his approach. I don't know where the number 10 came from. I think it might have been in an earlier House version, but I think the language we replace it with makes more sense.

We define ''limited tax benefit'' as any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries. Our definition is more expansive, would cover more tax earmarks, would require more disclosure, more transparency, more accountability. I think that was the goal of Senator DEMINT's amendment.

It is my understanding that he is going to accept my second-degree amendment which is going to tighten this language when it comes to tax earmarks.

Second, the Durbin amendment requires the earmark disclosure information be placed on the Internet in a searchable format for at least 48 hours before consideration of the bills, resolutions, or reports that contain the earmarks. The DeMint amendment did not have a similar provision. In the world of the Internet, we know that posting this information 48 hours before the bill can be considered so that the earmarks are known to all who care to look is the best way to make sure there is transparency. So we have added this 48-hour disclosure provision before the consideration of a bill, resolution, or report that contains either an appropriations or a tax earmark. In that way, we have expanded the availability of information for those who follow the proceedings of the Senate.

There is more to be done. Senator HARKIN of Iowa is not in the Senate now, but he pointed out an element of the underlying bill that is problematic when it comes to language on this tax benefit provision. Senator HARKIN is right. Paragraph B in this bill is subject to misinterpretation. He has suggested at some point—before the vote or after—we have a colloquy to make it clear what our intent would be. I am going to join him in that. I am hoping we can either clean up this paragraph B by way of amendment in the Senate, if not in conference. We do not want any ambiguity when it comes to the applicability of this provision as it relates to limited tax benefits.

I have discussed this with Senator DEMINT, and we will see if we can get this done in the Senate. If not, I hope we can address it in the conference committee. We will be working with the Committee on Finance, which is our Senate committee responsible for tax provisions, to make sure they understand what our intention will be and take any advice they have to offer that will help us come up with better language.

I am pleased with this bipartisan solution to the concerns that several Senators had with the original DeMint earmark amendment. If the second-degree amendment is agreed to, we will have a positive vote in passing this amendment. I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I ask the distinguished Senator from Illinois if there is any additional time I might utilize?

Mr. DURBIN. Mr. President, it is my understanding that the time has been equally divided prior to voting at 5:30. I have used a portion of it here, and I ask the Parliamentarian how much time is remaining?

The PRESIDING OFFICER. The majority has 14 minutes remaining.

Mr. DURBIN. Mr. President, I, of course, yield all that time to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his characteristic courtesy.

James Madison reminds us, in Federalist No. 37, that:

> The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people. . . .

Let me say that again. James Madison says, in Federalist No. 37, that ''The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it''—meaning that power—''should be kept in dependence on the people. . . .''

To ensure that this quotation I have just stated by James Madison is so, it is the representatives of the people in Congress—including Robert C. Byrd and all other Senators here—who are entrusted with the power of the purse.

Now, listen to that. To ensure that this is so, it is the representatives of the people in Congress who are entrusted with the power of the purse.

''This power,'' Madison writes, in Federalist No. 58, ''may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.''

We are Senators, the people's representatives. We are here to look after the interests of the people of our States. In many cases, they are not well-to-do people. They cannot just pick up a phone and call the White

House. And, too often, the Federal bureaucracy is an inaccessible morass. In time of need—in drought or flood, when a bridge is near collapse, when safe drinking water is not available, when health care services are endangered, when a community is struggling, when worker safety is threatened—the people call on their representatives in Congress.

Many times, we are the only ones who are willing to listen. Get that. Many times, we are the only ones who are willing to listen, and the only ones—hear me, again—who are willing to help. We, the people's representatives, are armed by the Constitution with the power of the purse to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who—hear me—who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch downtown—I do not speak ill of them; they are responsible people—but I say, the unaccountable bureaucrats in the executive branch or the representatives of the people?

Let me say that again. We, here in the Senate, are armed by the Constitution with the power of the purse—in this body and the other body—to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch or the elected representatives of the people in the legislative branch?

Earmarks are arguably the most criticized and the least understood of congressional practices. I know it is easy to attack these congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses or benefits in the communities that receive them.

Let me say that again. Earmarks—hear me, everybody; those from the States, I know they are always listening—earmarks are arguably the most criticized and the least understood of congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses, meaning the uses of earmarks, or benefits in the communities that receive these earmarks.

Many people do not know that earmarks are not specific to appropriations bills. For instance, earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills that are wholly separate from the appropriations process. Hear me now. Earmarks can be found—yes; where?—in the President's budget requests. How about that? Earmarks can be found in the President's budget requests, and sometimes as part of the budget reconciliation process.

There is no law, no rule, no universal standard that even defines what an earmark is. And so I leave the determination about the propriety and need for an earmark, not with the political pundits or the so-called watchdog groups or the news media or the unelected bureaucrats downtown, but where that determination rightfully belongs, where it rightfully belongs under the Constitution, with the people, with the people of the United States.

So hear me—hear me, everyone East, West, South, and North—when I say there is nothing inherently wrong with an earmark. It is an explicit direction from the Congress—the people's elected representatives; the Congress—about how the Federal Government should spend the people's money—your money out there in the hills and mountains and prairies and the plains and valleys of this country. I say again, it is an explicit direction—talking about earmarks—from the Congress about how the Federal Government should spend your money, the people's money.

It is absolutely consistent with the Framers' intentions. Dispute me, if you like. Challenge me, if you like, and challenge the Constitution of the United States. It is codified in Article I of the Constitution, giving the power of the purse to the representatives of the people.

We, the representatives of the people, have an obligation to be good stewards of the public treasury and to prevent imprudent expenditures. That is our duty. We have an obligation to guard against the corruption of any public officials who would sell their soul and the trust of their constituency in order to profit from an official act. That also is our duty, and one not to be taken lightly. But let no person suggest that the Congress errs in using an earmark to designate how the people's money should be spent.

Let me say that again. Let no person suggest that the Congress errs in using an earmark to designate how the people's money—your money out there, your money; hear me, the people's money—should be spent. That is equally our constitutional duty. It does not belong to the President. It does not belong to the unelected bureaucrats in the executive branch. It belongs to the people through their elected representatives here in Congress.

Well intentioned though they may be, the civil servants making budget decisions in the executive agencies and offices of the Federal Government do not understand the communities that we—you and I, Mr. President, all of us here—represent.

They do not meet with the constituencies. They do not know our States. They do not know our people. They do not see what we see.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority's time has expired.

Mr. BYRD. I ask unanimous consent to proceed as long as I require, and it won't be too long.

Mr. CHAMBLISS. Mr. President, I would say to the distinguished Senator from West Virginia through the Chair that we have 30 minutes on our side, and I have two speakers. I know Senator MCCAIN and Senator DEMINT wish to speak. I am not sure how long that will take. Does the Senator have an idea how much longer he will need, 5 minutes, 10 minutes?

Mr. BYRD. I will try to finish in 10 minutes.

Mr. CHAMBLISS. I am happy to yield for an additional 10 minutes to the other side.

Mr. BYRD. Mr. President, I thank my generous and considerate friend.

The process may not be flawless, but if public monies are spent unwisely or wastefully, at least the people have the means to know about it. Both the House and Senate in open session must agree on an earmark, and the president has an opportunity to veto the measure that carries it. There is a record of debate, and a record of how each Member of Congress votes. A controversial item is available for all to see and judge if not before, then certainly after it is enacted. Ultimately, Senators will have to defend their votes on the floor of the Senate, or respond to the inquiries of the media, or stand before the electorate and their constituency. The representatives of the people in Congress are held accountable.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the so-called ''experts'' at bureaucratic agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people never know how a spending decision is made. They may never hear anything about it. In the executive bureaucracy, there is far less accountability to the people.

We ought to prefer that spending decisions be made in an open and public forum of debate, rather than ensconced within the hidden and unaccountable agencies of the executive branch. The fact that controversial earmarks are being openly debated, and that several controversial earmarks were put before the voters last November, suggests that the system works. Those entrusted with power are being held accountable to the people.

So I say to Senators that we are treading some dangerous constitutional grounds with this bombast against earmarks. I support, as I always have, making the budget and appropriations process more transparent, but let their be no mistake that the misguided cries to do away with earmarks has constitutional ramifications

about who controls the power of the purse. The White House recognizes this. The President is asking the Congress to reduce congressional earmarks, leaving more spending decisions to the White House and executive branch. The President is asking for fewer limitations and more flexibility in how the executive branch spends the people's money. The President is even taking advantage of the current political environment to ask for a line-item veto—God help us—a wholly unconstitutional grant of power invalidated once before by the Supreme Court. If so-called earmark reforms happen too quickly and with too little thought to the constitutional ramifications, it could mark the beginnings of a dangerous aggrandizement of the executive in the legislative process, and I am not for that. I am not willing to go along with it.

In this rush to label earmarks as the source of our budgetary woes, and calls to expand the budgetary authorities of the President, we—Members of the Senate—should remember why deficits have soared to unprecedented levels. Senators will recall that the president has not exercised his current constitutional authorities. He has not vetoed a single spending or revenue bill. He has not submitted a single rescission proposal under the Budget Act.

What has wrought these ominous budget deficits are the administration's grossly flawed and impossible budget assumptions. In 2001, the President inherited a $5.6 trillion, 10-year surplus. After 1 year operating under his fiscal policies, that surplus disappeared. We went from a surplus in the fiscal year 2001 of $128 billion to a deficit in the fiscal year 2002 of $158 billion, followed by the three largest deficits in our Nation's history in the fiscal years 2003, 2004, and 2005. The administration's excessive tax cuts added $3 trillion in budget deficits. The war in Iraq, which I voted against, has required the Congress to appropriate $379 billion, and another $100 billion request will arrive from the President next month. Rather than dealing with these fiscal failures, too many would rather propagate the specious argument that enlarging the president's role in the budget process and doing away with congressional earmarks will magically reduce these foreboding and menacing deficits. It absolutely will not.

Often, critics of congressional earmarks assert that earmarks, by definition, are wasteful spending. In the 1969 Agriculture Appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants and children. This program, which is now known as the WIC program, has since provided nutritional assistance to over 150 million women, infants and children, a critical contribution to the health of the nation. Is that wasteful spending? Is that wasteful spending?

In the 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is known as the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients, and performed over 10,000 surgeries, saving and improving the lives of thousands of young children. Is that wasteful spending?

In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. Is that wasteful spending?

In 1987, Congress earmarked funds for the mapping of the human gene. This project became known as the Human Genome Project. This research has lead to completely new strategies for disease prevention and treatment. The Human Genome Project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancers, saving many, many lives. Is this wasteful spending?

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. Is this wasteful spending?

No. Each of these earmarks was initiated by Congress and produced lasting gains for the American people.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the funding that has been earmarked has nearly tripled. That is why I have joined with House Appropriations Committee Chairman OBEY in calling for a 1-year moratorium on earmarks in the fiscal year 2007 joint funding resolution that will be before the Senate next month. That moratorium will give the Congress the time it needs to approve legislation that adds transparency to the process of earmarking funds.

I support transparency and debate in the congressional budget and appropriations process. I support the provisions included in the ethics bill now pending before the Senate that would provide a more accountable, aboveboard, and transparent process by requiring earmarks for non-Federal entities in all of their legislative forms—as authorizing measures, as appropriations measures, as revenue measures—to be disclosed—yes, let's have it out in the open—along with their sponsors and essential government purpose, prior to their consideration by the Senate. If the sponsor is ROBERT C. BYRD, let him show himself. Taxpayers, of West Virginia and the Nation ought to know how and why spending decisions are made. That is why it is essential to ensure that these spending decisions remain in the Congress.

In past years, the Congress routinely failed to consider the annual appropriations bills in a timely manner. When they were considered, they too often took the form of massive omnibus bills that were forced upon the Senate without the opportunity to amend—take it or leave it. Such practices encouraged the kinds of earmarking practices that have been criticized in recent months. As chairman of the Senate Appropriations Committee, I, ROBERT C. BYRD, will endeavor to do all that I can to have the annual appropriations bills considered in a timely manner. When the fiscal year 2008 spending bills are brought to the floor, I will do all that I can to allow the Senate to work its will, and to open the spending decisions of the Congress to the American people.

Senators take an oath to preserve and protect the Constitution. Eliminating waste and abuse in the Federal budget process is important, but protecting the character and design of the Constitution is absolutely essential. Let's not lose our heads and subsequently the safeguards of our rights and liberties as American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah controls the remainder of the time.

Mr. BENNETT. Mr. President, I understand the Senator from Illinois has an action he wishes to take. I yield to him at this point.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 41 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 41.

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

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

The amendment is as follows:

(Purpose: To require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

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

Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

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

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

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

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

''(E) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected or arranged within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—For purposes of this subsection, contributions, donations, or other funds—

''(i) are 'collected' by a lobbyist where funds donated by a person other than the lobbyist are received by the lobbyist for, or forwarded by the lobbyist to, a Federal candidate or other recipient; and

''(ii) are 'arranged' by a lobbyist—

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

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

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

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

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

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

''(A) GIFT.—The term 'gift'—

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

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

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

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

Mr. OBAMA. Mr. President, this is a supplement to what I already think is an excellent bill that has been presented by the two leaders to try to improve our processes and provide more transparency and accountability in how lobbyists interact and how we conduct ourselves in an ethical fashion.

To make it very plain, this amendment simply says that all registered Federal lobbyists would have to disclose not only the contributions they make but also the contributions they have solicited and bundled. It applies only to registered lobbyists. It has strong support on a bipartisan and bicameral basis. I hope we can have this amendment agreed to. I think it will make a strong bill that much stronger.

With that, I appreciate the time given to me by the Senator from Utah. I look forward to the vote.

The PRESIDING OFFICER. The Senator from Utah is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 71

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I may call up my amendment No. 71.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. SALAZAR, proposes an amendment numbered 71.

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

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

The amendment is as follows:

(Purpose: To extend the laws and rules passed in this bill to the executive and judicial branches of government)

At the appropriate place, insert the following:

SEC. ___. EQUAL APPLICATION OF ETHICS RULES TO EXECUTIVE AND JUDICIARY.

(a) GIFT AND TRAVEL BANS.—

(1) IN GENERAL.—The gift and travel bans that become the rules of the Senate and law upon enactment of this Act, shall be the minimum standards employed for any person described in paragraph (2).

(2) APPLICABILITY.—A person described in this paragraph is the following:

(A) SENIOR EXECUTIVE PERSONNEL.—A person—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304

or section 5304a of title 5, United States Code, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act;

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3, United States Code or by the Vice President to a position under section 106(a)(1)(B) of title 3, United States Code; or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37, United States Code) is pay grade O-7 or above.

(B) VERY SENIOR EXECUTIVE PERSONNEL.—A person described in section 207(d)(1) of title 18, United States Code.

(C) SENIOR MEMBERS OF JUDICIAL BRANCH.—A senior member of the judicial branch, as defined by the Judicial Conference of the United States.

(b) STAFF LOBBYING.—

(1) IN GENERAL.—Section 207(c)(2)(A) of title 18, United States Code, is amended by striking clauses (i) through (v) and inserting the following:

''(i) employed by any department or agency of the executive branch; or

''(ii) assigned from a private sector organization to an agency under chapter 37 of title 5.''.

(2) CONFORMING AMENDMENT.—Section 207(c)(2)(C) of title 18, United States Code, is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting ''(i)'' before ''At the request'';

(C) by striking ''referred to in clause (ii) or (iv) of subparagraph (A)'' and inserting ''described in clause (ii)''; and

(D) by adding at the end the following:

''(ii) A position described in this clause is any position—

''(I) where—

''(aa) the person is not employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5; and

''(bb) for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act; or

''(II) which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.''.

(c) SENIOR EXECUTIVE STAFF EMPLOYMENT NEGOTIATIONS.—Senior and very senior Executive personnel shall not directly negotiate or have any arrangement concerning prospective private employment while employed in that position unless that employee files a signed statement with the Office of Government Ethics for public disclosure regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced.

Mr. NELSON of Nebraska. Mr. President, last year, Washington was rocked by the Abramoff scandal and other misdeeds. With the underlying bill, Congress has shown it is taking seriously its responsibility to the American people its responsibility to set rules for behavior by Members and staff that aren't just words on a page in a dusty ethics manual.

I applaud the effort that has gone into ethics reform. It has been a good debate. There is one point that I discussed last year—- as early as the Rules Committee markup—- that I feel needs to again be part of the debate this year. Last year I offered a sense-of-the-Senate amendment to make many of the reforms we have considered throughout this ethics debate apply to all branches of government. I am pleased that this sense of the Senate was accepted and is included in the underlying bill.

Today I have filed and proposed amendment No. 71, which builds on the principle behind this sense of the Senate that the standards employed in this bill should be the minimum standards that guide the other branches of Government. The revolving door isn't just on the front of the U.S. Capitol. It spins freely in the executive branch—in every Federal agency in Washington.

My amendment has three parts:

The first provision says the gift and travel bans of this bill should be the minimum standards employed by the executive and judicial branches. The second provision extends the Senate's 1-year ban on lobbying by former staff to the executive branch. The third provision extends the Senate's negotiating of future employment provisions to the executive branch as well.

I believe in disclosure, transparency and restoring integrity to our government. The question here isn't whether reforms are needed, they are. But we need to make sure we are implementing the right reforms. Any reforms need to apply to all branches of government if we are to begin the process of rebuilding trust between the government and the people.

Mr. President, I think the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

I yield the floor.

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. DEMINT. 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. DEMINT. Mr. President, I would like to make a few comments about a couple of amendments on which we are getting ready to vote. One is mine, and one is an amendment to my amendment by Senator DURBIN.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to speak? There is an order presently to vote at this time. Is the Senator seeking unanimous consent?

Mr. DEMINT. Yes. I ask unanimous consent to speak. I apologize, Mr. President. I am getting ahead of myself today. I thank the Parliamentarian. Am I free to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENTS NOS. 44, AS MODIFIED AND 11

Mr. DEMINT. Mr. President, we are getting ready to vote on a couple of amendments. One is Senator DURBIN's which I believe improves the underlying amendment, which is my amendment No. 11. I thank Senator REID and Senator DURBIN and a number of Members on the Democratic side who worked with us to perfect this amendment in a way that will be good for the country and will be much more transparent in how we do business. I have asked to be a cosponsor of Senator DURBIN's amendment, which will come up before mine. I again encourage all my Republican and Democratic colleagues to support Senator DURBIN's amendment, as well as the underlying amendment.

I remind my colleagues, I think these two amendments focus on the most egregious problem with this whole idea of ethics and lobbying reform. It makes all of the earmarks, all of the designated spending—some folks refer to this as specific favors for interest groups—everything we do to designate funds in a particular direction, it just requires us to disclose these, to disclose them in a way that the American people can see, can find them on the Internet, and can determine for themselves if this is a good way to spend their taxpayers' dollars. We believe, as I think the American people do, that if it is clear what we are doing while we are doing it and who is doing it, it will, first of all, limit unnecessary earmarks and unnecessary Federal spending, but it will also create a lot more accountability for this designated spending which we do attach to bills.

I thank my Democratic colleagues for working constructively with us. We made progress and created a better bill. I encourage all of my colleagues to vote for both of the amendments tonight.

I yield the floor.

LIMITED TAX BENEFITS

Mr. HARKIN. Mr. President, I am concerned about a possible misunderstanding of the intent of the language in the proposed Senate rule XLIV concerning earmarks. My specific concern goes to the definition in the proposal concerning ''limited tax benefits.'' The definition contains two parts. The first is a two-part test that provides that limited tax benefit is one that ''provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986, and (B) contain eligibility criteria that are uniform in application with respect to potential beneficiaries of such provision''. The key here is the word ''and'' after 1986. The second part simply provides that if this test is not

met, that only a tax that benefits a single entity is a ''limited tax benefit.''

I am told that there are some who might define ''potential beneficiaries'' to only include a variation in the treatment of the class covered by the amendment. This would not be logical. My perception, prior to our voting, is that the intent of those two words ''potential beneficiaries'' means a category or class of taxpayers impacted by the tax provision. In other words, if the Senate was considering the modification of the alternative minimum tax to not include a specific tax provision in the code as counting as income under the AMT, that would not be considered a limited tax benefit, because it would impact all of the potential beneficiaries equally. On the other hand, if one was considering a provision that went into the code and said that we should not count that class of income as AMT income as applied to X or Y, that would not be treating everyone in the class the same. In the latter case, we would be triggering subsection ''B,'' because there was not uniform treatment of all potential beneficiaries of the break. And accordingly, if the number impacted in the second case was a ''limited group of beneficiaries,'' it would be considered a limited tax benefit.

Mr. DURBIN. Mr. President, I believe that the Senator from Iowa has raised an important point. we need to clarify how the amendment applies to targeted tax benefits. We would like the language of the amendment to capture a wide variety of situations where a small number of taxpayers receive special treatment. I hope that we can work with Senator DEMINT, the Senate Finance Committee, and any other interested Senators to make appropriate changes to this amendment during conference, if not sooner, so that the language is clear and the outcome increases transparency and accountability.

Mr. LEVIN. Mr. President, I will vote in favor of the DeMint amendment as amended by the Durbin amendment.

Last week, I voted to table the original DeMint amendment because it would have stricken earmark reform language in the Reid-McConnell bipartisan substitute and replaced it with provisions which contain, among other things, a definition of earmarked tax benefits which is weaker than the Reid-McConnell language.

The DeMint amendment would have defined a tax benefit as an earmark only if it benefits 10 or fewer beneficiaries. This would have left open a loophole for earmarks which were aimed at benefiting very small groups of people, even as few as 11. It would have been relatively easy to circumvent the DeMint language and the intent of the tax earmark language in the bill.

The Durbin second-degree amendment which has been adopted removes the limitation of ''10 or fewer beneficiaries'' from the DeMint amendment and defines a ''limited tax benefit'' as ''any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries''. This is stronger language—a limited group can be far more than 10.

The Durbin second-degree amendment also requires that the earmark disclosure information be placed on the internet in searchable format for at least 48 hours before consideration of the bills containing earmarks. The DeMint amendment did not previously have a similar provision.

In summary, the Durbin language has improved this amendment which will now increase the transparency of earmarks contained in conference report language, as well as include disclosure of tax provisions that benefit limited groups of beneficiaries.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will proceed to a vote on or in relation to amendment No. 44, as modified, offered by the Senator from Illinois, Mr. DURBIN.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 44, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—98

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

NOT VOTING—2

Conrad Johnson

The amendment (No. 44), as modified, was agreed to.

Mr. WYDEN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 11, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 11, as amended.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—98

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

NOT VOTING—2

Conrad Johnson

The amendment (No. 11), as amended, was agreed to.

Mr. MENENDEZ. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

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

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

The PRESIDING OFFICER. The mandatory quorum has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4, offered by the Senator from Nevada, Mr. REID, be brought to a close? The yeas and nays are mandatory under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from South Carolina (Mr. DEMINT).

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

The yeas and nays resulted—yeas 95, nays 2, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—95

Akaka	Durbin	Menendez
Alexander	Ensign	Mikulski
Allard	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Obama
Biden	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dodd	Martinez	Webb
Dole	McCain	Whitehouse
Domenici	McCaskill	Wyden
Dorgan	McConnell	

NAYS—2

Coburn	Nelson (NE)

NOT VOTING—3

Conrad	DeMint	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 2. Two-thirds of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INHOFE. Mr. President, I am pleased to cosponsor Senate amendment No. 37 that has been offered by the Senator from South Dakota to the legislative and lobbying transparency legislation, S. 1.

The Federal Funding Accountability and Transparency Act of 2006, which became law this past September 26, 2006, requires that the Office of Management and Budget develop a single, searchable, public Web site that provides information on all types of Federal awards including Federal grants, sub grants, loans, contracts, cooperative agreements, and other forms of financial awards that entities, including nonprofit organizations, receive from the Federal Government. This Web site is to be accessible to the public at no cost and contains information such as the entity receiving the award, the amount, and the purpose.

Senate amendment No. 37, that has been offered by the Senator from South Dakota, Senator THUNE, builds upon the Federal Funding Accountability and Transparency Act by requiring entities that receive Federal funding to publicly disclose those funds, disclose that entity's political advocacy, and the amount spent on its political advocacy. Under this amendment, political advocacy includes influencing legislation, involvement in political campaigns, litigation with the Federal Government, and supporting other entities that engage in these types of political advocacy. In his remarks upon offering Senate amendment No. 37, the Senator from South Dakota stated that his amendment will shed further light on organizations that receive Federal funding that are at the same time also involved in advocacy on Federal issues. I could not agree more that the transparency required in this amendment is necessary and that this is something the American people would like to see happen.

For the past two Congresses, I have been the chairman of the U.S. Senate Environment and Public Works Committee. In that role, I designated grants management at the Environmental Protection Agency, EPA, as one of the priority oversight areas of the committee. I began this oversight by conducting a committee hearing where representatives from the EPA, EPA inspector general, the Government Accountability Office, and a private organization called Taxpayers for Common Sense testified to severe deficiencies in grants management at EPA for at least the past 10 years and regardless of Presidential administration. In fact, the EPA inspector general's testimony at that hearing focused on a nonprofit Federal grant recipient that had received close to $5 million over 5 years in violation of the Lobbying Disclosure Act. The EPA has had a particularly bad habit of awarding large grants to special interest and partisan groups and, in many cases, with little oversight. However, this is a problem that can plague all Federal agencies and departments.

