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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Holy God, who calls out to us, help us to listen. May we hear Your voice in the beauties of this Earth and the glories of the skies. Whisper Your messages in the glory of a sunrise and the splendor of a sunset. Remind us of Your sovereignty in the orderly transition of the seasons. Speak, Lord, for we wait to hear Your voice.

Speak to our Senators. Teach them Your plans and priorities. Show them Your paths. Remind them of the power of unfettered faith, hope, and love, as You awaken their sympathy for those who live without joy. Give them grace and courage to follow You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 11, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Thank you very much, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 2

Mr. REID. Mr. President, it is my understanding that H.R. 2 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for 90 minutes. The Republicans will control the first 45 minutes, the majority will have the remaining 45 minutes. Following this period of morning business, the Senate will resume the ethics legislation that is pending before this body.

Yesterday, I indicated we would vote this morning on the Stevens second-degree amendment dealing with airplanes. However, Senator STEVENS decided to withdraw the amendment in preparation to file another one. There were some problems with that, as he indicated to me. I am sure he will have a new amendment soon. He is working with somebody on this side of the aisle, I understand, to come up with a second-degree amendment.

Other amendments offered yesterday are still pending, and, again, I hope we can move forward in disposing of these amendments. I think Senator DURBIN will be here soon—as soon as we have the opportunity after we finish morning business—to move to table some of the amendments dealing with appropriations matters.

WELCOMING THE PRESIDING OFFICER

Mr. REID. Mr. President, I would also note that the Presiding Officer today is from the State of Montana. It is the first time the distinguished Senator has presided. We congratulate you. And I recognize the State of Montana is bigger than the State of Nevada.

I remember, with a lot of fondness, the first time I campaigned in the State of Montana. I was struck by how big that State is. We flew most all of 2 days around that State and never got from one end to the other. It is a big State, and we are very grateful they have a big Senator representing it.

ETHICS AND LOBBYING REFORM LEGISLATION

Mr. REID. Mr. President, the matters before the Senate have been here. There are no restrictions on any amendments that have been offered. We disposed of some campaign finance amendments that were offered yesterday. I know the amendments were offered in good faith, in good conscience by the authors of the amendments. I agree with the author of those amendments, that we need to take a look at campaign finance reform, but I think it

should be done in the right way and that is to have hearings.

I believe we need extensive hearings on these matters. And both Senator BENNETT and Senator FEINSTEIN have agreed to do that. So if there are other campaign finance matters, we would approach those in the same manner as we did these.

It is very important we finish this legislation. We are going to do the very best we can to do that, and we are going to finish it next week.

Now, I told the Republican leader, late last night, that I am thinking of filing cloture tomorrow or Tuesday on this matter. I think people have had every opportunity to offer amendments, to debate those amendments. I am sure there will be others that will be offered and debated, I hope, today. It is an important piece of legislation. But I hope people would do their best to direct it toward what we are trying to do; that is, ethics and lobbying reform.

IRAQ

Mr. REID. Mr. President, the distinguished Republican leader, with me and a few others, met with the President yesterday. I told the President how much I thought of him, personally. I told him, even though my fondness for him is significant, I disagree with a number of his policies, not the least of which is what is going on in Iraq.

He announced his new plan last night, and it was basically what he told us there at the White House yesterday. The President admitted he had made some mistakes, and I think that is commendable, the right thing to do, because there have been mistakes made in the waging of that war. But by calling for escalation of this conflict, I think he is on the verge of making another mistake.

As I made clear in a letter to the President last Friday, along with Speaker of the House PELOSI, I oppose his new plan because it sends the wrong signal to the Iraqis, to the Americans, and to the rest of the world. President Bush is Commander in Chief, and his proposal deserves serious consideration by this body, and we will give it serious consideration.

In the days ahead, we will give his proposal and the overall situation in Iraq a thorough review. I received a call late last night from one Democratic Senator who has a proposal, early this morning from another Senator, a Democratic Senator, who has some ideas. We heard, yesterday, from Senator COLEMAN. He opposes the surge. Senator BROWNBACK is in Iraq and issued a press release saying he opposed the surge.

But we are going to have hearings. Those hearings are starting today on the war that is raging in Iraq. Tomorrow, there will be further hearings by the Armed Services Committee. In those hearings, experts will be asked about his proposal. And when the process is complete, we will have a vote in the Senate. As to when that will be, under Senate schedules, sometimes it is difficult to determine, but we will have one. I will not prejudice the outcome of the vote on the President's plan, but I will say this: Putting more U.S. combat forces in the middle of an Iraqi civil war is a mistake.