Since the beginning of this oversight, EPA has taken a number of positive steps, and I would like to focus on one of those positive developments. I suggested in May 2004 that to increase transparency in grant awards, the EPA should develop a publicly accessible, no-cost Web site with information on EPA's grants and recipients. I suggested this Web site cover future grant recipients as well as grants awarded over the past 10 years. I also provided some examples of useful information to include on the Web site such as the grant recipient's name, agency grant number, Catalog of Federal Domestic Assistance number, the type of recipient—governmental entity, nonprofit, eductional institution, foreign recipient, etc.—the grant project location, beginning and ending project dates of grants, the amount of the grant, the total cost of the project or cumulative amount of grants for the particular project, the grant description or purpose, the grant's expected outcome, the approving office or program within the agency, and the agency project officer and awarding officers' contact information.

Since that time, EPA has created this new Web site with the most publicly available information ever provided on EPA grants and recipients. The EPA's grant awards database may be easily found on the EPA's Web site and has been available since 2004.

I believe that placing this information on the World Wide Web for anyone to access has greatly increased the transparency of the grants process within the EPA and has required EPA to be more accountable for the types of grants, recipients, and oversight of the grants awarded. Likewise, I believe that placing information on the World Wide Web concerning the political, lobbying, and litigation activity of regular recipients of Federal funds provides needed transparency that I believe the American people may be surprised to see and may provide a tool for appropriate Federal agencies to use to ensure that Federal dollars are not being misused for political purposes.

In many cases, when the Federal Government awards a grant to a private organization, it is a nonprofit, tax-exempt organization. The Internal Revenue Service has classified these organizations as section 501(c)(3) charitable organizations after that section of the Internal Revenue Code. However, I have delivered remarks concerning the political activities of recipients of Federal funds or their closely affiliated organizations. Some of these 501(c)(3) organizations that regularly receive Federal funds are often closely affiliated with corresponding section 501(c)(4) and 527 organizations and political action committees all highly involved in lobbying and political activities every year and in each election cycle. Although this article is dated, one of the best articles that describes this tangled web of political financing and advocacy was a Washington Post article from September 27, 2004, which I

will request to have printed in its entirety at the conclusion of my remarks. This article contains a quote from a former Federal Election Commission official stating:

In the wake of the ban on party-raised soft money, evidence is mounting that money is slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's. . . . It's big money, and the pendulum has swung too far in their direction.

While I understand that Senate amendment No. 37 does not reach into this tangled web of political and lobbying financing to separate Federal funding from private dollars, this amendment does make publicly available on a single Web site information on recipients of Federal awards and a description of the political and lobbying activities in which those organizations have been involved. This kind of disclosure has begun the process of applying transparency and reform to grants management at the EPA and I believe will also direct needed public attention on the political and lobbying activities of organizations that regularly receive taxpayer funding.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Washington Post, Sept. 27, 2004]

NEW ROUTES FOR MONEY TO SWAY VOTERS—501C GROUPS ESCAPE DISCLOSURE RULES

(By Thomas B. Edsall and James V. Grimaldi)

In recent months, ads mocking Democratic presidential nominee John F. Kerry have been surfacing in battleground states and on national cable channels, paid for by a group called Citizens United.

In one television commercial playing off the MasterCard ''Priceless'' ads, the announcer describes Kerry's $75 haircuts, $250 designer shirts and $30 million worth of summer and winter homes. As a picture of Kerry and Sen. Edward M. Kennedy (D-Mass.) appears on screen, the announcer concludes: ''Another rich, liberal elitist from Massachusetts who claims he's a man of the people. Priceless.''

The spot, more hard-edged than the ads run by the official Bush-Cheney '04 campaign, is in the same provocative vein as the controversial Swift Boat Veterans for Truth ads that have dominated much of the campaign since late August. There is one major difference, however: The Swift Boat group must disclose who is paying for its ads; Citizens United does not have to tell anybody where it got its money or how it is spent.

Neither does Project Vote, a group run by former Ohio Democratic Party chairman David J. Leland that hopes to register 1.15 million new voters in black, Hispanic and poor white communities. Nor do two major voter registration and turnout projects called ''I Vote Values'' and ''The Battle for Marriage,'' backed by some of the largest organizations on the religious right that are coordinating a drive to register millions of evangelical Christians.

Unlike the campaigns of President Bush and Kerry, the two major parties, political action committees and the Swift Boat Veterans—one of the ''527'' advocacy groups that have become part of the 2004 campaign lexicon—Citizens United and Project Vote operate under the radar of regulation and public disclosure in what campaign finance expert Anthony Corrado of the Brookings Institution and Colby College described as ''a real black hole.''

Known as 501c groups, for a statute in the tax code, these tax-exempt advocacy and charitable organizations are conduits for a steady stream of secretive cash flowing into the election, in many respects unaffected by the McCain-Feingold legislation enacted in 2002. Unlike other political groups, 501c organizations are not governed by the Federal Election Commission but by the Internal Revenue Service, which in a complex set of regulations delineates a range of allowable activities that are subject to minimal disclosure long after Election Day.

A 501c (3) group can register voters, and donations to it are tax deductible, but it is prohibited from engaging in partisan or electioneering work. A 501c (4), (5) or (6) group can be involved in elections, but the cost of doing so must be less than one-half the group's total budget. Public Citizen, in a report last week titled ''The New Stealth PACs,'' contended that many of the politically active 501c (4) groups regularly spend more than half their budgets on political activities in violation of IRS rules.

IRS rules also stipulate that electioneering by 501c (4), (5) and (6) groups cannot be ''express advocacy''—that is, telling people to vote for or against specific candidates. But such groups can run ads that address public issues such as immigration or taxes and that refer to the stands of candidates in ways that help or hurt them.

In the 2004 campaign, these legal distinctions have translated into two specific roles for these groups. One is to mobilize voters for Election Day. The other is to articulate criticism and orchestrate attacks that candidates and their parties may not want to launch themselves. That is the role assumed by Citizens United, whose president, David N. Bossie, is no stranger to hardball conservative politics.

Asked whether he would provide the names of his donors, Bossie said, ''No, we follow the rules that are in place for 501c groups.''

The rapid emergence of 501c and 527 groups in this election cycle is a direct consequence of the changes in political spending brought about by McCain-Feingold. The groups have essentially emerged to do what the law prevents parties from doing: They raise and spend unlimited contributions of ''soft money'' from corporations, unions and wealthy donors to influence federal elections.

Kent Cooper, who has watched the intricate ways money gets into the political system, first as chief of public records at the FEC and now as co-founder of PoliticalMoneyLine, said there is a growing need for more stringent regulation of 501c groups.

In the wake of the ban on party-raised soft money, Cooper said, evidence is mounting that money ''is slithering through on other routes,'' as organizations ''maintain various accounts, tripping over each other, shifting money between 501c (3)s, c (4)s and 527s. . . . It's big money, and the pendulum has swung too far in their direction.''

Until 2000, neither 527s nor 501c organizations were required to list donors or account for expenditures. Sen. John McCain (R–Ariz.), angered at smears aimed at his presidential campaign by a 527 group, succeeded that year in passing legislation requiring the IRS to report the spending activities of 527s throughout the election cycle. That left the 501c organizations as the only groups with virtually no disclosure requirements.

To arrive at a total expenditure figure for 501c groups is impossible, given their non-disclosure requirements. But, based on interviews and an examination of available records, it seems likely their total spending will be from $70 million to $100 million this election cycle, with expenditures by pro-Republican and pro-Democratic groups roughly equal.

There are huge unknowns, however. For example, the U.S. Chamber of Commerce's Institute for Legal Reform, a 501c (6) business organization, has an annual budget of more than $40 million. The National Rifle Association, a 501c (4), has a budget of more than $200 million, which the group's chief executive, Wayne LaPierre Jr., can tap to increase voter turnout among not only its 4 million members but also the 14 percent of the electorate that has a ''very favorable'' view of the NRA.

Equally difficult to track is the burst of money going to the network of hundreds of generally liberal and pro-Democratic turnout operations, including Project Vote, the NAACP Voter Education Fund and USAction, none of which discloses its contributors.

Some board members, consultants, lawyers and staff members of many of these nonpartisan 501c organizations are, in fact, active partisans, separately working for campaigns, political parties and groups.

Perhaps no one better illustrates the host of interlocking roles than Carl Pope, one of the most influential operatives on the Democratic side in the 2004 election. As executive director of the Sierra Club, a major 501c (4) environmental lobby, Pope also controls the Sierra Club Voter Education Fund, a 527. The Voter Education Fund 527 has raised $3.4 million this election cycle, with $2.4 million of that amount coming from the Sierra Club. A third group, the Sierra Club PAC, has since 1980 given $3.9 million to Democratic candidates and $173,602 to GOP candidates.

These activities just touch the surface of Pope's political involvement. In 2002–03, Pope helped found two major 527 groups: America Votes, which has raised $1.9 million to coordinate the election activities of 32 liberal groups, and America Coming Together (ACT), which has a goal of raising more than $100 million to mobilize voters to cast ballots against Bush. Finally, Pope is treasurer of a new 501c (3) foundation, America's Families United, which reportedly has $15 million to distribute to voter mobilization groups.

''I am in this as deeply as I am,'' Pope said, ''because I think this country is in real peril.''

Although the McCain-Feingold law was generally a boon for 501c groups, one provision has tightened restrictions on the way they spend their money. The law's ban on the use of corporate and union funds to finance issue ads in the final 60 days before the general election has prompted such conservative groups as Americans for Job Security and the 60 Plus Association to move away from radio and television advertising and toward voter mobilization and nonbroadcast advocacy, primarily through direct mail, newspaper ads and the Internet.

Although corporate-backed tax-exempt groups are struggling to comply with McCain-Feingold, liberal, pro-Democratic charitable and tax-exempt organizations are concentrating much of their time, money and effort on voter registration and turnout. These activities do not fall under the 60-day broadcasting ban and can be structured as nonpartisan work eligible for tax-deductible support.

For many groups doing voter mobilization, it is crucial to have a 501c (3) group to tap into what has become a multimillion-dollar commitment by a host of liberal foundations and wealthy individuals to increase turnout among minorities and poor people.

Among the foundations investing substantially in voter registration and turnout programs likely to benefit Democrats are the Proteus Fund, which, in addition to direct grants, set up the Voter Engagement Donor Network in 2003 as an information service to 130 other foundations and individual donors; the Pew Charitable Trusts; and America's Families United, which was created in 2003 to channel about $15 million to voter registration and turnout groups. Most of these foundations voluntarily identify the groups to which they make grants on their Web sites.

One of the best-funded organizations is Project Vote, a 501c (3) group that has an $18 million fundraising goal and had raised, as of early September, $13.2 million in tax-deductible contributions. Similar work in registering and turning out urban voters, especially minorities, is being conducted by USAction Education Fund, the 501c (3) arm of USAction. Board members for America's Families United include not only Pope, but also Dennis Rivera, president of New York Local 1199 of the Service Employees International Union and a major figure in Democratic politics, and William Lynch Jr., who served as board secretary until he recently became deputy manager of the Kerry campaign.

The close connection between partisan activists and 501c groups is equally clear among conservative groups. Benjamin L. Ginsberg has been a lawyer for the Bush campaign, the Republican National Committee, Progress for America and the Swift Boat Veterans (both 527s) and Americans for Job Security, a 501c (4). Ginsberg was forced to resign as chief outside counsel to the Bush campaign during a controversy over his simultaneous involvement with the Swift Boat group. But he is one of the few activists whose involvement in multiple groups has come under scrutiny.

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

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

MORNING BUSINESS

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

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

REMEMBERING THOMAS G. LYONS

Mr. DURBIN. Mr. President, it is fortuitous for the Presiding Officer to be presiding because I know of his background, and I am speaking today of a man who just passed away in Illinois who is a great friend of mine. His name is Tom Lyons, a former State senator and chairman of the Democratic Party of Cook County. If you have ever attended an Irish wake—and I bet you have—there is a passionate combination of sadness and celebration.

In Chicago, such a wake is being held for a good and courageous man.

Thomas G. Lyons died last Friday at the age of 75 after a months-long struggle against serious illness.

Mr. Lyons served for the last 17 years as chairman of the Cook County Democratic Party. That was only one small chapter in an otherwise long, interesting and amazing life story.

As a young man, he served as an Army Ranger and a Chicago police officer.

In 1957, he earned a law degree and spent the next several years working first in the Cook County assessor's office, and then in the Illinois Attorneys General office.

In 1964, a time of great change, Tom Lyons was elected to represent northwest Chicago in the Illinois General Assembly.

The following year, he was tapped to serve in the leadership of a State commission studying the need for a new Illinois State constitution. He later served as vice president of the convention that drafted Illinois's current State constitution.

The preamble to that document lays out a series of high and noble aims of government. It reads, and I quote:

We, the people of the state of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking his blessings upon our endeavors—in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty for ourselves and our posterity—do ordain and establish this constitution for the state of Illinois.

Those same high and noble goals—''to provide for the health, safety and welfare of the people; . . . eliminate poverty and inequality; . . . assure legal, social and economic justice; . . . and secure the blessings of freedom and liberty for ourselves and our posterity''—were the standards to which Tom Lyons held himself in his public service.

A story in Sunday's Chicago Sun Times last Sunday says a lot about the kind of man he was.

In the 1950s, Tom Lyons was a young soldier on his way to Fort Benning, GA. It was his first trip to the South.

As he walked through a bus station, he was shocked to see one restroom for Whites and another for Blacks. His family said he decided to take a stand—and used the ''colored'' bathroom.

His son Frank said:

He got into it with the local law enforcement. But he wanted to make a statement. It's who he was as a person.

His family and friends say it was that willingness to stand up for everyone—no matter their race, class or status—that best embodies Mr. Lyons' legacy.

It was also that willingness to treat everyone equally, with dignity, which nearly cost Tom Lyons his political career four decades ago.

In 1963, the year before Tom Lyons was elected to the Illinois State Senate, the Chicago City Council passed an ordinance banning restrictive covenants and other discriminatory real estate practices that were used to maintain racial segregation in Chicago. But the ordinance was routinely ignored.

In January 1966, Dr. Martin Luther King, Jr. moved to what he called a ''slum apartment'' on the West Side of Chicago. That summer, he held a series of ''open housing'' marches in all-White neighborhoods in the city and suburbs. The demonstrations produced a furor and focused national and international attention on the problem of housing discrimination, not just in Chicago, but in America.

By fall, the issue of housing discrimination became the most volatile issue of the campaign. It helped defeat one of the most courageous men who ever served in this Senate, a man Dr. King called ''the greatest of all senators,'' my mentor, Paul Douglas.

Family and friends warned Tom Lyons that his support for a State fair housing law that year could cost him his seat in the General Assembly. But he voted for the bill anyway—and lost his re-election bid.

Having lost, he didn't give up. He won his seat back 4 years later.

Chicago politics is famously rough and tumble, but Tom Lyons was famous for trying to calm tempers and soothe old wounds by gathering people around the piano to sing great old songs and World War II ballads. He loved politics, not because of what it could do for him but what it allowed him to do for others. That is why his wake this evening will be filled with sadness and with celebration and why Tom Lyons will also be missed in Chicago and throughout our State.

As a young attorney serving in the Illinois State Legislature as parliamentarian for 14 years, I came to know a lot of State senators. There remain many fine men and women who serve in that body. I was learning my earliest chapters of Illinois politics as I watched them in action.

I remember Tom Lyons, a good legislator, conscientious man, a man of principle, with a great sense of humor, who would put an arm around your shoulder and say: Let's go have a beer and sing a song. He was just that kind of guy. His life was a good life, a life of public service and a life of giving to many others. I was lucky to be one of his friends and lucky to be one of the beneficiaries of his good will.

I ask the Members of the Senate to join me in extending our condolences to Tom's wife Ruth; their sons, Thomas and Frank; their daughters, Alexandra and Rachel; and Tom's eight grandchildren.

INTERDICTION OF DRUG SUPPLY

Mr. NELSON of Florida. Mr. President, I just returned from a trip to

Haiti and to the Bahamas. I met with the governments of each of those nations on a variety of topics, not the least of which was the interdiction of the drugs. We increasingly see drugs coming out of Colombia, going into Venezuela and being transported by air out of Venezuela—including from remote parts of southern Venezuela as well as northern Venezuela. They then fly to destinations where the cocaine is dropped and repackaged into smaller packages to be shipped, destined for Europe and the United States.

The increase in the number of flights from 2003 to 2006 is incredible. A map showing lines that indicate the number of flights—they are solid going from Venezuela to the Dominican Republic and to Haiti. The flights have increased enormously, while at the same time the number of drugs transported by sea has diminished. Our Coast Guard is out there. I was with the Coast Guard. They have been fairly successful in interdicting at sea. So as a result, the drug smugglers are using small airplanes flying from Venezuela to the island of Hispaniola, Haiti and the Dominican Republic, where they are sending the drugs to be shipped on to additional destinations.

I spoke at length with President Preval, the President of Haiti, about this problem. President Preval made reference to a 1998 agreement in which the Government of Haiti and the United States pledged to cooperate and, indeed, that cooperation has occurred. And it has occurred on those shipments coming by sea.

But the Government of the United States cannot interdict an airplane unless we shoot them down, and we are not going to do that. So when these flights come into Haiti or the Dominican Republic they either land or drop their cargo of cocaine. That is where the local government, the local authorities, have to be able and willing to make the arrest. Of course this is difficult, in a country such as Haiti that can hardly keep its head above water, as it is trying to with a new government. I must say, that certainly has my support and I believe that President Preval is doing a good job, and is making some progress.

In addition, I spoke at length with the Prime Minister and with the director general of the Haitian National Police. I am very impressed with Director General Andresol. He is an impressive fellow. He has set out a plan to vet all 7,000 members of the Haitian National Police, and he started the vetting process with the top person—himself. He has started the vetting of the police, and he is going to continue to try to get out the graft and corruption. If he is successful, then I believe you will see that the Haitian National Police have the ability to make the arrest when drugs are dropped or transshipped through Haiti. I hope the same thing is going to be done in the Dominican Republic.

Now, in the midst of all this, further to the north, as you get into the Bahamas and the Turks and Caicos, we have been enormously successful since the late 1980s in the interdiction of the drugs. The DEA, working with other law enforcement agencies, working with the Coast Guard, working with the Defense Department, and working with the governments of the countries—and the one that I particularly concentrated on this time after Haiti was the Bahamas—they have been very successful. They have helicopters stationed in the area, the Coast Guard at Andros Island in the Bahamas. The Army stationed helicopters at Greater Exuma Island, next to the town of Georgetown in the middle of the Bahamas, and at the southern end of the Bahamas where a the Coast Guard has another station with helicopters.

Well, the Army, being strapped for helicopters, announced the plan that it was going to remove the helicopters. So we went to work. Our Ambassador to the Bahamas, John Rood, brought it to my attention. Several other Members of Congress got involved, and as a result of this an interagency meeting occurred in which it was agreed that although the Army would pull the helicopters out probably by this October, they would still pay for the station for the next 5 years. And we worked it out to get new helicopters that would be transferred to DEA—the Drug Enforcement Administration. Therefore all of that area of the Bahamas in the middle, between Andros to the north and to the west, the island of Exuma in the middle, and further south the to the Coast Guard helicopters—all of that area in the middle would not be blind.

On Sunday I went out there and flew with both the Army and the Coast Guard to see their operation and to be briefed on the details. I was briefed on a live chase that occurred at the time, as well as visiting some of our troops. And I will just tell you what patriotic Americans these are. They are down there for 4 months without their families. They had just gotten home after a year's deployment in Iraq. They are going to be able to go back home in another month and be at home for 2, 3 months, and then they are going back to Iraq. This is the kind of dedication that we have in our Armed Forces.

Well, fortunately, it looks as if we are going to be able to retain new helicopters for this operation so that we will not be blind. But it is going to mean the continued cooperation between the Government of the Bahamas and the United States, building on a history of considerable cooperation. It also means that we need continued, increased progress with President Preval of Haiti and President Fernandez of the Dominican Republic.

Haiti has so many needs. Haiti has desperate needs in health care, desperate needs in infrastructure, desperate needs in education. One little thing we did in a step in the right direction—and many Senators here cosponsored the bill—I along with them—is called the HOPE legislation. It will allow textiles from outside to be brought into Haiti, where then value is added by making them into garments. It is estimated that 30,000 jobs will be provided. That is out of hundreds of thousands of people who do not have jobs. But it is a step in the right direction.

I want to give credit to former Senator Mike DeWine of Ohio, who was the sponsor of a bill called HERO and also the sponsor of the legislation that passed called HOPE. He has a heart for Haiti and has been there many times. So the fruits of his long labors and the fruits of the labors of others of us in this Chamber have finally come to fruition to give them another ray of hope.

I am impressed with President Preval. I do believe that he is honest and on the right course. I am also a realist and recognize that there is corruption all around him in his Government. That is one of the main chores that he has in rooting out corruption, so that he can get that Government on the right path, so that they can start restoring some of the services to a people in desperate need. The Haitian people are remarkable. They are so ingenious and industrious and entrepreneurial, with a positive, optimistic outlook. They have just been shackled under years of exceptional poverty.

So, finally, the United States stepped forward with the HOPE legislation. Finally, the United States is getting increased cooperation from the now Government of Haiti, and it is exceptionally important in the future that cooperation continues. It is so important not only because of Haiti, but it is important because it is our children who are on the receiving end of all of the drugs coming out of South America.

MARTIN LUTHER KING, JR.

Ms. CANTWELL. Mr. President, on Martin Luther King Day, we celebrated a man and honored his legacy. It is an opportunity to recognize the movement he inspired and carry it forward with renewed energy. I consider his work and his words, striving to give them both new life.

''The arc of the moral universe is long,'' King said, ''but it bends towards justice.'' As a national community, we must never rest in the pursuit of that justice. We must always demand that our community leaders and elected officials pursue their work with compassion and integrity. This year, as we commemorate Dr. King's bold vision and great spirit, our Nation stands at a critical point along that arc.

The American people called for a new direction and a new tone in Washington, DC. They put the politics of polarization aside and asked their representatives in Washington to focus instead on the issues that matter most. Too many hard-working Americans are struggling just to get by today. It is time to expand opportunity for all and ensure everyone has a real shot at the American dream.

The best guarantee of a good, secure job in today's increasingly competitive world is a quality education. But not everyone has that opportunity. I know what it is like to have a tough time affording college: With the help of Federal Pell grants, I was the first in my family to graduate from college. Today, a college education costs a small fortune, yet it is harder than ever to find help.

Since 2001, tuition has increased by over 30 percent at the average 4-year public school. Over the same period, family incomes have increased less than 6 percent. As the cost of college continues to rise and family incomes stagnate, more and more students are qualifying for Pell grants and other Federal student aid programs. We can't let a college education become a privilege just for the wealthy. We must ensure that families and students can afford college, regardless of their financial resources.

That is why in the Senate, I am fighting to increase the maximum Pell grant to $5,100—an amount that actually keeps pace with costs. That is also why, on the first day of the 110th session of Congress earlier this month, I introduced legislation to permanently increase the amount that families can save annually for college and take as a tax deduction.

On the same day, in that same spirit, I introduced other legislation to encourage employees to set aside money for their education costs and to encourage employers to provide matching funds through lifelong learning accounts. It is about investing in a more competitive America, a growing economy, and our common future. We are creating a better world for our businesses, our State, and most importantly our workers.

The policies we choose to support reflect our priorities as a nation. When the middle-class gets squeezed from every side, it may be easiest to relent, accept the status quo, or give in to frustration. But we have a responsibility to fight back and to fight for something better. That is what Martin Luther King may have called infinite hope. We can honor King by coming together and making that promise a reality.

TRIBUTE TO CRAIG C. MELLO, PH.D.

Mr. KENNEDY. Mr. President, on December 10, in Stockholm, Sweden, the Nobel Prize in Medicine for 2006 was awarded to Dr. Craig C. Mello of the University of Massachusetts Medical School for his revolutionary discovery of the gene-silencing process called RNA interference.

RNAi, as it is called, is a fundamental mechanism for controlling the flow of genetic information. Dr. Mello's discovery is universally considered to be one of the most significant biomedical discoveries of the past decade, and it has opened up extraordinary opportunities for the development of new therapies for cancer, heart disease, illnesses, and many other conditions.

Dr. Mello is a Howard Hughes Medical Institute Investigator and the Blais University Chair in Molecular Medicine at UMass Medical School. His research and its international recognition by the Nobel Committee have brought great honor and pride to our city, Commonwealth, and Nation.

Dr. Mello received his B.S. from Brown University in 1982 and his Ph.D. from Harvard University in 1990. He served as a postdoctoral fellow at the Fred Hutchinson Cancer Research Center in Seattle, WA, and joined the faculty of UMass in 1994.

I join Dr. Mello's many friends and colleagues in congratulating him for his landmark discovery, and I wish him well in the years to come.

TRIBUTE TO WILLIAM K. PHILLIPS

Mr. GREGG. Mr. President, I rise today to recognize William K. Phillips, the longtime Director for the Small Business Administration's New Hampshire district office. Since 1981, Bill has led the agency through economic booms and slumps while demonstrating a sharp commitment to the business community in this state. On March 2 of this year, Bill will be retiring. His leadership will be missed, and I want to offer him my deepest thanks for not only the advice he has given me throughout the years but for everything he has done to make this State a better place to live.

Because of his unique professional resume, there are few people in the region who better understand the critical role small businesses play in a healthy economy and who know what entrepreneurs need to expand and thrive. Bill founded Benchmark Industries, a leader in resistance welding technology. He worked as senior vice-president of the Bank of New Hampshire, was the president of the former Londonderry Bank and Trust, and served on the board of directors of First NH Banks, which is now Citizens Bank of New Hampshire.

For the past two and half decades, Bill has been directing the SBA's operations in New Hampshire. It was in this role he made his name as a champion for small businesses. His dedication was most obvious during the banking and real estate crisis our State experienced during the early 1990s. Fortunately, Bill and his team at the SBA were here to meet this difficult challenge. Using their expertise and resources, the New Hampshire SBA under Bill Phillips relieved much of the anxiety business and homeowners were feeling and helped the State recover. New Hampshire today is a great place to work and start a company, and Bill can certainly feel proud of his role in strengthening our state's excellent reputation.