In November, voters all across the country spoke loudly for change in Iraq. That was the issue. In overwhelming numbers, they delivered a vote of no confidence on the President's opened-ended commitment and demanded we begin to bring this war to a close.

Last December, the Baker-Hamilton Commission—a respected panel of foreign policy experts who studied the law, patriots all—echoed the voters' call for change. The Commission, which included both Democrats and Republicans, determined the time has come to transition our forces out of Iraq, while launching a diplomatic and regional strategy to try to hold together this destabilized region.

But last night, the President—in choosing escalation—ignored the will of the people, the advice of the Baker-Hamilton Commission, and a significant number of top generals, two of whom were commanders in the field.

In choosing to escalate the war, the President virtually stands alone.

Mr. President, we have lost more than a score of soldiers from Nevada. The same applies to every State in the Union. From the State of Pennsylvania—I was speaking to the junior Senator from Pennsylvania—they lost more than 140. So many have sacrificed so much. They have done their job, these brave men and women. It is time for a policy, I believe, that honors their service by putting the future of Iraq in the hands of the Iraqis.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

ETHICS AND LOBBYING REFORM

Mr. MCCONNELL. Mr. President, let me echo the comments of the majority leader about the underlying bill. The Senate passed, essentially, this bill 90 to 8 last year. Because of difficulties in dealing with the other body, we were not able to complete the job. But the Senate is ready to act. Members on this side of the aisle are ready to act. I share the majority leader's view that we ought to wrap this important lobby and ethics reform bill up sometime next week, and we will be cooperating toward that end.

We made good progress yesterday. There are a number of other amendments to be dealt with. We expect to deal with many of them today and in the morning.

IRAQ

Mr. MCCONNELL. Briefly, Mr. President, with regard to the President's remarks last night, I think the American people would like to see us prevail in Iraq, succeed in Iraq. And the definition of ''success,'' obviously, would be a stable government and an ally in the war on terror. What prevents that is violence in Baghdad.

This plan announced last night to clear and hold Baghdad neighborhoods gives the capital city a chance to quiet down, to create the kind of secure environment that will allow this fledgling democracy to begin to function.

I think the President should be given a chance to carry this out. Rather than condemn it before it even starts, it seems to me it would be appropriate to give it a chance to succeed. If it could succeed, it would be an enormous step forward in the war on terror.

Finally, let me say, it is no accident we have not been attacked again here for the last 5 years. I hope no one believes that is a quirk of fate. The reason we have not been attacked again here at home for the last 5 years is because we have been on offense in Afghanistan and Iraq. Many of the terrorists are now dead, many are incarcerated, others are hiding and on the run.

The policy of being on offense has been 100 percent successful in protecting our homeland, and we are grateful for that, that no Americans have been attacked for 5 years.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes, with the first half of the time under the control of the minority and the second half of the time under the control of the majority.

The Senator from Iowa.

IRAQ

Mr. GRASSLEY. Mr. President, following the other two speakers in regard to Iraq, I want to say a couple things. No. 1, anybody who criticizes what the President is proposing or anybody else is proposing or what has been done cannot get away with criticizing. There has to be another plan. I want to hear plans from people who think that what the President is doing is wrong. What would they do?

The second thing is that even the Iraq Study Group, which is very bipartisan, said there should not be a precipitous withdrawal from Iraq.

In regard to what my distinguished leader of the Republican caucus had to

say, that there has not been any attack on Americans in the 5 years since 9/11, those who are criticizing our efforts on the war against terror would be the first ones, if we had an attack this very day, of criticizing the President of the United States: Why wasn't he on top to prevent some sort of attack? And because America has not been attacked, there tends to be a short memory about the fact that we did lose 3,000 Americans. And we know it can happen again.

We know that terrorists came into O'Hare with the idea of a dirty bomb in America. We know there were people who were going to blow up bridges in New York City who were caught and the plans known. We individual Senators have been told by the CIA and by the FBI about many instances of where terrorist attacks against Americans have been stopped, and American lives have not been lost because of that. But they cannot talk about it because we do not want the terrorists to know what we know about them.

Too much attention on Iraq detracts from the fact that there are terrorists in 60 different countries around the world waiting to kill Americans. Evidence of that was American military people working with the Filipinos over the weekend to kill two terrorists connected with radical religious groups.