The definition of a vibrant economy goes beyond just a bunch of numbers and figures on a graph. What it really means is that people are working, improving the communities in which they live, building wealth, providing a better quality of life for their families and, in some cases, realizing life long dreams. Bill has been successful because he knows this and has always remembered that people, not statistics, are what matter. His experience and insights have served him well in the position of district director but, more importantly, they have benefitted New Hampshire. There are many businesses here, both small and large, which can be described as success stories because Bill took an interest in their future. Thank you, Bill. You have earned a long and healthy retirement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

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

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

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–303. A communication from the Chairman and CEO, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Disclosure and Reporting'' (RIN3052–AC11) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–304. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Rice Inspection Services'' (RIN0580–AA92) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–305. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled ''Senior Farmers' Market Nutrition Program'' (RIN0584–AD35) received on January 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–306. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department's 2006 Commercial Activities Report; to the Committee on Armed Services.

EC–307. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–308. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 70904) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–309. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (71 FR 70885) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–310. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 70894) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–311. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Corporate Debt Collection'' (RIN3064–AD12) received on January 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–312. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2007 Final Specifications for the Summer Flounder, Scup, Black Sea Bass Fisheries'' (RIN0648–AT60) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–313. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rules; Inseason Retention Limit Adjustment'' (ID No. 121206B) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–314. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rules; Closure (Total Allowable Catch Harvested for Management Area 1B)'' (RIN0648–AT21) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–315. A communication from the Assistant Administrator of Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule and Temporary Rule for Emergency Action to Implement 2007 First Season Atlantic Shark Commercial Management Measures'' (ID No. 091106B) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–316. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Rhode Island Commercial Bluefish Fishery)'' (ID No. 120406C–X) received on January 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–317. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–318. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Abandoned Mine Lands Reclamation Plan'' (WV–111–FOR) received on January 11, 2007; to the Committee on Energy and Natural Resources.

EC–319. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Financial Accounting, Reporting and Records Retention Requirements Under the Public Utility Holding Company Act of 2005'' (FERC Docket No. RM06–11–000) received on January 11, 2007; to the Committee on Energy and Natural Resources.

EC–320. A communication from the Assistant Secretary of the Interior (Policy, Management and Budget), transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–321. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exception to the HIPAA Nondiscrimination Requirements for Certain Grandfathered Church Plans'' ((RIN1545–AY33)(TD 9299)) received on December 21, 2006; to the Committee on Finance.

EC–322. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2007–12) received on January 11, 2007; to the Committee on Finance.

EC–323. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—November 2006'' (Rev. Rul. 2007–12) received on January 11, 2007; to the Committee on Finance.

EC–324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Physician Group Practice Demonstration: First Evaluation Report''; to the Committee on Finance.

EC–325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to their study on barriers to participation of farmworkers in health programs; to the Committee on Finance.

EC–326. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Impact of Change in Medicare Payments for Part B Drugs''; to the Committee on Finance.

EC–327. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2006–281—2006–303); to the Committee on Foreign Relations.

EC–328. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary of State for Administration, received on January 11, 2007; to the Committee on Foreign Relations.

EC–329. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program that will be initiated for Colombia under the Agency's Bureau of Democracy; to the Committee on Foreign Relations.

EC–330. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending and amending certain Memorandums of Understanding; to the Committee on Foreign Relations.

EC–331. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, reports relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–332. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Nutrition Labeling of Dietary Supplements on a 'Per Day' Basis'' (Docket No. 1998P–0043) received on January 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–333. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled ''The National Healthcare Quality Report 2006'' and ''The National Healthcare Disparities Report 2006''; to the Committee on Health, Education, Labor, and Pensions.

EC–334. A communication from the Chair, Jacob K. Javits Fellowship Program Board, Department of Education, transmitting, pursuant to law, a report relative to the Jacob K. Javits Program; to the Committee on Health, Education, Labor, and Pensions.

EC–335. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the withdrawal of a nomination for the position of Assistant Secretary for Postsecondary Education, received on January 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–336. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Homeland Security and Governmental Affairs.

EC–337. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report; to the Committee on Homeland Security and Governmental Affairs.

EC–338. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report on Audit Follow-up for the period of April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–339. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition

Regulation; Federal Acquisition Circular 2005–15'' (FAC 2005–15) received on January 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–340. A communication from the Federal Co-Chair, Denali Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–341. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, a proposed bill to extend the authorization of appropriations for the Office for fiscal years 2008 through 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–342. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's progress and status of compliance with certain privatization requirements; to the Committee on the Judiciary.

EC–343. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arizona Advisory Committee; to the Committee on the Judiciary.

EC–344. A communication from the Clerk, Circuit and County Courts, transmitting, responses to the Minority Appointment Reporting Form for 2005; to the Committee on Rules and Administration.

EC–345. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Presumptive Period for Compensation for Gulf War Veterans'' (RIN2900–AM47) received on January 11, 2007; to the Committee on Veterans' Affairs.

EC–346. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions'' (Docket No. APHIS–2006–0008) received on January 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–347. A communication from the Administrator, Housing and Community Facilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Direct Single Family Housing Loans and Grants'' (RIN0575–AC54) received on January 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–348. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 5 regulations beginning with CGD13–06–052)'' (RIN1625–AA00) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–349. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 5 regulations beginning with COTP Honolulu 06–008)'' (RIN1625–AA87) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–350. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL'' ((RIN1625–AA08) (CGD07–05–156)) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–351. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations (including 2 regulations beginning with CGD08–06–026)'' (RIN1625–AA01) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–352. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 4 regulations beginning with CGD08–06–005)'' (RIN1625–AA09) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–353. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York'' ((RIN1625–AA11) (CGD01–06–142)) received on January 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–354. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Laguna Mountains Skipper (Pyrgus ruralis lagunae)'' (RIN1018–AU50) received on January 12, 2007; to the Committee on Environment and Public Works.

EC–355. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus ampullarioides (Shivwits Milk vetch) and Astragalus holmgreniorum (Holmgren Milk vetch)'' (RIN1018–AU45) received on January 12, 2007; to the Committee on Environment and Public Works.

EC–356. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Monardella linoides ssp. viminea (Willowy Monardella)'' (RIN1018–AT92) received on January 12, 2007; to the Committee on Environment and Public Works.

EC–357. A communication from the Assistant Secretary (Fish, Wildlife and Parks), Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Canada Lynx'' (RIN1018–AU52) received on January 12, 2007; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–6. A resolution adopted by the Aurora Township Board of Trustees approving the election canvass results from a recent referendum; to the Committee on Armed Services.

POM–7. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to increasing funding to dredge Michigan's deep-draft Great Lakes ports and waterways; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 288

Whereas, Michigan is home to 40 deep-draft commercial ports on the Great Lakes, more than the other seven Great Lakes states combined; and

Whereas, in a typical year, these ports will handle in excess of 90 million tons of cargo, representing more than 50 percent of all the cargo moving on the Lakes, and the equivalent of 10 tons for each Michigan resident. The ports of Calcite, Cedarville, Drummond Island, Port Inland, and Presque Isle typically ship nearly 70 percent of the limestone moving on the Great Lakes. The ports of Marquette and Escanaba account for more than 20 percent of the Lakes' iron ore trade. The ports of Alpena and Charlevoix are the primary source of cement carried on the Great Lakes; and

Whereas, this waterborne commerce generates tens of thousands of family-sustaining jobs in Michigan and supports the state economy. For example, Michigan's steel and construction industries depend on Great Lakes shipping to deliver efficiently millions of tons of raw materials they need each year; and

Whereas, the U.S. Department of Transportation is promoting Short Sea Shipping—commercial waterborne transportation along the inland and coastal waterways—as a means of easing congestion on the nation's crowded highways and railbeds; and

Whereas, compared to other transportation modes, waterborne commerce provides environmental benefits, including fuel savings and fewer emissions. In addition, the efficiencies of waterborne commerce enable Michigan utilities to use cleaner-burning low-sulfur coal loaded in Wisconsin and shipped on the Great Lakes; and

Whereas, Michigan's deep-draft Great Lakes ports and waterways are long overdue for needed dredging to deepen them. For example, while currently under way, it had been 23 years since the Saginaw River turning basin was last dredged; and

Whereas, Michigan's economy is not reaping the full benefits of Great Lakes shipping due to the lack of necessary dredging. Ships cannot carry full loads and offer customers the best freight rates. The largest vessels delivering low-sulfur coal to Michigan are leaving behind as much as 4,500 tons each trip. Shortfalls in deliveries of iron ore, limestone, cement, and other cargos hamper Michigan employers' ability to compete; and

Whereas, The U.S. Army Corps of Engineers' budget for dredging Great Lakes ports and waterways has been inadequate for decades. This is true even though cargo is assessed a federal tax to fund dredging and the Harbor Maintenance Trust Fund has a surplus of nearly $2 billion; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to increase federal funding for dredging Michigan's Great Lakes deep-draft ports and waterways, using surplus monies from the Harbor Maintenance Trust Fund; and be it further

Resolved, That we urge Congress to direct the U.S. Army Corps of Engineers to clear the backlog of dredging projects at Michigan's ports and waterways and to then maintain those harbors and channels to project depth in the future; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United

States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the U.S. Army Corps of Engineers.

POM–8. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to federal funding for the barriers designed to protect the Great Lakes from Asian carp; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 313

Whereas, Two species of Asian carp are on the verge of invading the Great Lakes. Silver carp and bighead carp have advanced up the Mississippi River since they escaped from Arkansas fish farms in the early 1980s, and now have been identified as close as 50 miles to Lake Michigan in the Illinois River near Chicago; and

Whereas, Asian carp pose a significant risk to the ecology and economy of the Great Lakes region. Asian carp can grow as large as 100 pounds and are voracious feeders. They would compete with native fish and could become a dominant species in the Great Lakes, threatening the Great Lakes' $4 billion commercial and recreational fishery. In addition, silver carp can jump up to 10 feet out of the water when disturbed, posing a risk to recreational boaters. In several states, leaping carp have injured boaters; and

Whereas, Asian carp are the latest in a long line of exotic species to threaten the Great Lakes. Past invasions of the Great Lakes by exotic species like zebra and quagga mussels and sea lampreys have severely affected the Great Lakes. It is estimated that over $40 million per year is spent to control these two exotic species. Scientists project that Asian carp could have a similar impact on the Great Lakes; and

Whereas, The United States Army Corps of Engineers operates a temporary demonstration barrier in the Chicago Sanitary and Ship Canal to prevent the movement of Asian carp into the Great Lakes. In addition, the Army Corps and the state of Illinois are constructing a permanent electrical barrier to replace the temporary barrier; and

Whereas, Over $12 million has been spent to date on construction and operation of the electrical barriers. To help match federal funding, the state of Michigan has contributed nearly $70,000 toward the completion of the permanent electrical barrier; and

Whereas, Current funding is insufficient to complete construction of the permanent barrier and only covers operation of the temporary barrier through the first half of fiscal year 2007. In addition, there is no funding to renovate the temporary barrier as a permanent backup to the new barrier; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to approve full federal funding to complete construction and ensure permanent operation and maintenance of both electrical barriers in the Chicago Sanitary and Ship Canal to protect the Great Lakes from Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional delegation.

Adopted by the House of Representatives, December 12, 2006.

POM–9. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to refraining from taxing rebuilding grants from the state's Road Home program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 20

Whereas, Louisiana taxpayers have spent countless hours coping with paperwork and bureaucracy that has inconvenienced them since Hurricanes Katrina and Rita devastated southern Louisiana last year; and

Whereas, the grants themselves are not taxable, but the Internal Revenue Service says grant recipients who claimed a storm-related casualty loss would have to consider all or part of the grant as income; and

Whereas, the average Road Home grant is sixty-five thousand dollars; therefore, some recipients would find themselves bumped up to higher tax brackets and would likely have a higher federal income tax liability; and

Whereas, the Louisiana Department of Revenue has determined that grants would not constitute income for state purposes: Now, therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress and the Internal Revenue Service to take such actions as are necessary to refrain from taxing rebuilding grants from the state's Road Home program; and be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to the Commissioner of the Internal Revenue Service, and to each member of the Louisiana congressional delegation.

POM–10. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting legislation to amend the definition of ''physician'' in the Medicaid Program to include podiatric physicians; to the Committee on Finance.

HOUSE RESOLUTION NO. 248

Whereas, The Medicare system has long recognized doctors of podiatric medicine as physicians in federal law. However, the provisions of Title XIX that establish the country's Medicaid program do not include podiatric physicians in the definition of ''physician''; and

Whereas, There is legislation pending in the Congress, H.R. 699 and S. 440, to require that podiatry services are covered by Medicaid. Enactment of this measure would guarantee access to quality foot and ankle care for Medicaid patients; and

Whereas, Podiatric physicians play an important role in the recognition of systemic diseases, such as diabetes, as well as recognition and treatment of peripheral neuropathy, a frequent cause of diabetic foot wounds that can lead to amputations if left untreated; and

Whereas, Under the current provisions, Medicaid patients may be prevented from seeking care from a podiatric physician because these services are not covered as ''physician services.'' This policy puts many people at risk, especially diabetic patients; and

Whereas, Quality foot care increases mobility, prevents amputations, improves quality of life, and avoids numerous unnecessary costs. Clearly, including podiatric services under the Medicaid program is a prudent step to take; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to amend the definition of ''physician'' in the Medicaid program to include podiatric physicians; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–11. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Hearing Aid Assistance Tax Credit Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 266

Whereas, hearing is clearly one of our most essential senses. It is often taken for granted, unfortunately, until the time one begins to experience hearing loss. At this point it is too late to reverese the damage. Hearing aids are the ready solution to the problems associated with hearing loss, but the costs associated with good quality equipment is expensive, is not always covered by one's insurance or Medicaid, and is too often foregone for more immediate needs. A federal tax credit would provide immediate and necessary relief for tens of thousands; and

Whereas, indeed, it has been estimated that hearing aids would help ninety-five percent of those suffering from hearing loss. Only twenty-two percent of the population, however, currently uses a hearing device, because the average out-of-pocket costs associated with hearing aids is over $2,800. Thousands upon thousands of individuals and family members are impacted by these soaring costs. It is estimated that close to 2 million people are affected by untreated hearing loss; and

Whereas, in Michigan, legislation was enacted in 1978 to exempt hearing aids from the state sales tax. This initiative was a clear recognition of the importance of cost savings to those in need of hearing aids. The Congress should follow this stellar example and enact similar tax incentives in the U.S. Tax Code; now, therefore, be it

Resolved by the House of Representatives, That we hereby memoralize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–12. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the adoption of the Constitution Restoration Act of 2005; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 33

Whereas, on Monday, June 27, 2005, the United States Supreme Court in two razor-thin majorities of 5–4 in Van Orden v. Perry (Texas) and ACLU v. McCreary County (Kentucky), concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, American citizens are concerned that the court has produced two opposite results involving the same Ten Commandments, leading to the conclusion that, based on the Kentucky decision, the Ten Commandments may be displayed in a county courthouse provided it is not backed by a belief in God; and

Whereas, Supreme Justice Scalia emphasized the importance of the Ten Commandments when he stated in the Kentucky case, ''The three most popular religions in the United States, Christianity, Judaism, and Islam, which combined account for 97.7% of all believers, are monotheistic. All of them, moreover, believe that the Ten Commandments were given by God to Moses and are divine prescriptions for a virtuous life''; and

Whereas, Chief Justice Rehnquist in the Texas case referred to the duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in public buildings in their communities while at the same time allowing these same Ten Commandments to be presented on these specific

places on the building housing the United States Supreme Court stating, ''Since 1935, Moses has stood holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the courtroom as well as the doors leading into the courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets''; and

Whereas, a recent poll by the First Amendment Center revealed that seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings, and eighty-five percent would approve if the Ten Commandments were included as one document among many historical documents when displayed in public buildings; and

Whereas, the First Amendment of the United States Constitution, which provides in part that ''Congress shall make no law respecting an establishment of religion'', is a specific and unequivocal instruction to only the United States Congress, and the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

Whereas, the United States District Court Southern District of Indiana on November 30, 2005, entered a final judgment and permanent injunction ordering the speaker of the Indiana House of Representatives not to permit sectarian prayers as part of the official proceedings of the House; and

Whereas, the federal judiciary has violated one of the most sacred provisions of the United States Constitution providing for three branches of government and the separation of powers of those branches by overstepping its authority and dictating the activities of the inner workings of the legislative branch of government; and

Whereas, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

Whereas, there is concern that recent decisions of the court will be used by litigants in an effort to remove God from the public square in America, including public buildings and public parks; and

Whereas, there is concern that the federal judiciary will continue to attempt to micromanage the internal workings of the legislative as well as executive branches of government; and

Whereas, there is pending before the 1st Session of the 109th Congress the Constitution Restoration Act of 2005, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to adopt S520 and HR 1070, the Constitution Restoration Act of 2005 and, in doing so, protecting the ability of the people of Louisiana to display the Ten Commandments in public places, to express their faith in public, to retain God in the Pledge of Allegiance, and to retain ''In God We Trust'' as our national motto, and to use Article III, Section 2.2 of the United States Constitution to except these areas from the jurisdiction of the United States Supreme Court; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the administrator of the General Services, Washington, D.C., to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress and presiding officer of each house of each state legislature in the United States.

POM–13. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to certain Committees continuing their investigation and oversight efforts regarding the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 11

Whereas, in House Concurrent Resolution No. 72 of the 2005 First Extraordinary Session of the Louisiana Legislature, the legislature expressed serious concerns regarding the $3.7 billion that Louisiana was expected to pay to the Federal Emergency Management Agency (FEMA) as the state's share of hurricane recovery costs; and

Whereas, these concerns stemmed from initial reports of inefficiencies and accounting errors on the part of FEMA, which had resulted in an artificially high spending for disaster recovery; and

Whereas, in light of its concerns, the Legislature of Louisiana memorialized the United States Congress to task the Government Accountability Office (GAO) with a complete audit of FEMA's expenditures, and the appropriateness and reasonableness thereof, on Katrina and Rita recovery efforts in Louisiana; and

Whereas, to date the Forensic Audits and Special Investigations Unit of the GAO has delivered four reports to the United States Senate Committee on Homeland Security and Governmental Affairs regarding its investigation of fraud, waste, and abuse in FEMA's response to Hurricanes Katrina and Rita; and

Whereas, the titles of these reports alone indicate that the Louisiana Legislature was right to be suspicious of and to request inquiry into the amount FEMA was claiming it spent on recovery: Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse; Hurricanes Katrina and Rita Disaster Relief: Improper and Potentially Fraudulent Individual Assistance Payments Estimated to be Between $600 Million and $1.4 Billion, and Purchase Cards: Control Weaknesses Leave DHS Highly Vulnerable to Fraudulent, Improper, and Abusive Activity; and

Whereas, on December 6, 2006, the GAO delivered its most recent report to a meeting of the senate committee; and

Whereas, this last report, Hurricanes Katrina and Rita Disaster Relief: Continued Findings of Fraud, Waste, and Abuse, includes the following findings: nearly $17 million in potentially improper or fraudulent rental assistance payments to individuals while they were living in trailers also paid for by FEMA; FEMA provided potentially improper or fraudulent rental assistance payments to individuals living in FEMA-paid apartments; nearly $20 million in potentially improper or fraudulent payments went to individuals who registered for both Hurricanes Katrina and Rita assistance using the same property; and millions of dollars of improper and potentially fraudulent payments went to nonqualified aliens, including foreign students and temporary workers; and

Whereas, it is reasonable to expect at this time that additional inquiry by the GAO will continue to reveal further problems with the FEMA expenditures; and

Whereas, in her opening statement to the committee when this report was delivered, committee chairman, Senator Susan M. Collins, said: ''No flaw has been more persistent and more damaging to effective relief for disaster victims and to public confidence in their government than the rampant fraud, waste, and abuse that have plagued federal relief and recovery programs''; and

Whereas, in his statement to the committee at that meeting, ranking minority member Senator Joe Lieberman said ''GAO's investigations over the past year as well as FEMA's own data on overpayments show that the agency squandered hundreds of millions of dollars in gross improper payments to individuals and households that the government may never recover''; and

Whereas, the United States Congress has already responded to some of the GAO findings by including a FEMA reform package as part of the 2007 Appropriations Act for the Department of Homeland Security; and

Whereas, though it has now been approximately fifteen months since Hurricanes Katrina and Rita struck Louisiana, the GAO investigations and FEMA's own admissions confirm suspicions of waste, the $3.7 billion that FEMA originally billed to Louisiana is now expected to be closer to $500 million, and the congress has taken actions to prevent some of the abuse from occurring in the future, the Legislature of Louisiana is hopeful that the United States Senate Committee and the Forensic Audits and Special Investigations Unit of the GAO will not forget about this issue; and

Whereas, Louisiana is prepared to pay its share of reasonable costs of recovery, but a definitive appraisal of reasonable costs has not yet been determined; and

Whereas, incoming United States Senate Majority Leader Harry Reid has announced tentative committee assignments for the 110th United States Congress, which include Senator Joe Lieberman assuming the position of committee chairman and Senator Mary Landrieu being made a member of the committee; and

Whereas, with Senator Lieberman in a position to continue the important work of the committee and Senator Landrieu in a position to represent the interests of her state in this work, and with the excellent work of the GAO in evidence, the Legislature of Louisiana is hopeful that an accurate appraisal of the state's obligation in the area of recovery costs will be determined soon: Now, Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby express its gratitude to the United States Senate Committee on Homeland Security and Governmental Affairs and to the Forensic Audits and Special Investigations Unit of the GAO for the work they have already done in identifying fraud and waste in FEMA's hurricane recovery spending in Louisiana; and be it further

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the committee and the GAO to continue their investigation and oversight efforts and to provide guidance to FEMA and to the state of Louisiana as to what the state's share of legitimate recovery expenses is; and be it further

Resolved, That a copy of this Resolution be transmitted to the president and the secretary of the United States Senate, the Louisiana congressional delegation, Senator Susan Collins, Senator Joe Lieberman, the managing director of the Forensic Audits and Special Investigations Unit of the Government Accountability Office, the Louisiana commissioner of administration, and the Louisiana legislative auditor.

POM–14. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to certain Committees continuing

their investigation and oversight efforts regarding the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, in House Concurrent Resolution No. 72 of the 2005 First Extraordinary Session of the Louisiana Legislature, the legislature expressed serious concerns regarding the $3.7 billion that Louisiana was expected to pay to the Federal Emergency Management Agency (FEMA) as the state's share of hurricane recovery costs; and

Whereas, these concerns stemmed from initial reports of inefficiencies and accounting errors on the part of FEMA, which had resulted in an artificially high spending for disaster recovery; and

Whereas, in light of its concerns, the Legislature of Louisiana memorialized the United States Congress to task the Government Accountability Office (GAO) with a complete audit of FEMA's expenditures, and the appropriateness and reasonableness thereof, on Katrina and Rita recovery efforts in Louisiana; and

Whereas, to date the Forensic Audits and Special Investigations Unit of the GAO has delivered four reports to the United States Senate Committee on Homeland Security and Governmental Affairs regarding its investigation of fraud, waste, and abuse in FEMA's response to Hurricanes Katrina and Rita; and

Whereas, the titles of these reports alone indicate that the Louisiana Legislature was right to be suspicious of and to request inquiry into the amount FEMA was claiming it spent on recovery: Expedited Assistance for Victims of Hurricanes Katrina and Rita: FEMA's Control Weaknesses Exposed the Government to Significant Fraud and Abuse; Hurricanes Katrina and Rita Disaster Relief: Improper and Potentially Fraudulent Individual Assistance Payments Estimated to be Between $600 Million and $1.4 Billion, and Purchase Cards: Control Weaknesses Leave DHS Highly Vulnerable to Fraudulent, Improper, and Abusive Activity; and

Whereas, on December 6, 2006, the GAO delivered its most recent report to a meeting of the Senate Committee; and

Whereas, this last report, Hurricanes Katrina and Rita Disaster Relief Continued Findings of Fraud, Waste, and Abuse, includes the following findings: nearly $17 million in potentially improper or fraudulent rental assistance payments to individuals while they were living in trailers also paid for by FEMA; FEMA provided potentially improper or fraudulent rental assistance payments to individuals living in FEMA-paid apartments; nearly $20 million in potentially improper or fraudulent payments went to individuals who registered for both Hurricanes Katrina and Rita assistance using the same property; and millions of dollars of improper and potentially fraudulent payments went to nonqualified aliens, including foreign students and temporary workers; and

Whereas, it is reasonable to expect at this time that additional inquiry by the GAO will continue to reveal further problems with the FEMA expenditures; and

Whereas, in her opening statement to the committee when this report was delivered, Committee Chairman Senator Susan M. Collins said: ''No flaw has been more persistent and more damaging to effective relief for disaster victims and to public confidence in their government than the rampant fraud, waste, and abuse that have plagued federal relief and recovery programs''; and

Whereas, in his statement to the committee at that meeting, ranking minority member Senator Joe Lieberman said ''GAO's investigations over the past year as well as FEMA's own data on overpayments show that the agency squandered hundreds of millions of dollars in gross improper payments to individuals and households that the government may never recover''; and

Whereas, the United States Congress has already responded to some of the GAO findings by including a FEMA reform package as part of the 2007 Appropriations Act for the Department of Homeland Security; and

Whereas, though it has now been approximately fifteen months since Hurricanes Katrina and Rita struck Louisiana, the GAO investigations and FEMA's own admissions confirm suspicions of waste, the $3.7 billion that FEMA originally billed to Louisiana is now expected to be closer to $500 million, and Congress has taken actions to prevent some of the abuse from occurring in the future, the Legislature of Louisiana is hopeful that the United States Senate Committee and the Forensic Audits and Special Investigations Unit of the GAO will not forget about this issue; and

Whereas, Louisiana is prepared to pay its share of reasonable costs of recovery, but a definitive appraisal of reasonable costs has not yet been determined; and

Whereas, incoming United States Senate Majority Leader Harry Reid has announced tentative committee assignments for the 110th Congress, which include Senator Joe Lieberman assuming the position of committee chairman and Senator Mary Landrieu being made a member of the committee; and

Whereas, with Senator Lieberman in a position to continue the important work of the committee and Senator Landrieu in a position to represent the interests of her state in this work, and with the excellent work of the GAO in evidence, the Legislature of Louisiana is hopeful that an accurate appraisal of the state's obligation in the area of recovery costs will be determined soon: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby express its gratitude to the United States Senate Committee on Homeland Security and Governmental Affairs and to the Forensic Audits and Special Investigations Unit of the GAO for the work they have already done in identifying fraud and waste in FEMA's hurricane recovery spending in Louisiana; and be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the committee and the GAO to continue their investigation and oversight efforts and to provide guidance to FEMA and to the state of Louisiana as to what the state's share of legitimate recovery expenses is; and be it further

Resolved, That a copy of this Resolution be transmitted to the President and the Secretary of the United States Senate, the Louisiana congressional delegation, Senator Susan Collins, Senator Joe Lieberman, the managing director of the Forensic Audits and Special Investigations Unit of the Government Accountability Office, the Louisiana commissioner of administration, and the Louisiana legislative auditor.