We finally were able to get at some of the people who should have been arrested in the previous administration, if a proper relations with Saudi Arabia had brought it about, who thought up the bombing of the embassies in east Africa when 12 Americans were killed and 200 other people were killed. We believe one of those persons was killed in a strike we were making in Somalia over the weekend. So we are involved in more than just Iraq in the war on terror.

People who forget what happened to America on 9/11, and if it happened again, some of the people who are criticizing what the President is doing would be there saying, as they were soon after September 11: Why wasn't the President on top of what happened on September 11 so it wouldn't happen again, when there were five instances of Americans being killed: 1993, 1995, 1997, 1999, before 2001, and this body passed the Iraqi Liberation Act unanimously in 1998 because President Clinton was saying what a threat Saddam Hussein was to the United States or to the world as well and that he had to go.

When you have that bipartisan support at a time when Americans are being attacked and killed—in 1993, 1995, 1997, and 1999, before 9/11 somewhere around the world—you have to stop to think, it isn't just Iraq. It isn't just Afghanistan. It isn't just 9/11. These religious radicals have been out to kill Americans going way back to 250 marines being killed in Lebanon in 1983. And there are individual instances of terrorism before that.

The war on terrorism isn't something new. What is going on in Iraq is not the war on terrorism. What is going on in Afghanistan is not the war on terrorism. The war on terrorism covers many nations, many threats to American people. The life of every one of us in this Chamber right now, if we were to go over to some parts of the world, would be threatened. We expect the President of the United States to protect us because he is Commander in Chief and because the responsibility of the Federal Government under the Constitution, No. 1, is the protection of the American people.

GOVERNMENT NEGOTIATION OF DRUG PRICES

Mr. GRASSLEY. Mr. President, I did not come to the floor to talk about Iraq. I am not on too many of the committees that deal with foreign relations and military issues. I am on the Finance Committee, serving as a team player with the capable chairman of that committee, Senator BAUCUS, to deal with health issues, tax issues, and trade issues.

One of the health issues I have been speaking on for the last several days is the issue of Medicare and prescription drugs. For 3 days you have heard this Senator say why Democratic efforts to ruin the Medicare prescription drug program by doing away with the nonintervention clause is bad for senior citizens. I will take this fourth day of speaking to quote from other experts because I don't presume that any of the other 99 Senators care what I say. I have said it anyway. But I want to back up what I have said over the last 3 days by quoting from other people whom other Senators may be listening to in the period of time between now and a couple of weeks from now when this issue of prescription drugs is going to come up.

On Monday I spoke about how the benefit uses prescription drug plans and competition to keep costs down and how well that is working. I backed that up statistically. I said it then, and I say it again: If it ain't broke, don't fix it.

I presented findings from the chief actuary at the Center for Medicare Services. And for the benefit of a new Senator chairing, this chief actuary is the one people on his side of the aisle were quoting so extensively, that there was a much higher figure coming out of the administration than what the CBO had, and there was an effort to keep that hidden—what the chief actuary said it would cost—from the Congress so that we would pass a bill that was more expensive than we said it was. And if he could be quoted then, I want people to listen to him now.

I also quoted experts from the Congressional Budget Office, explicitly rejecting opponents' claims that giving the Secretary of Health and Human Services the authority to negotiate with drug companies would produce savings.

Today I will let the words of others from across the political spectrum and from the news media do the talking. I will begin with Secretary Michael Leavitt, head of the Department of Health and Human Services, who said:

> Government negotiation of prices does not work unless you have a program completely run by the government. Federal price negotiations would unravel the whole structure of the Medicare drug benefit, which relies on competing private plans.

Just today, the Secretary wrote an op-ed in the Washington Post that if the Government was required to negotiate—I am quoting the Secretary—''one government official would set more than 4,400 prices for different drugs, making decisions that would be better made by millions of individual consumers.''

The Secretary went on to say:

> There are many ways the administration and Congress can work together to make health care more affordable and accessible. But undermining the Medicare prescription drug benefit, which has improved the lives and health of millions of seniors and people with disabilities, is not one of them.

The next person I would like to quote is Dan Mendelson, a former Clinton administration official, who now is president of a health care consulting firm that tracks Medicare prescription drug programs. Mr. Mendelson, a former Clinton administration official, said:

> From a rhetorical perspective, Democrats may feel like they gain a lot with this issue, but there are many substantive hurdles that the government faces in trying to negotiate prices. If you look historically at the government's experience in trying to regulate prices, it's poor.