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. LAUTENBERG (for himself, Mr. LOTT, Mr. INOUYE, Mr. STEVENS, Mr. SPECTER, Mr. CARPER, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. DORGAN, Mr. BURR, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. MENENDEZ, Mr. KERRY, Mr. KENNEDY, Mr. SCHUMER, Mr. PRYOR, and Mr. CARDIN):

S. 294. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. VOINOVICH, Mr. DURBIN, and Mr. SCHUMER):

S. 295. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOND (for himself and Ms. SNOWE):

S. 296. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the cash method of accounting for small businesses, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 297. A bill to amend the Internal Revenue Code of 1986 to provide 15-year straightline cost recovery for certain improvements to retail space and for qualified new restaurant improvements and to expand the eligibility for the work opportunity tax credit to all disabled veterans; to the Committee on Finance.

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

S. 298. A bill to provide incentives for renewable energy production, to increase fuel economy standards for automobiles, and to provide tax incentives for renewable energy production; to the Committee on Finance.

By Mr. COLEMAN:

S. 299. A bill to amend the Internal Revenue Code of 1986 to extend increased expensing for small businesses; to the Committee on Finance.

By Mr. KYL (for himself, Mr. ENSIGN, Mr. REID, and Mrs. FEINSTEIN):

S. 300. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. DURBIN, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 301. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 302. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on Finance.

By Mr. VITTER:

S. 303. A bill to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the ''Coach Eddie Robinson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 304. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. ENZI, and Mr. HARKIN):

S. 305. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 306. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 307. A bill to establish a minimum rate of release for water from the Yellowtail Dam, Montana; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 308. A bill to prohibit an escalation in United States military forces in Iraq without prior authorization by Congress; to the Committee on Foreign Relations.

By Mr. SANDERS (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 309. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself and Mr. LUGAR):

S. Res. 30. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 6, a bill to enhance the security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 183

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 183, a bill to require the establishment of a corporate average fuel economy standard for passenger automobiles of 40 miles per gallon by 2017, and for other purposes.

S. 193

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 193, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 200

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 200, a bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 250

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 250, a bill to reduce the costs of prescription drugs for Medicare beneficiaries and to guarantee access to comprehensive prescription drug coverage under part D of the Medicare program, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. RES. 22

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes.

S. RES. 29

At the request of Ms. STABENOW, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 29, a resolution expressing the sense of the Senate regarding Martin Luther King, Jr. Day and the many lessons still to be learned from Dr. King's example of nonviolence, courage, compassion, dignity, and public service.

AMENDMENT NO. 17

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 17 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 44

At the request of Mr. DEMINT, his name was added as a cosponsor of amendment No. 44 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. INOUYE, Mr. STEVENS, Mr. SPECTER, Mr. CARPER, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. DORGAN, Mr. BURR, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. MENENDEZ, Mr. KERRY, Mr. KENNEDY, Mr. SCHUMER, Mr. PRYOR, and Mr. CARDIN):

S. 294. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, together with my good friend—the new Minority Whip—Senator TRENT LOTT I rise to introduce S. 294, the Passenger Rail Investment and Improvement Act of 2007.

After several gloomy years, the future of America's passenger railroad is bright. This legislation will provide the necessary resources to bring Amtrak up to speed as a real alternative to taking a plane or driving a car.

As we did in the past, we have joined forces to strengthen Amtrak and intercity passenger rail services for all Americans. But today, we introduce an updated version of last Congress's Amtrak reauthorization and passenger rail expansion bill. S. 1516, the Passenger Rail Investment and Improvement (PRIIA) Act of 2005.

I co-authored this legislation with Senator LOTT, then Chairman of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee, so that we could finally provide Amtrak with the funding and support it needs to thrive. The Commerce Committee favorably reported this bill, and Senator LOTT and I added it to last Congress's Budget Reconciliation package, where it was adopted by an overwhelming vote of 93 to 6. Despite the bipartisan support, the House failed to act, so Amtrak was left without a necessary reauthorization.

Now, in the new Congress, I am the chair of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee. Working with Senator LOTT, and our bipartisan group of cosponsors, we are going to get our Amtrak bill through the Senate. This time, I believe the House will be ready, willing, and able to match our efforts, so that we can send a bill to the President for his signature.

Every year, Amtrak is forced to fight for Federal funding—funding that has been insufficient at best. But as air and highway congestion continue to worsen, and concerns over our dependence on foreign oil remain, we must expand the capacity and improve the quality of our passenger rail system.

One needs only to look to Europe and Asia to see the benefits that a modern

passenger rail system can bring to a nation. Germany, which invested nine billion dollars in its rail system 2003 alone, has a modern, high-speed rail system that reduces pollution, eases congestion and improves mobility for all of its citizens. The benefits of their world class system are obvious to anyone who travels there. We need the same world class system in our country.

The era of the free and easy interstate and quick, hassle-free flights has come and gone, and time for us to make real investments in our passenger rail system has come. If we do not invest in Amtrak now, I fear for our country's economy and quality of life over the coming years. We simply cannot afford to rely solely on air travel or automobiles if we are going to keep this country moving.

The terror and tragedy we experienced on 9/11 taught us that we cannot rely solely on our aviation system. Last fall, Hurricane Katrina highlighted the role that passenger rail could play in evacuating residents who do not own automobiles. Hurricane Rita demonstrated the limits of our highway system, as evacuees' vehicles crawled to a stop in bumper-to-bumper traffic. Each one of these disasters reminded us that our Nation needs Amtrak and better train service to provide options for the traveling public—in good times and in bad.

The bill we introduce today is the most comprehensive reauthorization of Amtrak ever attempted by this body. We have worked with Amtrak, freight railroads, the States and rail labor to draft strong and comprehensive legislation.

Our bill authorizes nearly $12 billion in Federal support to expand partnerships for passenger rail with the States, improve the Northeast Corridor and provide real rail security for the Nation. Additionally, Senator LOTT and I filed an amendment today to this bill which would add $7.8 billion in bonding authority for States and Amtrak to develop rail infrastructure. This bonding authority would augment the appropriated funds authorized by this bill and provide Amtrak and the States with a reliable, multi-year source of capital for major projects. We look forward to working with the Finance Committee to consider this proposal.

Our bill also requires significant reforms of Amtrak: The system's supporters and detractors alike agree that it is time to reauthorize the Corporation so that Amtrak has congressional guidance on how to proceed with important reform initiatives needed to improve service, grow revenues, and cut costs.

People in New Jersey rely on Amtrak and want to be sure that the system will be there for them in the future. With this plan, it will.

Last year, 93 Senators voted for this plan. I ask that my colleagues, once again, join Senator LOTT and myself in supporting this important bill that will bring America's passenger rail system into the 21st Century.

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

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

S. 294

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passenger Rail Investment and Improvement Act of 2007''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.
(2) 11 percent for fiscal year 2008.
(3) 23 percent for fiscal year 2009.
(4) 25 percent for fiscal year 2010.
(5) 31 percent for fiscal year 2011.
(6) 33 percent for fiscal year 2012.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use

of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.
(B) For fiscal year 2008, $153,400,000.
(C) For fiscal year 2009, $180,600,000.
(D) For fiscal year 2010, $182,800,000.
(E) For fiscal year 2011, $189,400,000.
(F) For fiscal year 2012, $202,600,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.
(B) For fiscal year 2008, $131,300,000.
(C) For fiscal year 2009, $121,700,000.
(D) For fiscal year 2010, $111,900,000.
(E) For fiscal year 2011, $101,900,000.
(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

''(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity

within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well

served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

''(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

''(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

''(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

''(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

''(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

''(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

''(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).''.

(b) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears and inserting ''Board'';

(3) by striking ''Secretary of Transportation'' in subsection (c) and inserting ''Board''; and

(4) by striking ''Secretary'' the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting ''Board''.

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

''§ 24710. Long distance routes

''(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

''(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

''(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

''(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

''(1) on-time performance;

''(2) scheduling, frequency, routes, and stops;

''(3) the feasibility of restructuring service into connected corridor service;

''(4) performance-related equipment changes and capital improvements;

''(5) on-board amenities and service, including food, first class, and sleeping car service;

''(6) State or other non-Federal financial contributions;

''(7) improving financial performance; and

''(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

''(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

''(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

''(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

''(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

''(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

''(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

''(2) shall provide an opportunity for a hearing with respect to that determination; and

''(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

''24710. Long distance routes''.

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

''§ 24711. Alternate passenger rail service program

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

''(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

''(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

''(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

''(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

''(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

''(B) an operating subsidy—

''(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

''(ii) for any subsequent years at such level, adjusted for inflation; and

''(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

''(b) IMPLEMENTATION.—

''(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

''(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

''(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

''(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

''(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

''(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

''(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

''(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

''(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

''(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

''(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

''(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

''(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

''24711. Alternate passenger rail service program''.

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety and security enhancements;

''(7) equipment design;

''(8) marketing of rail services; and

''(9) future capacity requirements.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

''(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

''(A) the Secretary;

''(B) Amtrak;

''(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

''(D) commuter agencies;

''(E) rail passengers;

''(F) rail labor;

''(G) the Transportation Security Administration; and

''(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.''.

(b) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(1) inserting ''commuter rail passenger'' after ''between''; and

(2) striking ''freight'' in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than January 30, 2008.

(3) INTERIM AGREEMENT.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak,

shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

"§ 24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability''.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

''CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.

"§ 24401. Definitions

''In this subchapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or

construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

''§ 24402. Capital investment grants to support intercity passenger rail service.

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that also improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits.

''(D) Projects that are—

''(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work

agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2007 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) PUBLIC-PRIVATE PARTNERSHIPS.—

''(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

''(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

''(B) cost-sharing of any project expense;

''(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

''(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

''(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection

if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

''(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

''(2) the Alaska Railroad or its contractors; or

''(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance.....24401''.

(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance.....24401''.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''Sec.
''22501. Definitions
''22502. Authority
''22503. Purposes
''22504. Transparency; coordination; review
''22505. Content
''22506. Review

''§ 22501. Definitions

''In this subchapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.''.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans .....22501''.

(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans .....24401''.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting ''IN GENERAL.—'' before ''The Federal'' in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting ''ADMINISTRATOR.—'' before ''The head'' in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

''(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.'';

(5) by inserting ''POWERS AND DUTIES.—'' before ''The'' in subsection (d), as redesignated;

(6) by striking ''and'' after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

''(2) the duties and powers related to railroad policy and development under subsection (e); and'';

(8) by inserting ''TRANSFERS OF DUTY.—'' before ''A duty'' in subsection (e), as redesignated;

(9) by inserting ''CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—'' before ''Subject'' in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

''(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

''(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

''(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

''(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

''(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

''(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

''(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

''(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

''(h) PERFORMANCE GOALS AND REPORTS.—

''(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

''(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.''.

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

''§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program''.

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 400. SHORT TITLE.

This title may be cited as the ''Surface Transportation and Rail Security Act of 2007''.

SEC. 401. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2008.

SEC. 402. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 401, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009; and

(3) $30,000,000 for fiscal year 2010.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 403. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 416(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 404. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not

owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 401, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 401, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 401, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 402(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 401 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2008;

(2) $100,000,000 for fiscal year 2009; and

(3) $100,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 405. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 404(g) of this title); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 401.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 404(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title,, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $33,000,000 for fiscal year 2008;

(2) $33,000,000 for fiscal year 2009; and

(3) $33,000,000 for fiscal year 2010.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 406. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under this title to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 407. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Surface Transportation and Rail Security Act of 2007 Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—Out of funds appropriated pursuant to section 416(b) of the Surface Transportation and Rail Security Act of 2007, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 408. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 409. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 410. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

''§ 20118. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

''20118. Whistleblower protection for rail security matters.''.

SEC. 411. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 404(g) of this title to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 412. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 413. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 414. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 415. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 405 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 404(g) of this title) with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, as amended by section 416 of this title, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $205,000,000 for fiscal year 2008;

''(2) $166,000,000 for fiscal year 2009; and

''(3) $166,000,000 for fiscal year 2010.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

Mr. LOTT. Mr. President, I just want to take a few moments to talk about Amtrak and inter-city passenger rail.

In the last Congress, I worked with Senators STEVENS, INOUYE, and LAUTENBERG—and other members of the Commerce Committee—to develop S. 1516, the Passenger Rail Investment and Improvement Act.

Last year during the Senate's consideration of the reconciliation bill I offered an amendment to add the text of S. 1516. The amendment passed by a vote of 93 to 6. So I know there is widespread support for this legislation.

Today we are introducing the same bipartisan legislation in hopes of gaining the same level of support as we did in the last Congress.

The bill was developed with input from the Administration, the Department of Transportation's Inspector General, States, Amtrak Board members, and many others.

The bill makes a number of important reforms to Amtrak, and has three major themes: Amtrak Reform and Accountability; cost cutting; and, creating funding options for States.

By increasing executive branch oversight over Amtrak, this bill ensures that the taxpayers' money is used more effectively. Under its past President, David Gunn, Amtrak has made some improvements in its management. However, much remains to be done. Amtrak must be run more like a business. This bill requires Amtrak to develop better financial systems and to evaluate its operations objectively. It forces Amtrak to improve the efficiency of long distance train service. The bill reduces Amtrak's operating subsidy by 40 percent by 2011 by requiring Amtrak to use its funding more effectively,

The bill promotes a greater role for the private sector by allowing private companies to bid on operating Amtrak routes.

The bill also creates a new rail capital grant program that States can use to start new inter-city passenger rail service. This will be the first time that States will have a Federal program they can use for passenger rail, putting intercity passenger rail on a similar footing to highways, transit, and airports, all of which have Federal assistance programs for infrastructure. States won't have to rely only on Amtrak for intercity passenger rail service.

I look forward to working with my colleagues on both sides of the aisle to get this bipartisan legislation signed into law this year

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By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. VOINOVICH, Mr. DURBIN, and Mr. SCHUMER):

S. 295. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

Ms. LANDRIEU. Mr. President, I rise today to reintroduce the Servitude and Emancipation Archival Research Clearing House, SEARCH, Act of 2007, a bill that will establish a national database consisting of historic records of servitude and emancipation in the United States to assist African Americans in researching their genealogy. Additionally, Congressman ELIJAH CUMMINGS is reintroducing a companion to this bill on the House side because we both believe in its importance.

It is a very human instinct for people to want to understand who they are from the lenses of who are their ancestors and where are they from. This is the very reason I stand before you today to reintroduce this piece of very important legislation. Unfortunately, African Americans who attempt to trace their genealogy encounter huge hurdles in reclaiming the usual documentary history that allows most Americans to piece together their heritage. W.E.B. Dubois once said that, ''There is in this world no such force as the force of a person determined to rise, for the human soul cannot be permanently chained.'' The Servitude and Emancipation Archival Research ClearingHouse, SEARCH, Act of 2007 gives African Americans the tools they need to rise above the unique challenges and hardships they face in order to trace their genealogy. The SEARCH Act establishes a national database within the National Archives and Records Administration, NARA, housing various documents that would assist those in search of a history that, because of slavery, is almost impossible to find in the most ordinary registers and census records.

Traditionally, someone researching their genealogy would try looking up wills and land deeds; however, enslaved African Americans were prohibited from owning property. In fact, African Americans, must frequently rely on the records of slave owners—most of which are in private hands—in hope that they had kept records containing birth and death information. Even if records do exist, many African Americans in the past did not have formal last names, thus compounding the difficulty of tracing their lives. The omission of surnames also precludes use of the most popular and major source of genealogical research, the United States Census. Furthermore, letters, diaries, and other first-person records used by most genealogical researchers are scarcely available for slaves, owing to the fact that they could not legally learn to read or write.

Even after the Emancipation Proclamation was given in 1865, we would think that African Americans could begin using traditional genealogical records like voter registrations and school records. However, African Americans did not immediately begin to participate in many of the privileges of citizenship, including voting and attending school. Discrimination meant that African Americans were barred from sitting on juries or owning businesses. Segregation meant segregated neighborhoods, schools, churches, clubs, and fraternal organizations, and thus segregated societies maintained segregated records. For example, some telephone directories in South Carolina did not include African Americans in the regular alphabetical listing, but rather at the end of the book. An African American must maneuver these distinctive nuances in order to conduct proper genealogical research. In my own State of Louisiana, descendants of the 9th Cavalry Regiment and 25th Infantry Regiment, known as the Buffalo Soldiers, would have to know to look in the index of United States Colored Troops since there is no mention of them in the index of State Military Regiments.

Abraham Lincoln said, ''a man who cares nothing about his past can care little about his future.'' By providing $5 million for the National Historical Publications and Records Commission to establish and maintain a national database, the SEARCH Act has the potential to significantly reduce the time and painstaking efforts of those African Americans who truly care about their American past to contribute to the American future. This bill also seeks to authorize $5 million for States, colleges, and universities to preserve, catalogue, and index records locally.

In a democracy, records matter. The mission of NARA is to ensure that anyone can have access to the records that matter to them. The SEARCH Act of 2007 seeks to fulfill that mission by helping African Americans navigate genealogical research sources and negotiate the unique challenges that confront them in this process. No longer should any American have to wait to learn information, which in itself can offer such freedom.

I don't believe there is a more appropriate time than now to pass this piece of legislation, on the day before we honor the legacy of a man who spent his life as an advocate of freedom, Dr. Martin Luther King, Jr. Dr. King once said, ''Our lives begin to end the day we become silent about things that matter.'' Mr. President, this piece of legislation does matter and I ask my colleagues to join me in passing the SEARCH Act of 2007.

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

S. 298. A bill to provide incentives for renewable energy production, to increase fuel economy standards for automobiles, and to provide tax incentives for renewable energy production; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce a significant bill to improve energy efficiency in this Nation and reduce greenhouse gas emissions.

The bill I am introducing will promote the development of additional forms of renewable energy and also pave the way for improved fuel consumption by vehicles. I rise to introduce the Renewable Energy, Fuel Reduction, and Economic Stabilization and Enhancement Act of 2007, or the REFRESH Act, for short.

I consider this a balanced measure, a companion to a bill introduced recently by Alaska's Senior Senator TED STEVENS who proposed to raise the fuel efficiency of automobiles to 40 miles per gallon within a decade, a bill I am proud to be a cosponsor of. This bill will promote alternative energy by providing grants and tax credits to promote development of geothermal power, all forms of ocean energy and small hydro electric development.

The bill also seeks to reduce American fossil fuel consumption by nearly 5 million barrels of oil a day by 2025 by not only supporting an increase in the Corporate Average Fuel Efficiency Standard, CAFE, for automobiles, as

proposed by Senator STEVENS, but by also requiring a study of whether to mandate that a CAFE standard to be imposed on commercial trucks. The bill also requires an improvement in the efficiency of replacement tires for all passenger cars, provides grants to States and local communities to encourage a reduction in traffic congestion by helping States to set up telecommuting and flexible-work programs to keep motorists off roadways during rush hours, and extends and removes a cap on tax credits to encourage the purchase of hybrid and advanced fuel efficient lean-burn vehicles. The bill also authorizes $100 million in additional research assistance for plug-in hybrid and battery storage technology development.

The bill also includes a truth in advertising provision requiring that the CAFE standards for vehicles be based on the actual fuel economy that the vehicles will achieve under real-world driving conditions, where acceleration, the use of air conditioning and stop and go driving is considered rather than on a three-decades old testing formula.

The bill will reduce carbon dioxide emissions from fossil fuel usage by about 530 million metric tons in the United States by 2025—a 7 percent cut over what emissions otherwise are predicted to be that year. Coming from Alaska where there is no question but that warming temperatures have been in place in recent years, it only makes sense that we take common sense steps now to improve fuel efficiency, to promote the development of a wider range of alternative energy technologies and to encourage Americans to buy more fuel efficient vehicles, as long as their ability to drive safe and affordable vehicles of their own choosing is protected.

This bill is a careful balance of steps we can take to reduce fuel usage and thus greenhouse gas emissions, but also of provisions that are economic for Americans to undertake, and will pay for themselves in reduced fuel costs, sometimes in very short order. It will be good insurance for the environment, but also good for the pocketbooks of Americans.

Americans understand that we are in a current warming trend. Just this week, our government reported that 2006 was the warmest year worldwide in over a century. There are dozens of examples of the effects on the environment that the warming climate of the past three decades has caused. While I believe the ultimate cause of the climate change we are seeing is not yet certain, it is our responsibility to take affordable steps now to reduce fuel consumption, increase the use of alternative, non-fossil-fuel technologies, and to reduce carbon dioxide and other greenhouse gas emissions.

This bill, paired with previous legislation by my colleague Senator TED STEVENS that specifically raises the CAFE standard by 2017, S. 183, will require automobile makers, if it is technologically feasible, to improve fuel efficiency. I am proud to be a supporter of that measure. The two bills will have a host of policy and economic advantages. They will make us less dependent on imported oil, improving our national security and reducing the money we spend overseas to buy imported crude oil. And they will produce more jobs in America through the development of new alternative-fuel industries.

The bill I introduce today, for example, will require all tire manufacturers to make and sell only low, rolling, resistance tires for replacement tire purposes within five years—the same tires found on new cars today. The tires, while they will add on average $20 to the cost of a set of two replacement tires, will improve fuel efficiency by 1.5 to 4.5 percent. Thus if the price of gasoline is only $2 a gallon, drivers will save from $87 to $260 a year in fuel costs per year, the change saving the typical driver money within the first year, according to estimates by the National Commission on Energy Policy that recommended the change in a 2005 report.

The bill also will require the National Highway Traffic Safety Administration (NHTSA) to study the savings that would result and the costs of imposing a CAFE standard on commercial trucks, a key requirement before Congress can actually impose such a standard. Commercial trucks consume between 1.5 and 2 million barrels of oil a day in fuel. According to estimates by the Department of Energy's 21st Century Truck Program and by Argonne National Laboratory, fuel economy for tractor-trailers should be able to improve by 30 to 60 percent by 2015 through use of a CAFE standard. While such improvements might increase the cost of a tractor-trailer by $7,000 at time of purchase, it would save some $11,000 in fuel costs over the life of the vehicle, achieving payback for the typical truck owner in less than three years. Imposing such a CAFE on trucks was proposed by the Energy Security Leadership Council in a report just last month.

The $50 million in grants to reduce traffic congestion could pay for themselves nearly immediately, since the National Commission on Energy Policy estimated that American motorists consume between 65,000 and 260,000 barrels of oil a day in wasted fuel because of urban traffic congestion, costing the Nation up to $13 million a day at current fuel prices.

And the tax credit provisions, making all forms of ocean energy: wave, current, tidal and thermal, and small hydro electric power qualified to receive the Federal Production Tax Credit that currently reduces the cost of wind, solar and biomass energy by 1.9 cents per kilowatt hour generated, would help to increase renewable energy production nationwide. Geothermal energy is already covered by the PTC, as are wind, solar and biomass projects.

Congress two years ago in the Energy Policy Act of 2005, which I helped formulate, provided both grant and the tax assistance to encourage the development of wind, solar and biomass energy. But when you consider that large portions of the country, including 70 percent of Alaska, may contain geothermal resources, that there are thousands of lakes and small rivers and creeks that can power small-scale hydro electric development without requiring dams or affecting fisheries or the environment in the least, and that thousands of miles of U.S. coastlines and river systems can generate electricity from emerging ocean energy systems, it only makes sense to expand the scope of Federal assistance to encourage wider development and use of these other renewable technologies.

The Electric Power Research Institute has estimated that wave energy off U.S. coasts alone could conservatively generate 252 million megawatt hours of electricity, 6.5 percent of all energy now produced in America. Alaska has nearly 80 coastal and river communities that could benefit greatly by development of ocean energy systems. To facilitate ocean and geothermal development, the bill authorizes $100 million in Federal research and development grant assistance to both types of development.