That was an official from the Clinton administration. As supporting evidence, a Chicago Tribune editorial said the following:

> Richard S. Foster, the chief actuary for the Centers for Medicare and Medicaid Services, studied whether direct government negotiation would yield bigger discounts. His answer: Not likely.

One reason, he said, was Medicare's unreassuring record on price negotiations, even before this new benefit was passed.

I made the point the other day that over the last 40 years, we have seen CMS, HHS, price health care, wasting a lot of taxpayers' dollars, because the Government has overpriced things, overreimbursed things. Mobile wheelchairs is just the most recent example I have used in some of my hearings in my committee while I was chairing it.

Medicare has a history, following on what I said, of paying for some drugs ''at rates that, in many instances, were substantially greater than the prevailing price levels. Translation: The feds got fleeced.''

That is the chief actuary that people on the other side of the aisle were quoting so liberally 3 years ago. I hope they will take his analysis of what is going on now in Medicare, working well for seniors, into consideration before they screw everything up with an amendment to do away with the noninterference clause.

Now I want to show you a chart. I guess this will be the first chart. I

want to start with the Washington Post in November, when they printed a quote from Marilyn Moon, director of the health program at the American Institutes for Research. She is a former trustee of the Social Security and Medicare trust funds, a former senior analyst of the Congressional Budget Office, and the new Senator presiding will find out that the Congressional Budget Office is God here. If they say something is going to cost something, it costs something. If we think it costs less, we go by what they say. If you want to overrule them, it takes a 60-vote supermajority. Marilyn Moon is currently president of the board of the Medicare Rights Center.

She says:

This is going to be much more of a morass than people think. Negotiating drug prices is a feel good kind of answer, but it's not one that is easy to imagine how you put it into practice.

Dr. Alan Enthoven, professor at Stanford University, now emeritus—we often read his writings because he is such an expert in health care financing—wrote in the Wall Street Journal an opinion piece:

When the government negotiates its hands are tied because there are few drugs it can exclude without facing political backlash from doctors and the Medicare population, a very influential group.

Quoting further from Dr. Enthoven:

Congressional Democrats need to be careful in making the logical leap from market share to bargaining power. Empowering the government to negotiate with pharmaceutical companies is not necessarily equivalent to achieving lower drug prices. In fact, neither economic theory nor historical experience suggests that will be the outcome.

An editorial in the Dallas Morning News echoed my statement from Monday that beneficiaries do not want the Government in their medicine cabinet. A quote from the Dallas editorial:

Giving the feds the power to negotiate drug prices for seniors would effectively cede control of the pharmaceutical industry to Washington. When congressional Democrats press for this change, remember they're pushing for much more than lower prices. They're seeking to move the line where government should stop and the marketplace should start.

But let's talk about who really matters in this case. Who really matters are the beneficiaries, the senior citizens, the disabled people on Social Security, and, of course, the taxpayers ought to be given equal or more consideration. Once again, to emphasize, if it ain't broke, don't fix it.

In 2006, premiums were 38 percent lower than originally anticipated. By ''originally anticipated,'' I mean the work that was done by CMS and the Congressional Budget Office to give us information when we wrote this bill in 2003. We also find out that the net cost to the Federal Government is lower than expected. The 10-year cost of Part D has dropped $189 billion, representing a 30-percent drop in the actual cost compared to the original projections.

I ask: How many times do Government programs come in under cost? Every day we are reading about cost overruns of Government programs, and here is one that is coming in 30 percent under cost, and somebody wants to screw it up by offering amendments to change what has worked, the one lever that has brought about 35-percent lower prices for the 25 drugs most used by senior citizens, and that is on top of the 38-percent lower price for premiums to which I have already referred.

A poll of the Medicare beneficiaries by J. D. Power & Associates, which takes consumer temperatures of all sorts of products, found that 45 percent of the beneficiaries surveyed were ''delighted'' with the Medicare drug benefit. They gave their own drug plan a 10 on a 10-point scale, and another 35 percent of those surveyed gave their prescription drug plan an 8 or 9 rating on a 10-point scale. And other polls are consistent. So that is 80 percent satisfied.

All of the program's successes have been challenged at various times by this program's opponents, and each time these challenges have been proven wrong.

As the plan continues to return positive results, skeptics are beginning to change their opinion as well. I want to quote Dr. Reischauer, who is former Director of the Congressional Budget Office, and has great respect on the Democratic and Republican sides. He is a nationally known expert on Medicare. Currently, he is president of the Urban Institute and serves as vice chair of the Medicare Payment Advisory Commission.

This is a very candid statement by somebody who had their doubts about this program when it was put in place. He says:

Initially, people were worried no private plans would participate.

In other words, we were patterning it, as I said, after the Federal Employees Health Benefits Program of 50 years. We wanted to transplant that for the benefit of senior citizens in Medicare. We didn't know if our program would work, even though it worked for Federal employees. As he said, there were doubts.

Continuing to quote:

Then too many plans came forward.

Parenthetically, a heck of a lot more plans than we anticipated. We even thought at one time there were going to be so few plans, and because we wanted people to have some choice, that we were going to have to have the Federal Government subsidize an extra plan just for people to have choice. But then the complaint was too many plans.

He goes on to another point:

Then people said it's going to cost a fortune. And the price came in lower than anybody thought. Then people like me—

Meaning Dr. Reischauer—

said they're low-balling the prices the first year and they'll jack up the rates down the line.

That is what he thought.

And, lo and behold, the prices fell again. At some point you have to ask: What are we looking for here?

Let me tell you what the press is saying.

First, a Washington Post editorial represented an insightful view, saying:

A switch to government purchasing of Medicare drugs would choke off this experiment before it had a chance to play out, and it would usher in its own problems. For the moment, the Democrats would do better to invest their health care energy elsewhere.

A USA Today editorial took it a step further, saying:

A deeper look, however, suggests that the Democrats' proposal was more of a campaign pander than a fully baked plan . . . governing is different than campaigning. The public would be best served if the new Congress conducts indepth oversight to gather the facts, rather than rushing through legislation within 100 hours to fix something that isn't necessarily broken.

In other words, this Senator says, for a third time, if it ain't broke, don't fix it.

Finally, put simply by the National Review, Government negotiation ''is a solution in search of a problem and could unnecessarily disrupt a benefit that is working well for seniors.''

I am sure the Presiding Officer doesn't want to disappoint people in Montana.

What compounds the problem is the fact that neither I nor anyone else has heard Democrats explain how Government negotiation would work. I spoke a great deal about this yesterday. I am not going to go into the details of it, but I want my colleagues to hear what the New York Times says. How many times do I quote the New York Times? But when it is very useful, I like to do it.

They raise these questions about the Democrats' proposal, H.R. 4, as seen by ''many economists and health policy experts . . . as a paradox.''

On the one hand, Democrats want the Government to negotiate lower drug prices for Medicare beneficiaries, but, on the other hand, they insist that the Government should not decide which drugs are covered. I made clear yesterday, if you don't have a formulary, as the House bill does not have, you have no lever for the Government to negotiate. That is why the Veterans' Administration put in a formulary.

People say they want to do it like the Veterans' Administration does. Then why does the first bill in the House of Representatives take out the only tool by which the Veterans' Administration leverages lower prices?

Continuing the paradox issue brought up, and I am quoting from the New York Times:

The bill says the Secretary ''shall negotiate'' lower prices. On the other hand, the drug benefit would still be delivered by private insurers. Each plan would establish its own list of covered drugs, known as a formulary, and the Secretary could not ''establish or require a particular formulary.''

In the same New York Times article, James R. Lang, former president of Anthem Prescription Management—a

drug benefit manager is what he is—said this:

For this proposal to work, the Government would have to take over price negotiations. It would have to take over formularies. You can't do one without the other.

But the House bill just introduced says you can. That is a parenthetical on my part.

Continuing to quote:

Drug manufacturers won't give up something for nothing. They will want a preferred position on the Medicare formulary—some way to increase the market share of their products.

The only comparison I know of is, of course, the Veterans' Administration. I have already referred to that point. So when people come up to me and ask why the Government negotiates for veterans and not for seniors, I tell them what the Medicare system, modeled after the VA, would look like.

Yesterday I spent some time explaining what Government negotiations looked like for the VA and other Federal programs. Again, instead of listening to my words, I want my colleagues to hear what other people have said.

As explained in the Washington Post:

The veterans program keeps prices down partly by maintaining a sparse network of pharmacies and delivering three-quarters of its prescription by mail . . . Moreover, the program for veterans is in a position to negotiate hard with drugmakers because it can credibly threaten not to buy from them. Its plan excludes new medicines.

Why would any person on the other side of the aisle, or even a Republican who might want to consider doing this, want to deny any drug to a senior citizen? But the VA program excludes 70 percent of the drugs that senior citizens can get under Part D. And why would anybody backing these plans want to follow the Veterans' Administration and deliver three-quarters of the prescription drugs by mail? Do they want to ruin their community pharmacist? I don't think anybody does.