This bill is not a cure all for all of our energy woes. I recently co-sponsored legislation by Senators JIM BUNNING and BARACK OBAMA that will provide additional incentives to develop fuel from coal and that will encourage the sequestration of carbon from coal processed in fuel-to-liquid plants. I will support additional assistance to promote wind, solar and biomass alternative energy development. I have supported and will continue to support development of the next generation of nuclear power that can produce energy without any greenhouse gas emissions. And I will continue to support research and development of biofuels, such as ethanol, especially celluosic ethanol, and of development of hydrogen-fueled vehicles and fuel distribution systems for the new fuels.

I also will support production of more domestic energy from conventional sources, whether it be more oil and natural gas from the ground onshore and from under some of our seas offshore where it can be done in an environmentally friendly way, or more novel forms of fossil fuels, be they from oil shales, oil sands, coal or from gas hydrate deposits. In my view we need to do everything we can to find economic forms of the energy we will need during the remainder of the 21st Century.

This bill only represents one piece of a balanced plan to improve this Nation's energy outlook. But it is an important piece. This bill has the ability to restore and refresh our environment

by reducing greenhouse gas emissions. It will encourage development of more renewable energy. We can't afford not to find the funds to pay for its provisions.

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

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

S. 298

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Renewable Energy, Fuel Reduction, and Economic Stabilization and EnHancement Act of 2007'' or the ''REFRESH Act''.

TITLE I—RENEWABLE ENERGY INCENTIVES

SEC. 101. GEOTHERMAL POWER.

(a) IN GENERAL.—The Secretary of Energy, acting through the Office of Energy Efficiency and Renewable Energy (referred to in this title as the ''Secretary''), shall make grants to eligible entities (as determined by the Secretary) to promote geothermal power development, including high- and low-temperature geothermal power development.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

SEC. 102. OCEAN ENERGY.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities (as determined by the Secretary) to develop all forms of ocean energy (including wave, current, tidal, and thermal energy).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

SEC. 103. PLUG-IN HYBRID ELECTRIC-COMBUSTION ENGINE VEHICLES.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities (as determined by the Secretary) to assist in the development of new technology (including storage batteries or other forms of technology) to assist automobile manufactures in the production of plug-in hybrid electric-combustion engine vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000.

TITLE II—FUEL EFFICIENCY STANDARDS

SEC. 201. TRUTH IN TESTING OF CAFE STANDARDS.

(a) TESTING AND CALCULATION PROCEDURES.—

(1) IN GENERAL.—Section 32904(c) of title 49, United States Code, is amended by striking ''However, except under section 32908 of this title, the Administrator shall use the same procedures for passenger automobiles the Administrator used for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle),'' and insert ''In measuring fuel economy under this subsection, the Administrator shall use the procedures described in the final rule relating to fuel economy labeling published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; to be codified at 40 C.F.R. parts 86 and 600)''.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 5 years after the date of the enactment of this Act and shall apply to passenger automobiles manufactured after such date.

(b) STUDY AND REPORT.—

(1) STUDY.—The Administrator of the National Highway Traffic Safety Administration shall conduct a study of the anticipated economic impacts and fuel saving benefits that would result from a requirement that all vehicles manufactured for sale in the United States with a gross vehicle weight of not less than 10,000 pounds meet specific average fuel economy standards.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report to Congress that includes—

(A) the results of the study conducted under paragraph (1); and

(B) a recommendation on whether the vehicles described in paragraph (1) should be subject to average fuel economy standards.

SEC. 202. TIRE RESISTANCE STANDARDS.

Section 30123 of title 49, United States Code, is amended by adding at the end the following:

''(d) LOW ROLLING RESISTANCE TIRES.—Not later than 5 years after the date of the enactment of this subsection, all passenger automobile tires sold in the United States shall meet the low rolling resistance standards prescribed by the Administrator of the National Highway Traffic Safety Administration.''.

SEC. 203. TRAFFIC REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Transportation may award grants to States to develop telecommuting and flexible work scheduling incentives that will reduce traffic congestion in urban areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 2008 to carry out the grant program established under this section. Any sums appropriated pursuant to this subsection shall remain available until expended.

TITLE III—TAX CREDITS

SEC. 301. EXPANSION OF CREDIT FOR PRODUCTION OF ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) EXPANSION OF RESOURCES TO WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) wave, current, tidal, and ocean thermal energy.''

(2) DEFINITION OF RESOURCES.—Section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(10) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL ENERGY.—The term 'wave, current, tidal, and ocean thermal energy' means electricity produced from any of the following:

''(A) Free flowing ocean water derived from tidal currents, ocean currents, waves, or estuary currents.

''(B) Ocean thermal energy.

''(C) Free flowing water in rivers, lakes, man made channels, or streams.''

(3) FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) WAVE, CURRENT, TIDAL, AND OCEAN THERMAL FACILITY.—In the case of a facility using resources described in clause (i), (ii), or (iii) of subsection (c)(10)(A) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2009, but such term shall not include a facility which includes impoundment structures or a small irrigation power facility.''

(b) EXPANSION OF SMALL IRRIGATION POWER.—Paragraph (5) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(5) SMALL IRRIGATION POWER.—The term 'small irrigation power' means power—

''(A) generated without any dam or impoundment of water through—

''(i) through an irrigation system canal or ditch, or

''(ii) utilizing lake taps, perched alpine lakes, or run-of-river with diversion, and

''(B) the nameplate capacity rating of which is less than 15 megawatts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced in taxable years ending after the date of the enactment of this Act.

SEC. 302. EXTENSION AND MODIFICATION OF NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT FOR PLUG-IN HYBRIDS.

(a) EXTENSION.—

(1) NEW QUALIFIED HYBRID PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—Paragraph (2) of section 30B(j) of the Internal Revenue Code of 1986 is amended by inserting ''(December 31, 2012, in the case of a new qualified hybrid motor vehicle which is recharged by means of an off board device)'' after ''December 31, 2010''.

(2) OTHER QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(j) of the Internal Revenue Code of 1986 is amended by inserting ''(December 31, 2012, in the case of a new qualified hybrid motor vehicle which is recharged by means of an off board device)'' after ''December 31, 2009''.

(b) ELIMINATION OF LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR FULL ALTERNATIVE MOTOR VEHICLE TAX CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j), as amended by subsection (a), as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(g) of such Code, as redesignated by paragraph (1)(B), are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''(determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

By Mr. COLEMAN:

S. 299. A bill to amend the Internal Revenue Code of 1986 to extend increased expensing for small businesses; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation to extend increased expensing for small businesses be printed in the RECORD.

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

S. 299

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

SECTION 1. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) EXTENSION.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended by striking ''2010'' each place it appears and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. KYL (for himself, Mr. ENSIGN, Mr. REID, and Mrs. FEINSTEIN):

S. 300. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senators ENSIGN, FEINSTEIN and REID to introduce the Lower Colorado River Multi-Species Conservation Program Act. This bipartisan legislation is designed to protect and maintain wildlife habitat on the lower Colorado River and to provide assurances to the affected water and power agencies of Arizona, California, and Nevada that their river operations may continue upon compliance with the underlying program. This bill is nearly identical to legislation I introduced late last year with Senators ENSIGN, FEINSTEIN, and REID.

The Lower Colorado River Multi-Species Conservation Program, otherwise known as the MSCP, is a comprehensive, cooperative effort among 50 Federal and non-Federal entities in Arizona, California, and Nevada whose purposes are to 1. protect the lower Colorado River environment while ensuring the certainty of existing river water and power operations; 2. protect threatened endangered wildlife under the Endangered Species Act; and 3. prevent the listing of additional species on the lower Colorado River.

To accomplish these goals, the MSCP will create more than 8,100 acres of riparian, marsh, and backwater habitat and implement additional measures to protect 26 endangered, threatened and sensitive species. The program covers approximately 400 miles, including the full-pool elevations of Lake Mead to the United States-Mexico Southerly International Boundary.

The program costs will be spread over 50 years, and split 50–50 between the Federal Government and the non-Federal entities covered by MSCP. Arizona and Nevada will each bear 25 percent of the non-Federal costs and California will bear 50 percent of the non-federal costs.

Although implementation of the program began in April 2005 under the U.S. Department of the Interior's existing authority, legislation is needed to protect the substantial financial commitments that the non-Federal parties are making to species protection . To that end, the bill 1. expressly authorizes appropriations to cover the Federal share of the program costs; 2. directs the Secretary of the Interior to manage and implement the MSCP in accordance with the underlying program documents; and 3. provides a waiver of sovereign immunity to allow the non-Federal parties to enforce, if necessary, the underlying program documents. The waiver, however, does not allow an action to be brought against the United States for money damages.

Late in 2006, the House Committee on Resources, Subcommittee on Water and Power held a comprehensive field hearing in Arizona on the MSCP Act. The hearing highlighted the significance of the program to Colorado River users in Arizona, California, and Nevada and demonstrated the strong support for the legislation. Unfortunately, Congress adjourned before it could take action on the bill. We hope for its swift passage in the 110th Congress.

By Mrs. CLINTON (for herself, Mr. DURBIN, Ms. MIKULSKI, and Mr. LIEBERMAN):

S. 301. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to meet the needs of non-traditional college students. If enacted, The Non-Traditional Student Success Act would expand services that promote retention and graduation for non-traditional students.

The number of non-traditional students has been increasing dramatically on college campuses all across America. These students face unique challenges to completing their degree that include affording their education, balancing work, school, and family responsibilities, overcoming inadequate academic preparation, and navigating the college environment. Unfortunately, many of our current higher education policies make it harder, not easier for these students to complete their degree.

In fact, among students seeking a bachelor's degree, nearly half of non-traditional students leave college within the first 3 years before completing their studies, compared with 12 percent of traditional students. Similarly, among those seeking an associate's degree, 62 percent of non-traditional students left without any degree, compared with 19 percent of traditional students. This trend has a disproportionate impact on minority communities especially when considering over 80 percent of both black and Hispanic undergraduate students are non-traditional in some way. This trend must end if we are to ensure that all students are awarded an equal opportunity to compete for jobs in today's marketplace.

We must take a step forward with a positive agenda in the 110th Congress to ensure that all students are able to successfully acquire a college education as doing so is essential to our economic prosperity. That is why I have introduced the Non-Traditional Student Success Act.

The Non-Traditional Student Success Act will tear down the financial barriers many non-traditional students face when financing their college education. By allowing students access to their Federal Pell grants year-round while increasing the maximum Pell grant award to $12,600 over the next 5 years, this bill will not only help students pay for college but also allow them the opportunity to complete programs more quickly. This legislation also creates a pilot program to provide more financial aid—grants and loans—to students enrolled in a degree program less than half-time.

This legislation will also expand services that promote retention and graduation for non-traditional students. The Non-Traditional Student Success Act will increase funding for Student Support Service programs, GEAR–UP, mentoring, tutoring and other services to help non-traditional students succeed. While spending for remediation among U.S. colleges and universities approaches the $1 billion mark, this bill create incentives for institutions to customize their courses to help students more successfully complete remedial work and graduate into academic programs.

I am happy to report that two of the provisions from the previously introduced Nontraditional Student Success Act were enacted into law through the Deficit Reduction Act of 2005. These provisions, expanding the use of Pell grants for less than half-time students and a provision to reduce the work penalty for independent students, will provide more options to non-traditional students in financing their college education.

The fact is, three out of four undergraduate students—75 percent—are non-traditional in some way. My bill will increase access to a higher education and improve the graduate rates for the millions of non-traditional students.

The start of a new Congress brings an opportunity to provide critical changes in higher education and offer assistance to non-traditional students. This proposal is endorsed by the Commission on Independent Colleges and Universities, The Center for Law and Social Policy, Career Colleges Association, and the American Association of Community Colleges.

I am hopeful that my Senate colleagues from both sides of the aisle will join in support of this bill and move this legislation to the floor without delay.

By Mr. VOINOVICH:

S. 304. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and

for other purposes; to the Committee on the Budget.

Mr. VOINOVICH. Mr. President, a fiscal crisis looms on the horizon. As the Nation's demographic tide begins to shift, a fiscal tidal wave threatens to overwhelm our economy if we do not act now. Our irresponsible fiscal policies have created a grave situation that more and more people—Republicans and Democrats—are coming to recognize. We can no longer sit back and hope things will work themselves out. A potential national disaster threatens to devastate our way of life, and we have a moral responsibility to do something about it.

In the simplest of terms, the Federal Government continues to spend more than it brings in. But, running the credit card for today's needs and leaving the bill for future generations should not be the policy of this Congress.

An historical perspective helps to highlight the gravity of our current situation.

The Fiscal Year 2006 budget deficit was $248 billion—the seventh largest deficit in our Nation's history. However, if we don't include the money we're borrowing from the Social Security Trust Fund, the Fiscal Year 2006 budget deficit was $434 billion.

I arrived in Washington in 1999, and in the 8 short years since, our national debt has increased by over 50 percent from $5.6 trillion to a staggering $8.6 trillion. It represents 67 percent of the GDP—the worst number in 50 years. This means that each man, woman, and child in the United States owes $29,000 of the Federal Government's debt.

And yet, these numbers pale in comparison with the budget problems looming in our future as the Baby Boom generation begins to retire less than a year from now, on January 1, 2008. Our long-term fiscal imbalance is $50 trillion. That's hard to even grasp, but it translates into $440,000 of future government debt for every American household—up from a mere $175,000 per household just 6 years ago.

If we do not sharply curb entitlement spending, the continual growth of these programs—especially in healthcare—will crowd out all our other spending obligations and collide with historic, long-term level of taxes. To put it in perspective, balancing the budget without reforming entitlement programs will require raising taxes to European levels. And, that would cripple our ingenuity and economy.

So, what must be done?

Congress must view our tax code, entitlement programs, and budget process as the three components—or pillars—of the nation's fiscal foundation, and not as separate entities. Each is intricately linked to the other two pillars. We must reform all three areas to raise the necessary revenue to ensure effective and responsible behavior by Congress and federal agencies, to keep our obligations to future generations, and to keep our nation strong.

First, we need fundamental tax reform to help make the tax code simple, fair, transparent, and economically efficient. According to the President's tax panel and the Mack-Breaux report, only 13 percent of taxpayers file without the help of either a tax preparer or computer software program—a function of the complexity of the system. Since enacting the Tax Reform Act of 1986—legislation intended to simplify the filing process for taxpayers—15,000 additions have been made to the Internal Revenue Code.

We cannot consider tax reform, however, without reforming our growing entitlement programs. Our already massive debt will spike yet higher as entitlements such as Social Security, Medicare, and Medicaid witness a surge of beneficiaries in the form of retiring Baby Boomers. This mounting debt will soon become a burden our children cannot bear, dragging down our standard of living and our standing in the world.

Finally, we must restore the third pillar of our fiscal foundation—the budget process. Together we can streamline the system to help lock in long term tax and entitlement reforms. In the past, every major deficit reduction package has included a series of budget process reforms and enforcement mechanisms designed to prevent Congress from undoing tough choices in future years. By transforming the budget process, we can fight back against the all-too-common practice of gaming the system.

While some of our colleagues claim we need tax reform, others claim we need entitlement reform. The bill I am introducing today, however, is the only bill that does it all—because you can't reform one without the other, or it's doomed to fail.

The Securing America's Future Economy Commission Act establishes a national, bipartisan commission to examine these broken systems and to present solutions to place the nation on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations.

The Commission will be comprised of 16 voting members—an equal number of members from each party, with some seats reserved for sitting members of Congress. The Treasury Secretary and the OMB Director will be members, and the other 14 will be appointed by congressional leaders.

The Commission will hold town hall meetings throughout the country to determine the scope of the problem and consider possible policy options. The Commission will present a report—and, if a three-fourths majority of the Commission agrees, they will present actual legislation to Congress.

The administration and Congress will each have 90 days to review the proposal and develop an alternative package of reforms if they believe it's necessary. The most important point is that this legislation uses a fast-track procedure to guarantee a vote in Congress on the Commission's legislation and the congressional and presidential alternatives.

Outside groups across the political spectrum have shown support for our efforts, as have business executives—who view our efforts as an economic necessity—and religious leaders—who view our efforts as a moral necessity. And, when you look at the numbers, it is clear why. We have a moral obligation to improve the fiscal health of our Nation. Otherwise, our children and grandchildren are going to celebrate America's past and the good old days, rather than the future and the good new days.

Restoring our Nation's fiscal health will require hard, bipartisan work and tough decisions. That work, however, must begin immediately. We cannot afford to put it off any longer.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. ENZI, and Mr. HARKIN):

S. 305. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Congress will be working on a rewrite of the current farm bill during the 110th Congress and I will be looking for ways to improve the economic condition of America's farmers. However, one of the many shortcomings of the 2002 farm bill is that it failed to protect family farmers and independent livestock producers from vertical integration in the livestock industry. This is one reason why I voted against the final conference report.

Over the years, family farmers from across Iowa have contacted me to express their fears about the threat they feel from concentration in the livestock industry. They fear that if the trend toward increased concentration continues, they may be unable to compete effectively and will not be able to get a fair price for their livestock in the marketplace.

The bill I am introducing would prevent meat packers from assuming complete control of the meat supply by preventing packers from owning livestock.

This bill would make it unlawful for a packer to own or feed livestock intended for slaughter. Single pack entities and packs too small to participate in the Mandatory Price Reporting program would be excluded from the limitation. In addition, farmer cooperatives in which the members own, feed, or control the livestock themselves would be exempt under this new bill.

This is a similar version I successfully offered on the floor during the debate on the 2002 farm bill.

It's important for our colleagues to remember that family farmers ultimately derive their income from the agricultural marketplace, not the farm bill. Family farmers have unfortunately been in a position of weakness

in selling their product to large processors and in buying their inputs from large suppliers.

Today, the position of the family farmer has become weaker as consolidation in agribusiness has reached all time highs. Farmers have fewer buyers and suppliers than ever before. The result is an increasing loss of family farms and the smallest farm share of the consumer dollar in history.

One hundred years ago, this Nation reacted appropriately to citizen concerns about large, powerful companies by establishing rules constraining such businesses when they achieved a level of market power that harmed, or risked harming, the public interest, trade and commerce. The United States Congress enacted the first competition laws in the world to make commerce more free and fair. These competition laws include the Sherman Act, Clayton Act, Federal Trade Commission Act and Packers & Stockyards Act.

Since that time, many countries in the world have followed this U.S. example to constrain undue market power in their domestic economies.

Unfortunately, competition policy has been severely weakened in this country, especially in agriculture, due to Federal case law, underfunded enforcement, and unfounded reliance on efficiency claims. The result has been a significant degradation of the domestic agricultural market infrastructure. The current situation reflects a tremendous mis-allocation of resources across the food chain. Congress must strengthen competition policy within the farm sector to reclaim a properly operating marketplace.

While this legislation does not accomplish all that we need to do in this area, it's an important first step toward remedying the biggest problem facing farmers today, the problem of concentration.

Thank you Mr. President; I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 305

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

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

By Mr. DODD:

S. 308. A bill to prohibit an escalation in United States military forces in Iraq without prior authorization by Congress; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, last week President Bush announced a plan to escalate U.S. military involvement in Iraq, the continuation of his failed policy in Iraq. I am strongly opposed to this course.

That is why I have introduced legislation today that will prohibit the number of troops in Iraq from exceeding the current force levels without an explicit authorization from Congress. As of January 16, 2007, United States Central Command reports 130,500 American service-members operating within the borders of Iraq.

It is my hope that Congress can begin debate on my proposal and others that may be forthcoming before the week is out. It is imperative that we in Congress act swiftly on this crucial issue.

Let's be very clear, my bill does not prohibit additional funding for American troops who are currently in harms way. I will continue to do everything that I can to support our troops so long as they are stationed in Iraq. My bill would prohibit President Bush from increasing the number of U.S. servicemembers in Iraq without prior authorization from Congress.

The President's decision to escalate U.S. military involvement is a true disservice to American troops who have shown nothing but professionalism and courage, and who should not be asked to risk their lives to become cannon fodder in a civil war rife with ethnic cleansing.

Moreover, I do not believe that the authorization provided by Congress in 2002 gives the President unlimited authority to send additional troops to Iraq for a mission which is completely different from the one the President himself articulated in March 2002, shortly after committing U.S. forces to Iraq. On March 22, 2002, the President of the United States said that our goal in invading Iraq was ''to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people.''

We all now know that there were no weapons of mass destruction in Iraq to be disarmed. So we can no longer justify an additional troop presence on the grounds of WMDs. Saddam Hussein is no longer in a position to support terrorism, or anything else for that matter. As for freeing the Iraqi people—Iraq's dictator is dead and the Iraqi people have duly elected their own leaders to govern them.

Nothing in the 2002 resolution, or in the President's articulation of his goals for Iraq prior to that resolution suggested that the United States would, could, or should be engaged in trying to referee a civil war.

So Congress is confronted with two choices—do nothing; or respond decisively in opposition to staying the course—a course that is sure to produce an even more violent, less stable political and security climate in Iraq.

To me, that choice is clear. Leadership demands that those of us who think the President is on the wrong track, not simply stand up and say so, but act to stop this escalation from going forward.

I know that enacting legislation to stop the President from the course he has chosen will not be easy. But that doesn't mean that the Congress shouldn't debate it and vote on it—that is exactly what the American people sent us to Congress to do.

We have arrived at a moment of choice. The President and this Administration have chosen escalation—more bloodshed, more chaos, and more violence. If the President wants to escalate our military commitment to Iraq, and if the President wants to send more troops into the center of a civil war, then the President must make that case to the United States Congress and let the full Congress vote on the merits of such a plan.

The President has stated that he believes that as Commander-in-Chief he has the authority to order troops to Iraq in the face of Congressional opposition. We are a Nation of laws. The President is not above those laws. If Congress passes legislation to limit the deployment of troops to Iraq, the President will no longer have the luxury of ignoring the views of the Congress, a co-equal branch of government. And the time for a blank check is over.

By Mr. SANDERS (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mr. FEINGOLD, and Mr. WHITEHOUSE):

S. 309. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing the Global Warming Pollution Reduction Act of 2007. There are many critically important issues that we face, including education, health care, the growing and inexcusable economic inequality in this country, and the situation in Iraq. Among these issues has to be the threat faced by the earth itself due to global warming and that is why this legislation is the first bill that I am introducing as a U.S. Senator.

The Global Warming Pollution Reduction Act, the full text of which I ask be included in the RECORD following my remarks, was initially introduced last year by the Senator whose seat I currently hold, Senator Jim Jeffords. Jim's leadership in offering a forwardthinking global warming bill is known by all in this chamber and I am honored to continue his efforts by introducing this tremendously-important legislation today.

This bill, is being cosponsored by many of my esteemed colleagues and I would like to recognize them this morning: Senator BOXER, chairman of the Environment and Public Works Committee; the Senior Senator from the great state of Vermont, Mr. LEAHY; both Senators from New Jersey, Mr. LAUTENBERG and Mr. MENENDEZ; Senators REED and WHITEHOUSE, both from Rhode Island; the Senate delegation from the State of Hawaii, Senators INOUYE and AKAKA; and Senator FEINGOLD of Wisconsin and Senator KENNEDY of Massachusetts. I appreciate the support of these colleagues in focusing attention on the most important environmental issue of our time and urge my other colleagues to join in this effort.

I am also proud that the Global Warming Pollution Reduction Act has the support of numerous national groups, including the Earth Day Network, Earthjustice, Environmental Defense, Environmental & Energy Study Institute, Friends of the Earth, Greenpeace, League of Conservation Voters, National Audubon Society, National Environmental Trust, National Wildlife Federation, Natural Resources Defense Council, Physicians for Social Responsibility, Public Citizen, Sierra Club, Union of Concerned Scientists, and US PIRG.

The Global Warming Pollution Reduction Act is based on the scientific evidence and consensus that global warming poses a significant threat to the United States and the world. In fact, with our national security, our economy, our public health and welfare, and our global environment at stake, we must do nothing short of taking bold action. To that end, I am proud that last week the Vermont state legislature began 3 weeks of hearings on global warming. Like Americans across the country, they want action to fight global warming and they wish their Federal Government would step up and provide leadership commensurate with the magnitude of the threat. Well, Mr President this bill answers those pleas for leadership.

Grassroots support for action on global warming is clear. Over 300 mayors have committed their cities to meeting the standards described in the Kyoto Protocol. In fact, with over 54 million citizens represented, the U.S. Mayors Climate Protection Agreement provides clear evidence that everyday citizens—unlike some large corporations who have continually misrepresented the science of global warming—want to see movement on this issue. Additionally, a group of northeast States, including Maine, Connecticut, Delaware, New Hampshire, New Jersey, New York, and Vermont, have already implemented a regional effort to reduce greenhouse gas emissions and other northeastern States, such as Maryland and Massachusetts, are likely to join this group soon. And, we all know that the State of California has recognized the need to act on global warming and is moving forward with a tremendous program.

Despite the increasing calls for action, for years, the Bush administration has turned a deaf ear as the scientific community warned us of the problem of global warming and the disastrous impact it will have on our planet. Sadly, many of these predictions are now becoming a reality.

Global concentrations of greenhouse gases are incredibly high. In fact, the atmospheric concentration of greenhouse gases has risen to 378 parts per million—a level unseen during anytime over the past 400,000 years. Additionally, on a global scale, 8 of the 10 years between 1996 and the end of 2005 are among the warmest 10 years on record and experts at the National Oceanic and Atmospheric Administration have just logged 2006 as the hottest year on record for the U.S. Also, the National Center for Atmospheric Research suggests that the majority of the ice caps of the Arctic Ocean will melt by the summer of 2040—decades earlier than previously expected. And, the situation has become so dramatic that the Department of the Interior recently suggested listing polar bears on the endangered species list because their habitat is quite literally disappearing. We are also told to expect changes in agriculture and water systems, new threats to our health, and more extreme weather patterns including more intense hurricanes. All of this is due to global warming caused by the carbon dioxide and other greenhouse gases that are released into our atmosphere when we burn fossil fuels.

The good news is that we know how to stop continued global warming—we simply need the political will to make it happen. The time is now for bold action that will move our country away from fossil fuels such as coal, gas, and oil towards efficient, sustainable energy sources like wind, solar, bio-mass and hydrogen. The bill I introduce today recognizes the urgency of our circumstances and sets targets for reduction of U.S. emissions to help stabilize global atmospheric concentrations of greenhouse gases below 450 parts per million, a critical level as recognized by leading climate scientists. More specifically, this legislation calls for an 80 percent decrease—compared to 1990 levels—in global warming pollutants by 2050 by enacting a combination of mandatory reduction targets and incentives that will help develop clean alternative energies.

The concept is simple. By putting our minds to it, we can usher in a new era of nonpolluting, renewable energy sources. And, what makes this proposal even more exciting is its potential to reshape our economy and make the United States a leader in clean and efficient energy technologies—creating millions of good paying jobs in the process.

In fact, it is a lack of bold vision that will financially cost us. In October of 2006, Sir Nicholas Stern, a former chief economist of the World Bank, turned the old economic arguments against taking action on climate change on their head. In a report to the British government, he writes that bold action to combat the threat of global warming will in fact save industrial nations money and that inaction could cost between 5 to 20 percent of global gross domestic product. Speaking to the issue in no uncertain terms, the report states, ''If no action is taken we will be faced with the kind of downturn that has not been seen since the great depression and the two world wars.''

To be quite frank, the time for talk is over. It is time for action and introduction of this bill signals my commitment to pushing for such action.

While I ask unanimous consent that Senator Jeffords' full statement from last year on this important bill be included following my remarks, I want to read two excerpts from those remarks:

Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be.

He went on to say,

In my final year in the Senate, I have often asked myself, ''What lasting actions can I take to make the world a better place?'' I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all.

I couldn't be more honored to carry on Senator Jeffords' vision on behalf of Vermonters and all Americans.

In closing, a country that represents only 6 percent of the world's population but produces 25 percent of its

greenhouse gas emissions, the United States has a moral obligation to lead the way toward reducing these emissions. For the sake of our children and grandchildren, we must meet that obligation. This legislation will put us on the right path to do so.

I ask unanimous consent that the material be printed in the RECORD.

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

STATEMENT OF SENATOR JEFFORDS, JULY 20, 2006

Mr. President, I rise to introduce the Global Warming Pollution Reduction Act of 2006.

One of the most important issues facing mankind is the problem of global warming. Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating. Atmospheric greenhouse gas concentrations have risen to 378 parts per million, nearly one third above pre-industrial levels and higher than at any time during the past 400,000 years. Projections indicate that stabilizing concentrations at 450 parts per million would still mean a temperature increase of two to four degrees Fahrenheit. Such warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems.

In order to prevent and minimize these effects, we must take global actions to address this issue as soon as possible. We owe that to ourselves and to future generations.

The overwhelming majority of Americans support taking some form of action on climate change. I am today introducing the Global Warming Pollution Reduction Act, which I believe responds to that call. I believe this is the most far reaching and forward thinking climate change bill ever introduced. It sets a goal of an 80% reduction in global warming pollutants by 2050. It provides a roadmap for actions that we will need to take over the next few decades to combat global warming. I believe that if this bill were passed, it would put us on the path to potentially solving the global warming problem. If it were passed, we would reshape our economy to become more energy independent, cleaner and more economically competitive. If it were passed, we would have a chance of avoiding some of the worst and most dangerous effects of global warming. If it were passed, we would be in a position to negotiate with other countries as part of the global solution.

Some will say that this bill imposes requirements that ask too much of industry. Some will say that this bill contains requirements that we cannot easily meet. I say first of all that the costs of inaction vastly outweigh the costs of action, and that we have a responsibility to future generations not to leave the earth far worse off than when we found it—with a fundamentally altered climate system. Temperature changes, sea level rise, hurricanes, floods and droughts can affect food production, national security, the spread of disease and the survival of endangered species. These are not things to trifle with on the basis of industry cost estimates, which have frequently been overstated.

But perhaps more importantly, we can act to reduce global warming. We can reduce emissions to 1990 levels between now and 2020 through a reduction of just 2 percent per year. Energy efficiency alone could play a major part in reaching reductions and new technologies can help as well. Moreover, additional deployment of existing renewable energy sources, including bio-fuels, can also help substantially. If we were to take the actions suggested in this bill, we would find that we would enhance our energy independence, and we would become a world leader in clean energy technologies. American innovation can position us as the world leader in clean technologies.

In my final year in the Senate, I have often asked myself ''What lasting actions can I take to make the world a better place?'' I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all. Global warming is upon us now. The question is, can we take action now, before it is too late?

We know what we need to do, we know how much we must reduce, and we have the technology to do so. The question for this body is, do we have the political will? Can we overcome our fears and insecurity and act decisively to combat global warming? That is the opportunity and challenge of the coming years, which my bill on global warming seeks to address. I urge my colleagues to join me in the quest for a better, safer world that is free of the enormous threat posed by dangerous global warming. I urge my colleagues to support this important piece of legislation.

S. 309

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Warming Pollution Reduction Act''.

SEC. 2. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

''SEC. 701. FINDINGS.

''Congress finds that—

''(1) global warming poses a significant threat to the national security and economy of the United States, public health and welfare, and the global environment;

''(2) due largely to an increased use of energy from fossil fuels, human activities are primarily responsible for the release of carbon dioxide and other heat-trapping global warming pollutants that are accumulating in the atmosphere and causing surface air and subsurface ocean temperatures to rise;

''(3) as of the date of enactment of this title, atmospheric concentrations of carbon dioxide are 35 percent higher than those concentrations were 150 years ago, at 378 parts per million compared to 280 parts per million;

''(4) the United States emits more global warming pollutants than any other country, and United States carbon dioxide emissions have increased by an average of 1.3 percent annually since 1990;

''(5)(A) during the past 100 years, global temperatures have risen by 1.44 degrees Fahrenheit; and

''(B) from 1970 to the present, those temperatures have risen by almost 1 degree Fahrenheit;

''(6) 8 years during the 10-year period beginning January 1, 1996, and ending December 31, 2005, were among the 10 warmest years on record;

''(7) average temperatures in the Arctic have increased by 4 to 7 degrees Fahrenheit during the past 50 years;

''(8) global warming has caused—

''(A) ocean temperatures to increase, resulting in rising sea levels, extensive bleaching of coral reefs worldwide, and an increase in the intensity of tropical storms;

''(B) the retreat of Arctic sea ice by an average of 9 percent per decade since 1978;

''(C) the widespread thawing of permafrost in polar, subpolar, and mountainous regions;

''(D) the redistribution and loss of species; and

''(E) the rapid shrinking of glaciers;

''(9) the United States must adopt a comprehensive and effective national program of mandatory limits and incentives to reduce global warming pollution emissions into the atmosphere;

''(10) at the current rate of emission, global warming pollution concentrations in the atmosphere could reach more than 600 parts per million in carbon dioxide equivalent, and global average mean temperature could rise an additional 2.7 to 11 degrees Fahrenheit, by the end of the century;

''(11) although an understanding of all details of the Earth system is not yet complete, present knowledge indicates that potential future temperature increases could result in—

''(A) the further or complete melting of the Antarctic and Greenland ice sheets;

''(B) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the 'Gulf Stream');

''(C) the extinction of species; and

''(D) large-scale disruptions of the natural systems that support life;

''(12) there exists an array of technological options for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

''(13) the ingenuity of the people of the United States will allow the Nation to become a leader in solving global warming; and

''(14) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of

global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

"SEC. 702. PURPOSES.

''The purposes of this title are—

''(1) to achieve a reduction in global warming pollution emissions compatible with ensuring that—

''(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; and

''(B) total average global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent;

''(2) to reduce by calendar year 2050 the aggregate net level of global warming pollution emissions of the United States to a level that is 80 percent below the aggregate net level of global warming pollution emissions for calendar year 1990;

''(3) to allow for an acceleration of reductions in global warming pollution emissions to prevent—

''(A) average global temperature from increasing by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

''(B) global atmospheric concentrations of global warming pollutants from exceeding 450 parts per million;

''(4) to establish a motor vehicle global warming pollution emission requirement;

''(5) to require electric generation units to meet a global warming pollution emission standard;

''(6) to establish rules for the safe geological sequestration of carbon dioxide;

''(7) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

''(8) to provide for research relating to, and development of, the technologies to control global warming pollution emissions;

''(9) to position the United States as the world leader in reducing the risk of the potentially devastating, wide-ranging impacts associated with global warming; and

''(10) to promote, through leadership by the United States, accelerated reductions in global warming pollution from other countries with significant global warming pollution emissions.

"SEC. 703. DEFINITIONS.

''In this title:

''(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the study and report described in section 705(a).

''(3) FACILITY.—The term 'facility' means all buildings, structures, or installations that are—

''(A) located on 1 or more contiguous or adjacent properties under common control of the same persons; and

''(B) located in the United States.

''(4) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons;

''(F) sulfur hexafluoride; and

''(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

''(5) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

''(6) MARKET-BASED PROGRAM.—The term 'market-based program' means a program that places an absolute limit on the aggregate net global warming pollution emissions of 1 or more sectors of the economy of the United States, while allowing the transfer or sale of global warming pollution emission allowances.

''(7) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (a) or (b) of section 705.

"SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

''(a) EMISSION REDUCTION GOAL.—Congress declares that—

''(1) it shall be the goal of the United States, acting in concert with other countries that emit global warming pollutants, to achieve a reduction in global warming pollution emissions—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent; and

''(2) in order to achieve the goal described in paragraph (1), the United States shall reduce the global warming pollution emissions of the United States by a quantity that is proportional to the share of the United States of the reductions that are necessary—

''(A) to ensure that the average global temperature does not increase more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to stabilize average global warming pollution concentrations globally at or below 450 parts per million in carbon dioxide equivalent.

''(b) EMISSION REDUCTION MILESTONES FOR 2020.—

''(1) IN GENERAL.—To achieve the goal described in subsection (a)(1), not later than 2 years after the date of enactment of this title, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce, by not later than January 1, 2020, the aggregate net levels of global warming pollution emissions of the United States to the aggregate net level of those global warming pollution emissions during calendar year 1990.

''(2) ACHIEVEMENT OF MILESTONES.—To the maximum extent practicable, the reductions described in paragraph (1) shall be achieved through an annual reduction in the aggregate net level of global warming pollution emissions of the United States of approximately 2 percent for each of calendar years 2010 through 2020.

''(c) EMISSION REDUCTION MILESTONES FOR 2030, 2040, AND 2050.—Except as described in subsection (d), not later than January 1, 2018, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net levels of global warming pollution emissions of the United States—

''(1) by calendar year 2030, by ⅓ of 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990;

''(2) by calendar year 2040, by ⅔ of 80 percent of the aggregate net level of the global warming pollution emissions of the United States during calendar year 1990; and

''(3) by calendar year 2050, by 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

''(d) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a)(2) have occurred, or are more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for public notice and comment and taking into account the new information reported in the NAS report, may adjust the milestones under this section and promulgate any rules that are necessary—

''(1) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

''(2) to minimize the effects of rapid climate change and achieve the goals of this title.

''(e) REPORT ON ACHIEVEMENT OF MILESTONES.—If an NAS report determines that a milestone under paragraph (1) or (2) of subsection (c) cannot be achieved because of technological infeasibility, the Administrator shall submit to Congress a notification of that determination.

''(f) EMISSION REDUCTION POLICIES.—

''(1) IN GENERAL.—In implementing subsections (a) through (e), the Administrator may establish 1 or more market-based programs.

''(2) MARKET-BASED PROGRAM POLICIES.—

''(A) IN GENERAL.—In implementing any market-based program, the Administrator shall allocate to households, communities, and other entities described in section 706(a) any global warming pollution emission allowances that are not allocated to entities covered under the emission limitation.

''(B) RECOGNITION OF EMISSION REDUCTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions made before the effective date of the market-based program if the Administrator determines that—

''(i)(I) the reductions were made in accordance with a State or local law;

''(II) the State or local law is at least as stringent as the rules established for the market-based program under paragraph (1); and

''(III) the reductions are at least as verifiable as reductions made in accordance with those rules; or

''(ii) for any given entity subject to the market-based program, the entity demonstrates that the entity has made entity-wide reductions of global warming pollution emissions before the effective date of the market-based program, but not earlier than calendar year 1992, that are at least as verifiable as reductions made in accordance with the rules established for the market-based program under paragraph (1).

''(C) PUBLICATION.—If the Administrator determines that it is necessary to establish a market-based program, the Administrator shall publish notice of the determination in the Federal Register.

''(D) LIMITATIONS ON MARKET-BASED PROGRAMS.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ANNUAL ALLOWANCE PRICE.—The term 'annual allowance price' means the average market price of global warming pollution emission allowances for a calendar year.

''(II) DECLINING EMISSIONS CAP WITH A TECHNOLOGY-INDEXED STOP PRICE.—The term 'declining emissions cap with a technology-indexed stop price' means a feature of a market-based program for an industrial sector, or on an economy-wide basis, under which the emissions cap declines by a fixed percentage each calendar year or, during any year in which the annual allowance price exceeds the technology-indexed stop price, the

emissions cap remains the same until the occurrence of the earlier of—

''(aa) the date on which the annual allowance price no longer exceeds the technology-indexed stop price; or

''(bb) the date on which a period of 3 years has elapsed during which the emissions cap has remained unchanged.

''(III) EMISSIONS CAP.—The term 'emissions cap' means the total number of global warming pollution emission allowances issued for a calendar year.

''(IV) TECHNOLOGY-INDEXED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined annually by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollutants through commercial deployment of any available zero-carbon or low-carbon technologies. With respect to the electricity sector, those technologies shall consist of—

''(aa) wind-generated electricity;

''(bb) photovoltaic-generated electricity;

''(cc) geothermal energy;

''(dd) solar thermally-generated energy;

''(ee) wave-based forms of energy;

''(ff) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

''(gg) any zero-carbon-emitting electric generating technology that does not generate radioactive waste.

''(ii) IMPLEMENTATION.—In implementing any market-based program under this Act, for the period prior to January 1, 2020, the Administrator shall consider the impact on the economy of the United States of implementing the program with a declining emissions cap through the use of a technology-indexed stop price.

''(iii) OTHER EMITTING SECTORS.—The Administrator may consider the use of a declining emissions cap with a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

''(I) biofuels;

''(II) hydrogen power; and

''(III) other sources of energy and transportation fuel.

''(g) COST-EFFECTIVENESS.—In promulgating regulations under this section, the Administrator shall select the most cost-effective options for global warming pollution control and emission reduction strategies.

''SEC. 705. CONDITIONS FOR ACCELERATED GLOBAL WARMING POLLUTION EMISSION REDUCTION.

''(a) REPORT ON GLOBAL CHANGE EVENTS BY THE ACADEMY.—

''(1) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any of the events described in paragraph (2)—

''(A) have occurred or are more likely than not to occur in the foreseeable future; and

''(B) in the judgment of the Academy, are the result of anthropogenic climate change.

''(2) EVENTS.—The events referred to in paragraph (1) are—

''(A) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

''(B) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

''(b) TECHNOLOGY REPORTS.—

''(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to a technology, means that the technology—

''(A) will not be demonstrated beyond laboratory-scale conditions;

''(B) would be unsafe;

''(C) would not reliably reduce global warming pollution emissions; or

''(D) would prevent the activity to which the technology applies from meeting or performing its primary purpose (such as generating electricity or transporting goods or individuals).

''(2) REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes or analyzes—

''(A) the status of current global warming pollution emission reduction technologies, including—

''(i) technologies for capture and disposal of global warming pollutants;

''(ii) efficiency improvement technologies;

''(iii) zero-global-warming-pollution-emitting energy technologies; and

''(iv) above- and below-ground biological sequestration technologies;

''(B) whether any of the requirements under this title (including regulations promulgated under this title) mandate a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirements become effective;

''(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

''(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible prior to calendar year 2050; and

''(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technologies that are determined to be technologically infeasible.

''(3) REPORT EVALUATING 2050 MILESTONE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the milestone described in section 704(c)(3), taking into consideration—

''(A) information that was not available as of the date of enactment of this title; and

''(B) events that have occurred since that date relating to—

''(i) climate change;

''(ii) climate change technologies; and

''(iii) national and international climate change commitments.

''(c) ADDITIONAL ITEMS IN NAS REPORT.—In addition to the information described in subsection (a)(1) that is required to be included in the NAS report, the Academy shall include in the NAS report—

''(1) an analysis of the trends in annual global warming pollution emissions by the United States and the other countries that collectively account for more than 90 percent of global warming pollution emissions (including country-specific inventories of global warming pollution emissions and facility-specific inventories of global warming pollution emissions in the United States);

''(2) an analysis of the trends in global warming pollution concentrations (including observed atmospheric concentrations of global warming pollutants);

''(3) a description of actual and projected global change impacts that may be caused by anthropogenic global warming pollution emissions, in addition to the events described in subsection (a)(2); and

''(4) such other information as the Academy determines to be appropriate.

''SEC. 706. USE OF ALLOWANCES FOR TRANSITION ASSISTANCE AND OTHER PURPOSES.

''(a) REGULATIONS GOVERNING ALLOCATION OF ALLOWANCES FOR TRANSITION ASSISTANCE TO INDIVIDUALS AND ENTITIES.—

''(1) IN GENERAL.—In implementing any market-based program, the Administrator may promulgate regulations providing for the allocation of global warming pollution emission allowances to the individuals and entities, or for the purposes, specified in subsection (b).

''(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) may, as the Administrator determines to be necessary, provide for the appointment of 1 or more trustees—

''(A) to receive emission allowances for the benefit of households, communities, and other entities described in paragraph (1);

''(B) to sell the emission allowances at fair market value; and

''(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries.

''(b) ALLOCATION FOR TRANSITION ASSISTANCE.—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

''(1) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

''(A) the transition to a lower carbon-emitting economy; or

''(B) global warming;

''(2) owners and operators of highly energy-efficient buildings, including—

''(A) residential users;

''(B) producers of highly energy-efficient products; and

''(C) entities that carry out energy-efficiency improvement projects pursuant to section 712 that result in consumer-side reductions in electricity use;

''(3) entities that will use the allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

''(4) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

''(5) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

''(6) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

''SEC. 707. VEHICLE EMISSION STANDARDS.

''(a) VEHICLES UNDER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of automobiles sold by a manufacturer in the United States beginning in model year 2016 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 205 carbon dioxide equivalent grams per mile for automobiles with—

''(i) a gross vehicle weight of not more than 8,500 pounds; and

''(ii) a loaded vehicle weight of not more than 3,750 pounds;

''(B) 332 carbon dioxide equivalent grams per mile for—

''(i) automobiles with—

''(I) a gross vehicle weight of not more than 8,500 pounds; and

''(II) a loaded vehicle weight of more than 3,750 pounds; and

''(ii) medium-duty passenger vehicles; and

''(C) 405 carbon dioxide equivalent grams per mile for vehicles—

''(i) with a gross vehicle weight of between 8,501 pounds and 10,000 pounds; and

''(ii) that are not medium-duty passenger vehicles.

''(3) HEIGHTENED STANDARDS.—After model year 2016, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(e)(3).

''(b) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of highway vehicles over 10,000 pounds sold by a manufacturer in the United States beginning in model year 2020 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 850 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating between 10,001 pounds and 26,000 pounds; and

''(B) 1,050 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating of more than 26,000 pounds.

''(3) HEIGHTENED STANDARDS.—After model year 2020, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(a)(1).

''(c) ADJUSTMENT OF REQUIREMENTS.—Taking into account appropriate lead times for vehicle manufacturers, if the Academy determines, pursuant to an NAS report, that a vehicle emission standard under this section is or will be technologically infeasible as of the effective date of the standard, the Administrator may, by regulation, modify the requirement to take into account the determination of the Academy.

''(d) STUDY.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall enter into a contract with the Academy under which the Academy shall conduct a study of, and submit to the Administrator a report on, the potential contribution of the non-highway portion of the transportation sector toward meeting the emission reduction goal described in section 704(a)(1).

''(2) REQUIREMENTS.—The study shall analyze—

''(A) the technological feasibility and cost-effectiveness of global warming pollution reductions from the non-highway sector; and

''(B) the overall potential contribution of that sector in terms of emissions, in meeting the emission reduction goal described in section 704(a)(1).

''SEC. 708. EMISSION STANDARDS FOR ELECTRIC GENERATION UNITS.

''(a) INITIAL STANDARD.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall, by regulation, require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent and that begins operation after December 31, 2011, to meet the standard described in paragraph (2).

''(2) STANDARD.—Beginning on December 31, 2015, a unit described in paragraph (1) shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

''(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulation described in paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (1) with respect to electric generation units described in that paragraph.

''(b) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each electric generation unit, regardless of when the unit began to operate, to meet the applicable emission standard under subsection (a).

''(c) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705, that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, may, by regulation, adjust or delay the effective date of the requirement as is necessary to take into consideration the determination of the Academy.

''SEC. 709. LOW-CARBON GENERATION REQUIREMENT.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from coal, petroleum coke, lignite, or any combination of those fuels.

''(2) COVERED GENERATOR.—The term 'covered generator' means an electric generating unit that—

''(A) has a rated capacity of 25 megawatts or more; and

''(B) has an annual fuel input at least 50 percent of which is provided by coal, petroleum coke, lignite, or any combination of those fuels.

''(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generating unit at least 50 percent of the annual fuel input of which, in any year—

''(A) is provided by coal, petroleum coke, lignite, biomass, or any combination of those fuels; and

''(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for carbon dioxide from the electric generating unit that is geologically sequestered in a geological repository approved by the Administrator pursuant to subsection (e)).

''(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

''(b) REQUIREMENT.—

''(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

"Calendar year:	Minimum annual percentage:
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

''(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 2 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 3 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

''(1) generating electric energy using low-carbon generation;

''(2) purchasing electric energy generated by low-carbon generation;

''(3) purchasing low-carbon generation credits issued under the program; or

''(4) undertaking a combination of the actions described in paragraphs (1) through (3).

''(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

''(2) REQUIREMENTS.—As part of the program, the Administrator shall—

''(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

''(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

''(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

''(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

''(2) the greater of—

''(A) 2.5 cents (as adjusted under subsection (g)); or

''(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

''(f) EXEMPTION.—This section shall not apply for any calendar year to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

''(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the

amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705, that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator may, by regulation, adjust the schedule as the Administrator determines to be necessary to take into account the consideration of the determination of the Academy.

''(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

''SEC. 710. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

''(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

''(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

''(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

''(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

''(B) techniques for monitoring the geologically disposed carbon dioxide;

''(C) public response to the geological disposal deployment project; and

''(D) the permanency of carbon dioxide storage in geological reservoirs.

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall establish—

''(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

''(ii) requirements relating to applications for grants under this subsection.

''(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

''(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

''(i) a description of the geological disposal deployment project proposed in the application;

''(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

''(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

''(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

''(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

''(A) consider the previous experience of each applicant with similar projects; and

''(B) give priority consideration to applications for geological disposal deployment projects that—

''(i) offer the greatest geological diversity from other projects that have previously been approved;

''(ii) are located in closest proximity to a source of carbon dioxide;

''(iii) make use of the most affordable source of carbon dioxide;

''(iv) are expected to geologically dispose of the largest quantity of carbon dioxide;

''(v) are combined with demonstrations of advanced coal electricity generation technologies;

''(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

''(vii) minimize any adverse environmental effects from the project.

''(7) PERIOD OF GRANTS.—

''(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

''(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

''(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

''(9) SCHEDULE.—

''(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

''(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

''(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

''(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

''(1) site selection;

''(2) permitting processes;

''(3) monitoring requirements;

''(4) public participation; and

''(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

''(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into account the results of geological disposal deployment projects carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

''(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

''(1) underground injection of waste;

''(2) enhanced oil recovery;

''(3) short-term storage of natural gas; and

''(4) long-term waste storage.

''(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

''SEC. 711. RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Administrator shall carry out a program to perform and support research on global climate change standards and processes, with the goals of—

''(1) providing scientific and technical knowledge applicable to the reduction of global warming pollutants; and

''(2) facilitating implementation of section 704.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Administrator shall carry out, directly or through the use of contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH.—

''(A) CONTENTS AND PRIORITIES.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including—

''(i) the National Oceanic and Atmospheric Administration;

''(ii) the National Aeronautics and Space Administration; and

''(iii) the Department of Energy.

''(B) TYPES OF RESEARCH.—The research program shall include the conduct of basic and applied research—

''(i) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards necessary to enable the monitoring of global warming pollution;

''(ii) to assist in establishing a baseline reference point for future trading in global warming pollutants (including the measurement of progress in emission reductions);

''(iii) for international exchange as scientific or technical information for the stated purpose of developing mutually-recognized measurements, standards, and procedures for reducing global warming pollution; and

''(iv) to assist in developing improved industrial processes designed to reduce or eliminate global warming pollution.

''(3) ABRUPT CLIMATE CHANGE RESEARCH.—

''(A) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this paragraph, the term 'abrupt climate change' means a change in climate that occurs so rapidly or unexpectedly that humans or natural systems may have difficulty adapting to the change.

''(B) RESEARCH.—The Administrator shall carry out a program of scientific research on potential abrupt climate change that is designed—

''(i) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to identify and describe past instances of abrupt climate change;

''(ii) to improve understanding of thresholds and nonlinearities in geophysical systems relating to the mechanisms of abrupt climate change;

''(iii) to incorporate those mechanisms into advanced geophysical models of climate change; and

''(iv) to test the output of those models against an improved global array of records of past abrupt climate changes.

''(c) SENSE OF THE SENATE.—It is the sense of the Senate that Federal funds for clean, low-carbon energy research, development, and deployment should be increased by at least 100 percent for each year during the 10-year period beginning on the date of enactment of this title.

''SEC. 712. ENERGY EFFICIENCY PERFORMANCE STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ELECTRICITY SAVINGS.—

''(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or

existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

''(B) INCLUSIONS.—The term 'savings' includes savings achieved as a result of—

''(i) installation of energy-saving technologies and devices; and

''(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

''(C) EXCLUSION.—The term 'savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

''(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

''(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

''(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

''(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

Calendar year	Reduction in peak demand (in percent)	Reduction in electricity use (in percent)
2008	.25	.25
2009	.75	.75
2010	1.75	1.5
2011	2.75	2.25
2012	3.75	3.0
2013	4.75	3.75
2014	5.75	4.5
2015	6.75	5.25
2016	7.75	6.0
2017	8.75	6.75
2018	9.75	7.5
2019	10.75	8.25
2020 and each calendar year thereafter	11.75	9.0

''(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

''(1) savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

''(2) cumulative savings realized as a result of electricity savings achieved in all previous calendar years (beginning with calendar year 2006).

''(e) IMPLEMENTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

''(2) REQUIREMENTS.—The regulations shall establish—

''(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

''(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

''(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

''(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

''(f) COMPLIANCE WITH STATE LAW.—Nothing in this section shall supersede or otherwise affect any State or local law requiring or otherwise relating to reductions in total annual electricity consumption, or peak power consumption, by electric consumers to the extent that the State or local law requires more stringent reductions than those required under this section.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may—

''(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

''(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

''SEC. 713. RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

''(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

''(A) municipal solid waste;

''(B) wood contaminated with plastics or metals; or

''(C) tires.

''(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

''Calendar year:	**Minimum annual percentage:**
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

''(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

''(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

''(2) penalties for any retail electric supplier that does not comply with this section.

''(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

''(1) may be counted toward meeting the requirements of subsection (b) only once; and

''(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

''(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

''(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

''SEC. 714. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

''(b) REQUIREMENTS.—The standards shall include—

''(1) a national biological carbon storage baseline or inventory; and

''(2) measurement, monitoring, and verification guidelines based on—

''(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

''(B) comprehensive carbon accounting that—

''(i) reflects sustained net increases in carbon reservoirs; and

''(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

''(C) adjustments to account for—

''(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

''(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

''(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

''(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into account the most recent scientific information.

''SEC. 715. GLOBAL WARMING POLLUTION REPORTING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and annually thereafter, any entity considered to be a major stationary source (as defined in section 169A(g)) shall submit to the Administrator a report describing the emissions of global warming pollutants from the entity for the preceding calendar year.

''(b) VOLUNTARY REPORTING.—An entity that is not described in subsection (a) may voluntarily report the emissions of global warming pollutants from the entity to the Administrator.

''(c) REQUIREMENTS FOR REPORTS.—

''(1) EXPRESSION OF MEASUREMENTS.—Each global warming pollution report submitted under this section shall express global warming pollution emissions in—

''(A) metric tons of each global warming pollutant; and

''(B) metric tons of the carbon dioxide equivalent of each global warming pollutant.

''(2) ELECTRONIC FORMAT.—The information contained in a report submitted under this section shall be reported electronically to the Administrator in such form and to such extent as may be required by the Administrator.

''(3) DE MINIMIS EXEMPTION.—The Administrator may specify the level of global warming pollution emissions from a source within a facility that shall be considered to be a de minimis exemption from the requirement to comply with this section.

''(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than March 1 of the year after which the Administrator receives a report under this subsection from an entity, and annually thereafter, the Administrator shall make the information reported under this section available to the public through the Internet.

''(e) PROTOCOLS AND METHODS.—The Administrator shall, by regulation, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on global warming pollution emissions submitted under this section.

''(f) ENFORCEMENT.—Regulations promulgated under this section may be enforced pursuant to section 113 with respect to any person that—

''(1) fails to submit a report under this section; or

''(2) otherwise fails to comply with those regulations.

''SEC. 716. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

''(a) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over the lifecycle of the technology and compared to a similar technology already in commercial use in any developing country—

''(A) is reliable; and

''(B) results in reduced emissions of global warming pollutants.

''(2) DEVELOPING COUNTRY.—

''(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(B) INCLUSION.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

''(3) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

''(b) TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the President shall establish a task force to be known as the 'Task Force on International Clean, Low Carbon Energy Cooperation'.

''(2) COMPOSITION.—The Task Force shall be composed of—

''(A) the Administrator and the Secretary of State, who shall serve jointly as Co-Chairpersons; and

''(B) representatives, appointed by the head of the respective Federal agency, of—

''(i) the Department of Commerce;

''(ii) the Department of the Treasury;

''(iii) the United States Agency for International Development;

''(iv) the Export-Import Bank;

''(v) the Overseas Private Investment Corporation;

''(vi) the Office of United States Trade Representative; and

''(vii) such other Federal agencies as are determined to be appropriate by the President.

''(c) DUTIES.—

''(1) INITIAL STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Task Force shall develop and submit to the President an initial strategy—

''(i) to support the development and implementation of programs and policies in developing countries to promote the adoption of clean, low-carbon energy technologies and energy-efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in global warming pollution emissions over the 20-year period beginning on the date of enactment of this title; and

''(ii)(I) open and expand clean, low-carbon energy technology markets; and

''(II) facilitate the export of that technology to developing countries.

''(B) SUBMISSION TO CONGRESS.—On receipt of the initial strategy from the Task Force under subparagraph (A), the President shall submit the initial strategy to Congress.

''(2) FINAL STRATEGY.—Not later than 2 years after the date of submission of the initial strategy under paragraph (1), and every 2 years thereafter—

''(A) the Task Force shall—

''(i) review and update the initial strategy; and

''(ii) report the results of the review and update to the President; and

''(B) the President shall submit to Congress a final strategy.

''(3) PERFORMANCE CRITERIA.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

''(d) PROVISION OF ASSISTANCE.—The Administrator may—

''(1) provide assistance to developing countries for use in carrying out activities that are consistent with the priorities established in the final strategy; and

''(2) establish a pilot program that provides financial assistance for qualifying projects (as determined by the Administrator) in accordance with—

''(A) the final strategy submitted under subsection (c)(2)(B); and

''(B) any performance criteria developed by the Task Force under subsection (c)(3).

''SEC. 717. PARAMOUNT INTEREST WAIVER.

''(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President may, after opportunity for public notice and comment, temporarily adjust, suspend, or waive any regulations promulgated pursuant to this title to achieve that minimization.

''(b) CONSULTATION.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account any advice received from—

''(1) the Academy;

''(2) the Secretary of Energy; and

''(3) the Administrator.

''(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

''SEC. 718. EFFECT ON OTHER LAW.

''Nothing in this title—

''(1) affects the ability of a State to take State actions to further limit climate change (except that section 209 shall apply to standards for vehicles); and

''(2) except as expressly provided in this title—

''(A) modifies or otherwise affects any requirement of this Act in effect on the day before the date of enactment of this title; or

''(B) relieves any person of the responsibility to comply with this Act.''.

SEC. 3. RENEWABLE CONTENT OF GASOLINE.

Section 211(o) of the Clean Air Act (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (E); and

(B) by inserting after subparagraph (A) the following:

''(B) LOW-CARBON RENEWABLE FUEL.—The term 'low-carbon renewable fuel' means renewable fuel the use of which, on a full fuel cycle, per-mile basis, and as compared with the use of gasoline, achieves a reduction in global warming pollution emissions of 75 percent or more.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting ''and low-carbon renewable fuel'' after ''renewable fuel''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume'' and inserting the following:

''(iv) MINIMUM APPLICABLE VOLUME OF RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of renewable fuel'';

(ii) by adding at the end the following:

''(v) MINIMUM APPLICABLE VOLUME OF LOW-CARBON RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of low-carbon renewable fuel for calendar year 2015 and each calendar year thereafter shall be 5,000,000,000 gallons.''.

SEC. 4. ENFORCEMENT AND JUDICIAL REVIEW.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (a)(3), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(2) in subsection (b)(2), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(3) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking ''or title VI (relating to stratospheric ozone control),'' and inserting ''title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),''; and

(B) in the first sentence of paragraph (3), by striking ''or VI'' and inserting ''VI, or VII'';

(4) in subsection (d)(1)(B), by striking ''or VI'' and inserting ''VI, or VII''; and

(5) in the first sentence of subsection (f), by striking ''or VI'' and inserting ''VI, or VII''.

(b) ESTABLISHMENT OF STANDARDS.—Section 202 of the Clean Air Act (42 U.S.C. 7521) is amended—

(1) by redesignating the second subsection (f) (as added by section 207(b) of Public Law 101–549 (104 Stat. 2482)) as subsection (n); and

(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

''(o) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations in accordance with subsection (a) and section 707 to require manufacturers of motor vehicles to meet the vehicle emission standards established under subsections (a) and (b) of section 707.

''(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect with respect to motor vehicles sold by a manufacturer beginning in model year 2016.''.

(c) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence—

(i) by striking ''section 111,,'' and inserting ''section 111,''; and

(ii) by inserting ''any emission standard or requirement issued pursuant to title VII,'' after ''under section 120,''; and

(B) in the second sentence, by striking ''section 112,,'' and inserting ''section 112,''; and

(2) in subsection (d)(1)—

(A) in subparagraph (T), by striking '', and'' at the end;

(B) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(V) the promulgation or revision of any regulation under title VII (relating to global warming pollution).''.

SEC. 5. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended by adding at the end the following:

''(3) NEW VEHICLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each passenger vehicle purchased, or leased for a period of at least 60 consecutive days, by an Executive agency after the date of enactment of this paragraph shall be as fuel-efficient as practicable.

''(B) WAIVER.—In an emergency situation, an Executive agency may submit to Congress a written request for a waiver of the requirement under paragraph (1).''.

SEC. 6. INTERNATIONAL NEGOTIATIONS AND TRADE RESTRICTIONS.

It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change, and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and leading efforts in other international forums, with the objective of securing participation of the United States in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of global warming pollution, in accordance with the principle of ''common but differentiated responsibilities'';

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global warming pollution emissions; and

(2) establishing a bipartisan Senate observation group, the members of which should be designated by the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and which should include the Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate—

(A) to monitor any international negotiations on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SEC. 7. REPORT ON TRADE AND INNOVATION EFFECTS.

Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce, in consultation with the United States Trade Representative, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency (referred to in this section as the ''Secretary''), shall prepare and submit to Congress a report on the trade, economic, and technology innovation effects of the failure of the United States to adopt measures that require or result in a reduction in total global warming pollution emissions in the United States, in accordance with the goals for the United States under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

SEC. 8. CLIMATE CHANGE IN ENVIRONMENTAL IMPACT STATEMENTS.

In any case in which a Federal agency prepares an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal agency shall consider and evaluate—

(1) the impact that the Federal action or project necessitating the statement or analysis would have in terms of net changes in global warming pollution emissions; and

(2) the ways in which climate changes may affect the action or project in the short term and the long term.

SEC. 9. CORPORATE ENVIRONMENTAL DISCLOSURE OF CLIMATE CHANGE RISKS.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission (referred to in this section as the ''Commission'') shall promulgate regulations in accordance with section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) directing each issuer of securities under that Act to inform securities investors of the risks relating to—

(1) the financial exposure of the issuer because of the net global warming pollution emissions of the issuer; and

(2) the potential economic impacts of global warming on the interests of the issuer.

(b) UNIFORM FORMAT FOR DISCLOSURE.—In carrying out subsection (a), the Commission shall enter into an agreement with the Financial Accounting Standards Board, or another appropriate organization that establishes voluntary standards, to develop a uniform format for disclosing to securities investors information on the risks described in subsection (a).

(c) INTERIM INTERPRETIVE RELEASE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commission shall issue an interpretive release clarifying that under items 101 and 303 of Regulation S-K of the Commission under part 229 of title 17, Code of Federal Regulations (as in effect on the date of enactment of this Act)—

(A) the commitments of the United States to reduce emissions of global warming pollution under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, are considered to be a material effect; and

(B) global warming constitutes a known trend.

(2) PERIOD OF EFFECTIVENESS.—The interpretive release issued under paragraph (1) shall remain in effect until the effective date of the final regulations promulgated under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 30—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE THROUGH THE NEGOTIATION OF FAIR AND EFFECTIVE INTERNATIONAL COMMITMENTS

Mr. BIDEN (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 30

Whereas there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

Whereas there are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

Whereas the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected

and, therefore, have implications for the national security interests of the United States;

Whereas the United States has the largest economy in the world and is also the largest emitter of greenhouse gases;

Whereas the greenhouse gas emissions of the United States are projected to continue to rise;

Whereas the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

Whereas reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

Whereas the development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States;

Whereas climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

Whereas other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies;

Whereas efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change;

Whereas the United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases;

Whereas President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its ''addiction'' to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources;

Whereas President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China;

Whereas the national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy;

Whereas the United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the ''Convention'');

Whereas, at the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change;

Whereas the Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations;

Whereas an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

Whereas the United States has the capability to lead the effort to counter global climate change: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

Mr. BIDEN. President, the climate has changed. It has changed outside these walls: the year just concluded was the warmest on record in the United States. And the climate has changed in the halls of the Senate, where the causes and consequences of global warming—and how we should respond—will be a major concern of this new Congress.

Outside, the concentration of greenhouse gases in our atmosphere has grown from 280 parts per million before the Industrial Revolution to 430 parts per million today. We are on a path that could double the pre-industrial levels of greenhouse gases, threatening an increase of as much as 10 degrees in the next century.

The physical consequences of global warming are right before our eyes: the shrinking polar ice cap, retreating glaciers, stronger storms driven by warmer ocean waters, changing growing seasons, animal migration, and rainfall patterns. Future consequences if we continue business as usual will include rising sea levels, the spread of diseases, abrupt climate shifts that could shut down the Atlantic cycle that warms Europe, or shrink the Amazon rainforest, which provides twenty percent of the oxygen we breathe.

These changes will profoundly alter the assumptions on which the economic, political, and security arrangements of our world have been constructed. Our national borders, our cities, our cultures, are all built around patterns of rainfall, arable land, and coastlines that will be redrawn as global warming proceeds. By one estimate, 200 million people, in the coastal cities of New York, Tokyo, Cairo, and London, in low-lying countries such as Bangladesh, in the islands of the Pacific and Caribbean, could be permanently displaced by climate shifts.

Throughout human history, massive population shifts, frustrated expectations, and the collapse of economies, have all led to conflict. Even the richest nations, source of the emissions behind global warming, will face huge costs coping with those catastrophes. The poorest nations, whose economies have contributed little or nothing to the greenhouse gases in our atmosphere, will be hit the worst, and will have the fewest resources with which to respond. This is a recipe for global resource wars, and even greater resentment of our wealth by those less fortunate—a new world disorder.

Weare failing in our responsibility to steward the riches we have inherited. We are bequeathing our children not just a ruined landscape, but a world of conflict as well.

This is a classic tragedy of the commons. We have treated our atmosphere as a costless dump for the waste gases that are the byproduct of our great wealth. There was a time when we could plead ignorance. That day is past. The science is now clear. There was a time when we might have claimed the cost of changing our ways was too great. That day is past. We now know the costs of inaction are unacceptably high. There was a time when we could claim that our actions, in isolation, would be ineffective. That day is past. It is now clear that our inaction reduces the effectiveness of international efforts to address climate change, and provides an excuse for China, India, Mexico, Brazil, and the other leading emitters of the future to stay with us on the sidelines.

Today, I am joining with my friend Senator DICK LUGAR to submit this resolution, to put the Senate on record in support of a return of the United States to a leadership role in the international search for solutions to the problem of global warming.

Our resolution calls for United States participation in negotiations under the United Nations Framework Convention on Climate Change—signed by the first President Bush—that will protect the economic and security interests of the

United States, and that will commit all nations—developed and developing—that are major emitters of greenhouse gases to achieve significant long-term reductions in those emissions. The resolution also calls for a bipartisan Senate observer group to monitor talks and ensure that our negotiators bring back agreements that all Americans can support.

With the glaring exception of the United States, the major industrial nations of the world are proceeding with their commitments, under the Kyoto Protocol to the Framework Convention, to reduce their greenhouse gas emissions an average of seven percent below 1990 levels. The period from 2008 through 2012 will test their ability to meet those commitments, which were first negotiated in 1997. It is past time for us to begin the discussions that can lead to the next steps, beyond the Kyoto date of 2012. Those next steps must not only include the United States, the leading historical source of greenhouse gases. They must include those nations who will soon overtake us in that role, those who will be the leading emitters in 2012.

The Biden-Lugar Resolution states that the evidence of the human role in global warming is clear, that the environmental, economic, and security effects will be costly, and that the response must be international. The resolution recognizes that there are real economic benefits from both reducing the waste and inefficiencies inherent in greenhouse gas emissions, and from the markets for new, climate-friendly technologies. Most importantly it puts the Senate on record, calling for the United States to resume its role as leader in the international effort to address this global threat.

I personally believe that the single most important step we can take to resume a leadership role in international climate change efforts would be to make real progress toward a domestic emissions reduction regime. For too long we have abdicated the responsibility to reduce our own emissions, the largest single source of the problem we face today. We have the world's largest economy, with the highest per capita emissions. Rather than leading by example, we have retreated from international negotiations.

In this Congress we will see renewed efforts to pass legislation to create that regime, to reduce our domestic emissions, and to open our many responsible American businesses to both international emissions trading and the new markets for clean technologies in the developing world. Moving toward that goal will be crucial to the effectiveness and credibility of our international efforts.

We are all on this planet together. We cannot protect ourselves from the effects of climate change by acting alone—this is a global problem that will require a global solution. To undertake meaningful reductions, countries will need to know that their actions will not be undercut by ''free riders'' who continue business as usual while they commit to change. To build that trust will require commitments by all of the key players, and the institutions to coordinate the actions of independent nations.

With this resolution, Senator LUGAR and I want to put the Senate on record in support of a new effort to build that trust, to make those commitments, to participate in a coordinated international effort to confront the real threat of climate change.

AMENDMENTS SUBMITTED AND PROPOSED

SA 59. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 60. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 61. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 62. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 63. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 64. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs . FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 65. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 66. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 67. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 68. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 69. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 70. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 71. Mr. NELSON, of Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 72. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 73. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 74. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 75. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 76. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 77. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 78. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 79. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 81. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

SA 82. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 83. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. COBURN, Mr. ENSIGN, Mr. THUNE, and Mr. SESSIONS) submitted an

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

SA 84. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 49 proposed by Mr. BOND (for Mr. COBURN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 85. Mr. REID submitted an amendment intended to be proposed to amendment SA 31 proposed by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 86. Mr. REID submitted an amendment intended to be proposed to amendment SA 63 submitted by Mr. FEINGOLD to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 87. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 88. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 89. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 90. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 91. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 92. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 93. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 94. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 95. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 96. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra; which was ordered to lie on the table.

SA 97. Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

TEXT OF AMENDMENTS

SA 59. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike sections 108 and 109 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

SA 60. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 61, after line 20, add the following:

SEC. 271. VACANCIES.

Section 546 of title 28, United States Code, is amended to read as follows:

''§ 546. Vacancies

''The United States district court for a district in which the office of the United States attorney is vacant may appoint a United States attorney to serve until that vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.''.

SA 61. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—BUDGET ENFORCEMENT LEGISLATIVE TOOLS ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the ''Budget Enforcement Legislative Tools Act of 2007''.

SEC. 302. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1013. (a) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY AND TARGETED TAX BENEFITS.—In addition to the method of rescinding discretionary budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any discretionary budget authority provided in an appropriations Act or a targeted tax benefit provided in a revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) Not later than 3 days after the date of enactment of an appropriations Act or revenue Act subject to rescission under this section, the President may transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in that Act or cancel the targeted tax benefit and include with that special

message a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority or cancel the targeted tax benefit.

''(2) In the case of an Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind discretionary budget authority or cancel a targeted tax benefit under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

''(3) Each special message shall specify, with respect to the discretionary budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

''(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—

''(1) The amount of discretionary budget authority which the President may propose to rescind in a special message under this section for a particular program, project, or activity for a fiscal year may not exceed 25 percent of the amount appropriated for that program, project, or activity in that Act.

''(2) The limitation contained in paragraph (1) shall only apply to a program, project, or activity that is authorized by law.

''(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

''(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House or the Committee on Finance of the Senate and the Committee on Ways and Means of the House, as appropriate. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the committee fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

''(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

''(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House or the Committee on Finance of the Senate and the Committee on Ways and Means of the House, as appropriate. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

''(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

''(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

''(e) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(f) REQUIREMENT TO MAKE AVAILABLE OR EFFECTIVE DATE.—

''(1) OBLIGATION OF BUDGET AUTHORITY.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

''(2) TARGETED TAX BENEFIT.—A targeted tax benefit proposed to be cancelled in a special message transmitted to Congress under subsection (b) shall take effect on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message or on the effective date of that targeted tax benefit, whichever date is later.

''(g) DEFINITIONS.—For purposes of this section—

''(1) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period;

''(2) the term 'discretionary budget authority' means the dollar amount of discretionary budget authority and obligation limitations—

''(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

''(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law; and

''(3) the term 'targeted tax benefit' means only those provisions having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking ''and 1017'' in subsection (a) and inserting ''1013, and 1018''; and

(2) by striking ''section 1017'' in subsection (d) and inserting ''sections 1013 and 1018''; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking ''1013'' and inserting ''1014''; and

(B) in paragraph (5)—

(i) by striking ''1016'' and inserting ''1017''; and

(ii) by striking ''1017(b)(1)'' and inserting ''1018(b)(1)''.

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking ''1012 or 1013'' each place it appears and inserting ''1012, 1013, or 1014'';

(B) in subsection (b)(1), by striking ''1012'' and inserting ''1012 or 1013'';

(C) in subsection (b)(2), by striking ''1013'' and inserting ''1014''; and

(D) in subsection (e)(2)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking ''1013'' in subparagraph (C) (as so redesignated) and inserting ''1014''; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

''(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and''.

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking ''1012 or 1013'' each place it appears and inserting ''1012, 1013, or 1014''.

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

''Sec. 1013. Expedited consideration of certain proposed rescissions''.

(e) APPLICATION.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (c)) shall apply to amounts of discretionary budget authority provided by appropriation Acts (as defined in subsection (g)(2) of such section) and targeted tax benefits in revenue Acts that are enacted after the date of the enactment of this Act.

SEC. 303. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time periods'' means any 1 of the 4 following periods:

(A) The current year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2012.

SEC. 304. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate effective on the date in 2010 on which the Congress adjourns sine die.

SA 62. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENIOR CONGRESSIONAL SERVICE.

(a) STUDY AND REPORT.—The General Accountability Office, in consultation with the Congressional Management Foundation, shall conduct a study and prepare a report relating to—

(1) the need for establishing a Senior Congressional Service, similar to the Senior Executive Service in the executive branch, in order to promote the recruitment and retention of highly competent senior congressional staff;

(2) the design of a Senior Congressional Service, including—

(A) criteria for identifying the types of personnel or positions which would be appropriate for inclusion;

(B) appropriate levels or ranges of basic pay; and

(C) any special allowances, opportunities for professional development, and other conditions of employment which would be appropriate;

(3) any other recommendations, including proposed legislation, necessary for the establishment of a Senior Congressional Service; and

(4) any other measure which would increase retention rates for highly qualified congressional staff and diminish revolving door patterns of employment between Congress and lobbying firms.

(b) SUBMISSION OF REPORT.—Not later than 180 days after the date of enactment of this Act, the General Accountability Office shall submit the report under this section to each House of Congress.

SA 63. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 50, strike line 1 and all that follows through page 51, line 12, and insert the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. 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.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

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

SA 64. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

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

SA 65. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 2, between lines 2 and 3, insert the following:

SEC. 108A. NATIONAL PARTY CONVENTIONS.

Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

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

SA 66. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF EXECUTIVE CONTACTS BY LOBBYIST.

Section 5(b)(2)(B) of the Act (2 U.S.C. 1604(b)(2)(B)) is amended by inserting after ''Federal agencies'' the following: ''(including specifically which office or component of the agency)''.

SA 67. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING IMPROVING CAMPAIGN FINANCE LAWS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should—

(1) study proposals to improve federal campaign finance laws and report any legislation to the full Senate in a timely manner.

SA 68. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING IMPROVING THE ETHICS ENFORCEMENT PROCESS IN THE SENATE.

It is the Sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate should—

(1) study mechanisms to improve the ethics enforcement process in the Senate and report any legislation to the full Senate in a timely manner;

(2) in studying mechanisms under paragraph (1), consider whether or not it would be constitutional and wise to establish an independent bicameral office, separate offices for the Senate and House of Representatives, or an independent bipartisan commission to investigate complaints of violation of the ethics rules of the Senate or House of Representatives and present matters to the Select Committee on Ethics of the Senate; and

(3) in studying mechanisms under paragraph (1), consult with the Select Committee on Ethics of the Senate.

SA 69. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING IMPROVING CAMPAIGN FINANCE LAWS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should—

(1) study proposals to improve federal campaign finance laws, including: laws related to the bundling of contributions, and report any legislation to the full Senate in a timely manner.

SA 70. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 7, after line 6, insert the following:

''4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.''.

SA 71. Mr. NELSON OF Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. EQUAL APPLICATION OF ETHICS RULES TO EXECUTIVE AND JUDICIARY.

(a) GIFT AND TRAVEL BANS.—

(1) IN GENERAL.—The gift and travel bans that become the rules of the Senate and law upon enactment of this Act, shall be the minimum standards employed for any person described in paragraph (2).

(2) APPLICABILITY.—A person described in this paragraph is the following:

(A) SENIOR EXECUTIVE PERSONNEL.—A person—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, United States Code, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act;

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3, United States Code or by the Vice President to a position under section 106(a)(1)(B) of title 3, United States Code; or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37, United States Code) is pay grade O-7 or above.

(B) VERY SENIOR EXECUTIVE PERSONNEL.—A person described in section 207(d)(1) of title 18, United States Code.

(C) SENIOR MEMBERS OF JUDICIAL BRANCH.—A senior member of the judicial branch, as defined by the Judicial Conference of the United States.

(b) STAFF LOBBYING.—

(1) IN GENERAL.—Section 207(c)(2)(A) of title 18, United States Code, is amended by striking clauses (i) through (v) and inserting the following:

''(i) employed by any department or agency of the executive branch; or

''(ii) assigned from a private sector organization to an agency under chapter 37 of title 5.''.

(2) CONFORMING AMENDMENT.—Section 207(c)(2)(C) of title 18, United States Code, is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting ''(i)'' before ''At the request'';

(C) by striking ''referred to in clause (ii) or (iv) of subparagraph (A)'' and inserting ''described in clause (ii)''; and

(D) by adding at the end the following:

''(ii) A position described in this clause is any position—

''(I) where—

''(aa) the person is not employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5; and

''(bb) for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act; or

''(II) which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.''.

(c) SENIOR EXECUTIVE STAFF EMPLOYMENT NEGOTIATIONS.—Senior and very senior Executive personnel shall not directly negotiate or have any arrangement concerning prospective private employment while employed in that position unless that employee files a signed statement with the Office of Government Ethics for public disclosure regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced.

SA 72. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title 1, insert the following:

SEC. 120. DEFINITIONS.

Notwithstanding any other provision of this Act, for purposes of rule XLIV of the Standing Rules of the Senate—

(1) the term ''limited tax benefit'' means—any provision that provides a federal tax deduction, credit, exclusion or preference to a particular beneficiary or limited group of beneficiaries.

SA 73. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 120. DEFINITIONS.

Notwithstanding any other provision of this Act, for purposes of rule XLIV of the Standing Rules of the Senate—

(1) the term ''limited tax benefit'' means—

(A) any provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986;

SA 74. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 44, after line 23, insert the following:

''(9) a certification that no employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) serves as a Treasurer or other official on the campaign committee for a Federal candidate or officeholder or for a leadership PAC.''.

SA 75. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 31, after line 6, insert the following:

''(9) in the case of a covered lobbyist, the name of each Federal candidate or officeholder or leadership PAC on which the covered lobbyist serves as a Treasurer or other official.''.

SA 76. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials; except that this paragraph shall not apply to any funds required to be reported under section 304 of the Federal Election Campaign Act of 1974 (2 U.S.C. 434)

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

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

''(2) RULE OF CONSTRUCTION.—

For the purposes of this paragraph—

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

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

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

''(A) GIFT.—The term 'gift'—

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

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

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

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

SA 77. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMITT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

''1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority leader before being debated.

''(b) A motion shall be reduced to writing, if desired by the Presiding officer or by any Senator, and shall be read before being debated.''.

SA 78. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and MR. DURBIN) to the bill S. 1 to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

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

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds and may not be supplemented by any other funds, including funds of the Member or from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), or a gift.''.

SA 79. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1 to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

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

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds or funds from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431C4) and may not be supplemented by any other funds, including funds of the Member, or a gift.''.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert,

(a) It shall not be in order to consider any bill, joint resolution, conference report or amendment to a bill, joint resolution or conference report that contains a congressional initiative unless the language of such specifically requires competitive procedures be in place for selection of earmark funds recipients.

a. Competitive procedures defined—competitive procedures means those procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

b. Bid requirement—The language of a bill, joint resolution, conference report or amendment must prohibit any contract or grant from being awarded unless more than one bid or application is received for each grant or contract.

SA 81. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 3, line 8, after ''clause (1)'' insert ''sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics.''.

SA 82. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 4 proposed by Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA,, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike section 109 and insert the following:

SEC. 109. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

''(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

''(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

''(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

''(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;

''(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

''(i) a detailed itinerary of the trip; and

''(ii) a determination that the trip—

''(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

''(II) is consistent with the official duties of the Member, officer, or employee;

''(III) does not create an appearance of use of public office for private gain; and

''(iii) has a minimal or no recreational component; and

''(C) obtain written approval of the trip from the Select Committee on Ethics.

''(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.''.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

''(g) A Member, officer, or employee of the Senate shall—

''(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

''(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.''.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(C) by adding at the end the following:

''(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

''(A) The date of the flight.

''(B) The destination of the flight.

''(C) The owner or lessee of the aircraft.

''(D) The purpose of the flight.

''(E) The persons on the flight, except for any person flying the aircraft.''.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.''.

SA 83. Mr. GREGG (for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, Mr. VOINOVICH, Mr. ISAKSON, Mr. COBURN, Mr. ENSIGN, Mr. THUNE, and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE III—SECOND LOOK AT WASTEFUL SPENDING ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the ''Second Look at Wasteful Spending Act of 2007''.

SEC. 302. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''SEC. 1021. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

''(a) PROPOSED RESCISSIONS.—The President may send a special message, at the time and in the manner provided in subsection (b), that proposes to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—

''(i) FOUR MESSAGES.—The President may transmit to Congress not to exceed 4 special messages per calendar year, proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits.

''(ii) TIMING.—Special messages may be transmitted under clause (i)—

''(I) with the President's budget submitted pursuant to section 1105 of title 31, United States Code; and

''(II) 3 other times as determined by the President.

''(iii) LIMITATIONS.—

''(I) IN GENERAL.—Special messages shall be submitted within 1 calendar year of the date of enactment of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit the President proposes to rescind pursuant to this Act.

''(II) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this part, the President may not resubmit any of the dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits in that bill under this part, or part B with respect to dollar amounts of discretionary budget authority.

''(III) RESUBMITAL AFTER SINE DIE.—If Congress does not complete action on a bill introduced under this part because Congress adjourns sine die, the President may resubmit some or all of the dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits in that bill in not more than 1 subsequent special message under this part, or part B with respect to dollar amounts of discretionary budget authority.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit proposed to be rescinded—

''(i) the dollar amount of discretionary budget authority available and proposed for rescission from accounts, departments, or establishments of the government and the dollar amount of the reduction in outlays that would result from the enactment of such rescission of discretionary budget authority for the time periods set forth in clause (iii);

''(ii) the specific items of direct spending and targeted tax benefits proposed for rescission and the dollar amounts of the reductions in budget authority and outlays or increases in receipts that would result from enactment of such rescission for the time periods set forth in clause (iii);

''(iii) the budgetary effects of proposals for rescission, estimated as of the date the President submits the special message, relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, for the time periods of—

''(I) the fiscal year in which the proposal is submitted; and

''(II) each of the 10 following fiscal years beginning with the fiscal year after the fiscal year in which the proposal is submitted;

''(iv) any account, department, or establishment of the Government to which such dollar amount of discretionary budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

''(v) the reasons why such dollar amount of discretionary budget authority or item of direct spending or targeted tax benefit should be rescinded;

''(vi) the estimated fiscal and economic impacts, of the proposed rescission;

''(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or items of direct spending or targeted tax benefits are provided; and

''(viii) a draft bill that, if enacted, would rescind the budget authority, items of direct spending and targeted tax benefits proposed to be rescinded in that special message.

''(2) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION.—

''(A) IN GENERAL.—Upon the receipt of a special message under this part proposing to rescind dollar amounts of discretionary budget authority, items of direct spending, and targeted tax benefits—

''(i) the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed rescission and shall include in its estimate, an analysis prepared by the Joint Committee on Taxation related to targeted tax benefits; and

''(ii) the Director of the Joint Committee on Taxation shall prepare an estimate and forward such estimate to the Congressional Budget Office, of the savings from repeal of targeted tax benefits.

''(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

''(3) ENACTMENT OF RESCISSION BILL.—

''(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending or targeted tax benefit that are rescinded pursuant to enactment of a bill as provided under this part shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases or revenue reductions.

''(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The adjustments shall reflect the budgetary effects of such rescissions as estimated by the President pursuant to paragraph (1)(B)(iii). The

appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

''(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this part, the President shall revise applicable limits under the Second Look at Wasteful Spending Act of 2007, as appropriate.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader of each House, for himself, or minority leader of each House, for himself, or a Member of that House designated by that majority leader or minority leader shall introduce (by request) the President's draft bill to rescind the amounts of budget authority or items of direct spending or targeted tax benefits, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—

''(i) ONE COMMITTEE.—The bill shall be referred by the presiding officer to the appropriate committee. The committee shall report the bill without any revision and with a favorable, an unfavorable, or without recommendation, not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(ii) MULTIPLE COMMITTEES.—

''(I) REFERRALS.—If a bill contains provisions in the jurisdiction of more than 1 committee, the bill shall be jointly referred to the committees of jurisdiction and the Committee on the Budget.

''(II) VIEWS OF COMMITTEE.—Any committee, other than the Committee on the Budget, to which a bill is referred under this clause may submit a favorable, an unfavorable recommendation, without recommendation with respect to the bill to the Committee on the Budget prior to the reporting or discharge of the bill.

''(III) REPORTING.—The Committee on the Budget shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House, without any revision and with a favorable or unfavorable recommendation, or with no recommendation, together with the recommendations of any committee to which the bill has been referred.

''(IV) DISCHARGE.—If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this part shall be decided without debate.

''(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this part, consideration of a bill under this part shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this part under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

''(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (I)(C), then the Senate shall consider, and the vote under paragraph (I)(C) shall occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(d)—AMENDMENTS AND DIVISIONS PROHIBITED.—

''(1) IN GENERAL.—No amendment to a bill considered under this part shall be in order in either the Senate or the House of Representatives.

''(2) NO DIVISION.—It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole).

''(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in either the House of Representatives or the Senate to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

''(1) AVAILABILITY.—The President may not withhold any dollar amount of discretionary budget authority until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall be withheld from obligation for a period not to exceed 45 calendar days from the date of receipt by Congress.

''(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority withheld from obligation pursuant to paragraph (1) available at an earlier time if the President determines that continued withholding would not further the purposes of this Act.

''(f) TEMPORARY PRESIDENTIAL AUTHORITY SUSPEND.—

''(1) SUSPEND.—

''(A) IN GENERAL.—The President may not suspend the execution of any item of direct spending or targeted tax benefit until the President transmits and Congress receives a special message pursuant to subsection (b). Upon receipt by Congress of a special message, the President may suspend the execution of any item of direct spending or targeted tax benefit proposed to be rescinded in that message for a period not to exceed 45 calendar days from the date of receipt by Congress.

''(B) LIMITATION ON 45-DAY PERIOD.—The 45-day period described in subparagraph (A) shall be reduced by the number of days contained in the period beginning on the effective date of the item of direct spending or targeted tax benefit; and ending on the date that is the later of—

''(i) the effective date of the item of direct spending or targeted benefit; or

''(ii) the date that Congress receives the special message.

''(C) CLARIFICATION.—Notwithstanding subparagraph (B), in the case of an item of direct spending or targeted tax benefit with an effective date within 45 days after the date of enactment, the beginning date of the period calculated under subparagraph (B) shall be the date that is 45 days after the date of enactment and the ending date shall be the date that is the later of—

''(i) the date that is 45 days after enactment; or

''(ii) the date that Congress receives the special message.

''(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending or targeted tax benefit suspended pursuant to paragraph (1) at an earlier time if the President determines that continuation of the suspension would not further the purposes of this Act.

''(g) DEFINITIONS.—In this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(3) DAYS OF SESSION.—The term 'days of session' means only those days on which both Houses of Congress are in session.

''(4) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—The term 'dollar amount of discretionary budget authority' means the dollar amount of budget authority and obligation limitations—

''(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

''(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

''(5) RESCIND OR RESCISSION.—The term 'rescind' or 'rescission' means—

''(A) in the case of a dollar amount of discretionary budget authority, to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect; and

''(B) in the case of direct spending or targeted tax benefit, to repeal a provision of law in order to prevent the specific legal obligation of the United States from having legal force or effect.

''(6) DIRECT SPENDING.—The term 'direct spending' means budget authority provided by law (other than an appropriation law), mandatory spending provided in appropriation Acts, and entitlement authority.

''(7) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any specific provision of law enacted after the effective date of the Second Look at Wasteful Spending Act of 2007 that is estimated to result in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology described in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and, with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget.

''(8) SUSPEND THE EXECUTION.—The term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop the carrying into effect of the specific provision of law that provides such benefit.

''(9) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

''(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

''(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1017, and 1021''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1017 and 1021''.

(c) CLERICAL AMENDMENTS.—

(1) SHORT TITLE.—Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking ''Parts A and B'' before ''title X'' and inserting ''Parts A, B, and C''; and

(B) striking the last sentence and inserting at the end the following new sentence: ''Part C of title X also may be cited as the 'Second Look at Wasteful Spending Act of 2007'.''

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''Sec. 1021. Expedited consideration of certain proposed rescissions.''.

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE AND EXPIRATION.—

(1) EFFECTIVE DATE.—The amendments made by this Act shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this title.

(2) EXPIRATION.—The amendments made by this Act shall expire on December 31, 2010.

SA 84. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 49 proposed by Mr. BOND (for Mr. COBURN) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—No contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of law, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. No such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

SA 85. Mr. REID submitted an amendment intended to be proposed to amendment SA 31 proposed by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 1, strike line 4 and all that follows and insert the following:

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying contacts, or directs another individual to engage in lobbying contacts as a surrogate for that person, in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.''.

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

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

SA 86. Mr. REID submitted an amendment intended to be proposed to amendment SA 63 submitted by Mr. FEINGOLD to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 2, strike line 19 and all that follows and insert the following:

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying contacts, or directs another individual to engage in lobbying contacts as a surrogate for that person, in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.''.

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

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

SA 87. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—No contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of law, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. No such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

SA 88. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYING DISCLOSURE.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)), as amended by this Act, is amended by adding at the end the following:

''(9) a certification that no employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) serves as a treasurer or other official on the campaign committee for a Federal candidate or officeholder or for a leadership PAC.''.

SA 89. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOBBYIST DISCLOSURE.

Section 5(d) of the Act (2 U.S.C. 1604), as amended by this Act, is amended by adding after paragraph (8) the following:

''(9) in the case of a covered lobbyist, the name of each Federal candidate or officeholder or leadership PAC on which the covered lobbyist serves as a treasurer or other official.''.

SA 90. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

''(5) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected and delivered directly to the candidate within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

''(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or

for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

''(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 91. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself, and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employeee filing under this subsection to have been raised at such event;

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

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

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

''(C) whether the registrant or lobbyist traveled on any such travel;

''(D) the identity of the listed sponsor or sponsors of such travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

''(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 92. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

''(d) QUARTERLY REPORTS ON CONTRIBUTIONS.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

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

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

''(C) whether the registrant or lobbyist traveled on any such travel;

''(D) the identity of the listed sponsor or sponsors of such travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

''(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 93. Mr. REID submitted an amendment intended to be proposed to amendment SA 41 proposed by Mr. OBAMA (for himself and Mr. FEINGOLD) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

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''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employee filing under this subsection to have been raised at such event;

''(5) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected and delivered directly to the candidate within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

''(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 94. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

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''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) known by the registrant or employeee filing under this subsection to have been raised at such event;

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(A) an itemization of the payments or reimbursements provided to finance the travel

and related expenses and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

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

''(C) whether the registrant or lobbyist traveled on any such travel;

''(D) the identity of the listed sponsor or sponsors of such travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

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For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 95. Mr. REID submitted an amendment intended to be proposed to amendment SA 76 submitted by Mr. FEINGOLD (for himself and Mr. OBAMA) to the amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

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''(1) the name of the registrant or covered lobbyist;

''(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

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

''(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date and location of such event;

''(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

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

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

''(C) whether the registrant or lobbyist traveled on any such travel;

''(D) the identity of the listed sponsor or sponsors of such travel; and

''(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

''(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

''(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

''(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.''.

SA 96. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENIOR CONGRESSIONAL SERVICE.

(a) STUDY AND REPORT.—The General Accountability Office, in consultation with the Congressional Management Foundation, shall conduct a study and prepare a report relating to—

(1) the need for establishing a Senior Congressional Service, similar to the Senior Executive Service in the executive branch, in order to promote the recruitment and retention of highly competent senior congressional staff;

(2) the design of a Senior Congressional Service, including—

(A) criteria for identifying the types of personnel or positions which would be appropriate for inclusion;

(B) appropriate levels or ranges of basic pay; and

(C) any special allowances, opportunities for professional development, and other conditions of employment which would be appropriate;

(3) any other recommendations, including proposed legislation, necessary for the establishment of a Senior Congressional Service; and

(4) any other measure which would increase retention rates for highly qualified

congressional staff and diminish revolving door patterns of employment between Congress and lobbying firms.

(b) SUBMISSION OF REPORT.—Not later than 180 days after the date of enactment of this Act, the General Accountability Office shall submit the report under this section to each House of Congress.

SA 97. Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 3, before line 1, after the item relating to section 416, insert the following:

TITLE V—RAIL BOND AUTHORITY

Sec. 501. Intercity rail facility bonds.

TITLE VI—RAIL INFRASTRUCTURE BONDS

Sec. 601. Short title.

Sec. 602. Tax credit to holders of qualified rail infrastructure bonds.

At the end of the bill, add the following:

TITLE V—RAIL BOND AUTHORITY

SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end the following:

"§ 26106. Rail infrastructure bonds

''(a) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

''(1) the bonds are to be issued by—

''(A) a State, if the entire railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

''(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105–134 (49 U.S.C. 24101 note);

''(C) an agreement or an interstate compact described in subparagraph (B); or

''(D) Amtrak, for capital projects under its 5-year plan;

''(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a rail transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of intermodal facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 225 (except for bonds issued under paragraph (1)(D)); and

''(3) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad's employees (including terms regulating the contracting of work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

''(b) BOND AMOUNT LIMITATION.—

''(1) IN GENERAL.—The amount of bonds designated under this section may not exceed in the case of section 54A bonds, $1,300,000,000 for each of the fiscal years 2007 through 2012.

''(2) CARRYOVER OF UNUSED LIMITATION.—If for any fiscal year the limitation amount under paragraph (1) exceeds the amount of section 54A bonds issued during such year, the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2019) shall be increased by the amount of such excess.

''(c) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

''(d) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a requested designation within 9 months after receipt of an application.

''(e) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be issued for refinancing projects only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

''(1) after the date of the enactment of this section;

''(2) for a term of not more than 3 years;

''(3) to finance projects described in subsection (a)(2); and

''(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

''(f) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided in subsection (a)(2)(B)), shall be subject to the conditions under section 24405.

''(g) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary shall issue regulations for carrying out this section.

''(h) SECTION 54A DEFINED.—In this section, the term 'section 54A bond' means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

''26106. Rail infrastructure bonds.''.

TITLE VI—RAIL INFRASTRUCTURE BONDS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Passenger Rail Investment and Improvement Financing Act of 2007''.

SEC. 602. TAX CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Rail Infrastructure Bonds

''Sec. 54A. Credit to holders of qualified rail infrastructure bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified rail infrastructure bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified rail infrastructure bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on

the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified rail infrastructure bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(f) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this part, the term 'qualified rail infrastructure bond' means any bond issued as part of an issue if—

''(1) the issuer certifies that the Secretary of Transportation has designated the bond for purposes of this section under section 26106(a) of title 49, United States Code, as in effect on the date of the enactment of this section,

''(2) 95 percent or more of the proceeds from the sale of such issue are to be used for expenditures incurred after the date of the enactment of this section for any project described in section 26106(a)(2) of title 49, United States Code,

''(3) the term of each bond which is part of such issue does not exceed 20 years,

''(4) the payment of principal with respect to such bond is the obligation solely of the issuer, and

''(5) the issue meets the requirements of subsection (f) (relating to arbitrage).

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the issuer reasonably expects—

''(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the issuer uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The issuer spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) Either—

''(I) the issuer spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, or

''(II) the issuer pays to the Federal Government any earnings on the proceeds from the sale of the issue that accrue after the end of the 3-year period beginning on the date of issuance and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

''(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a qualified rail infrastructure bond ceases to be such a qualified bond, the issuer shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the issuer fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards under subsection (c) shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(i) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) QUALIFIED PROJECT.—The term 'qualified project' means any project described in section 26106(a)(2) of title 49, United States Code.

''(3) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(2), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

''(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(6) REPORTING.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON QUALIFIED RAIL INFRASTRUCTURE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.—For purposes of this section, the credit allowed by section 54A to a taxpayer by reason of holding a qualified rail infrastructure bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end of subsection (g) the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.—For purposes of this section, the credit allowed by section 54A to a taxpayer by reason of holding a qualified rail infrastructure bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS''.

(2) Section 6401(b)(1) is amended by striking ''and G'' and inserting ''G, and H''.

(d) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary of the Treasury shall issue regulations for carrying out this section and the amendments made by this section.

(e) INTERCITY RAIL FACILITIES.—Section 142(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL REQUIREMENTS.—A bond issued as part of an issue described in subsection (a)(11) shall not be considered an exempt facility bond unless the requirements of paragraphs (1) through (4) of section 26106(a) of title 49, United States Code, are met.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members of the Committee that the Committee will hold an organizational meeting on Thursday, January 18, 2007 at 9 a.m. in Russell 428A.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, January 24, 2007 at 9:45 a.m. in room SD–366 of the Dirksen Building.

The purpose of this hearing is to receive testimony on analysis recently completed by the Energy Information Administration, Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Black (202) 224–6722 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, January 30, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the status of Federal land management agencies' efforts to contain the costs of their wildfire suppression activities and to consider recent independent reviews of and recommendations for those efforts.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Scott Miller at 202–224–5488 or Amanda Kelly at 202–224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 8, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Al Stayman (202) 224–7865 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, January 16, 2007 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Plight of Iraqi Refugees'' on Tuesday, January 16, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Ellen Sauerbrey, Assistant Secretary of State Population, Refugees and Migration, U.S. Department of State, Washington, D.C.

Panel II: Sam:**, Former Translator for the U.S. Military, PA; John**, Former Truck Driver, subcontractor, for the U.S. Military, CA; Captain Zachary J. Iscol, Foreign Military Training Unit, Marine Forces Special Operations Command, Camp Lejeune, NC, Lisa Ramaci-Vincent, Executive Director, Steven Vincent Foundation, New York City, NY, and Ken Bacon, President, Refugees International, Washington, DC.

Panel III: Michel Gabaudan, Regional Representative for the U.S. and Caribbean, Office of the United National High Commissioner for Refugees, Washington, DC.

**Name has been changed to protect witness identity.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2006 fourth quarter mass mailings is Thursday, January 25, 2007. If your office did no mass mailing during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: The Honorable DIANNE FEINSTEIN of California.

MEASURE PLACED ON CALENDAR—S. 287

Mr. SALAZAR. Mr. President, I understand that S. 287 is at the desk and due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title.

The legislative clerk read as follows:

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

Mr. SALAZAR. Mr. President, I object to any further proceedings with respect to the bill.

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

ORDERS FOR WEDNESDAY, JANUARY 17, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, January 17; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the Republicans and the second half under the control of the majority; that at the close of morning business, the Senate resume consideration of S. 1; that all time during the adjournment count postcloture; that the Senate recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences and that time count postcloture also.

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

PROGRAM

Mr. SALAZAR. Mr. President, the Senate has voted on two amendments relating to earmarks that were approved unanimously by a vote of 98 to 0. Plus, the Senate voted to invoke cloture on the Reid amendment regarding travel and corporate jets. I understand there are several second-degree amendments that were filed, and we hope to address any germane second-degree amendments prior to disposing of the travel amendment. Once we dispose of the travel amendment, then we will have a cloture vote on the substitute amendment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until 10 a.m., Wednesday, January 17, 2007.

NOMINATIONS

Executive nominations received by the Senate January 16, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 3033 AND 601:

To be general

GEN. GEORGE W. CASEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES M. DUBIK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KARL W. EIKENBERRY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. WILLIAM J. FALLON

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

DEPARTMENT OF JUSTICE

ROSA EMILIA RODRIGUEZ-VELEZ, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS, VICE HUMBERTO S. GARCIA, RESIGNED.

JOHN WOOD, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE TODD PETERSON GRAVES, RESIGNED.

MICHAEL DAVID CREDO, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE THEOPHILE ALCESTE DURONCELET, RESIGNED.

ROBERT GIDEON HOWARD, JR., OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE RAY ELMER CARNAHAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE J. SMITH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DAVID H. BERGER
COLONEL WILLIAM D. BEYDLER
COLONEL MARK A. BRILAKIS
COLONEL MARK A. CLARK
COLONEL DAVID C. GARZA
COLONEL CHARLES L. HUDSON
COLONEL RONALD J. JOHNSON
COLONEL THOMAS M. MURRAY
COLONEL LAWRENCE D. NICHOLSON
COLONEL ANDREW W. O'DONNELL, JR.
COLONEL ROBERT R. RUARK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES D. BARICH
IVAN GLASCO
WILLIAM J. HARKIN II
SEAN M. HEERY
LISA J. HYNES
JOSEPH T. KRUMM
MARCUS J. MESSINA
GORDON B. OVERY, JR.

WITHDRAWAL

Executive message transmitted by the President to the Senate on January 16, 2007, withdrawing from further Senate consideration the following nomination:

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.