The Los Angeles Times continues the discussion, stating:

Applying the VA approach to Medicare may prove difficult. For one thing, Medicare is much larger and more diverse. VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. Instead of seven or eight drugs for a given medical problem, the VA list may contain three or four. If a drug company fails to offer a hefty discount, its product may not make the cut.

Mr. President, the final thoughts I will leave with you today come from a letter sent by the nonpartisan Congressional Budget Office. I want to make clear to the new Senators that the Congressional Budget Office is ''god'' around here because when ''god'' speaks up and says something costs something and you disagree with them, your disagreement doesn't mean anything unless you have 60 votes to override them, a supermajority.

The Congressional Budget Office, after reviewing the Democratic bill in the House of Representatives at the request of Chairman DINGELL, the chairman of the Committee on Energy and Commerce, concluded the following, and here I am quoting again and I have a chart on this quote:

H.R. 4—

That is the Democratic bill in the House—

would have negligible effect on federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs under current law.

The letter continues to say:

. . . [W]ithout the authority to establish a formulary, we believe that 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.

In conclusion, the CBO's letter to Mr. DINGELL says:

. . . [T]he PDPs have both the incentives and the tools to negotiate drug prices that the government, under the legislation, would not have.

I think that pretty much sums it up. I can think of nothing more to say than what the CBO says in regard to the Democratic bill in the House of Representatives. But maybe to quantify all this, I have already said that the 25 drugs used by seniors most often—the way we price drugs now through plans negotiating for their members to drive down the price of drugs—the average price of those 25 drugs is down 35 percent. If it ain't broke, don't fix it.

As I said earlier this week, I hope we can put politics aside and focus on some of the real improvements we could be making in the drug benefit. I wrote it. There are items that need to be changed, and I mentioned some of those items on Monday. This is what we should be focusing on instead of trying to fix something that ain't broke. I still hope that reason will prevail around here.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that each side's period of morning business be extended by an additional 15 minutes.

Ms. MIKULSKI. Mr. President, reserving the right to object, in the spirit of comity and accommodation, to clarify with the Senator, how much time does the Senator from Texas and the Republican minority have?

The ACTING PRESIDENT pro tempore. Twelve minutes remain.

Ms. MIKULSKI. Is the Senator saying another 15 minutes after that 12 minutes?

Mr. CORNYN. Mr. President, responding to the distinguished Senator from Maryland, I need 10 minutes, and my colleague from Colorado is asking for some time to speak as in morning business as well. If we can try to work that out——

Ms. MIKULSKI. Mr. President, may I offer an accommodating suggestion, that after the Senator from Texas speaks, I be allowed to speak—I need about 10 minutes—and then the Senator from Colorado can speak. But if you have your 12 and another 15, it really will cause havoc over here.

Mr. ALLARD. Mr. President, can we work out maybe an agreement for 10 minutes for Senator CORNYN, the Senator from Maryland uses her 10, and then I would like to have 15 minutes. I ask unanimous consent for that.

Ms. MIKULSKI. I have no objection to that.

Mr. CORNYN. I have no objection.

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

Mr. CORNYN. I thank the Senators.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

THREAT OF ISLAMIC RADICALISM

Mr. CORNYN. Mr. President, I come to the Chamber to speak on the preeminent issue facing our country today, and that is the threat of Islamic radicalism, and specifically to respond to the comments of some of our colleagues on the other side of the aisle regarding the President's speech and the plans he has announced for our fighting forces in Iraq last night.

As I have tried to sift through the differences of opinion—and here again, among people of good will who love their country and who are true patriots—I am forced to conclude that the division or faultline falls between those who have simply given up and do not believe the situation in Iraq is salvageable and those who believe the President's plan offers the last best hope for success in Iraq.

I agree with those who say you cannot look at Iraq as if through a soda straw, as if that is the only challenge facing the United States and the Middle East, because, indeed, failure in Iraq, descension into a civil war, creation of a failed state will undoubtedly create a regional-wide conflict that will necessitate the United States and its allies reentering the conflict at some later date were Iraq unable to sustain and defend and govern itself, as the Iraq Study Group said it must.

Indeed, I believe it is incumbent upon those who say the only solution is to draw down our troops in a gradual redeployment to explain what they intend to do when Iraq descends into a failed state, creating another platform, as Afghanistan did once the Soviet Union left that country, which gave rise then to the Taliban and al-Qaida. What is their plan to deal with that consequence if, in fact, that is what occurs, if the United States leaves Iraq before it is able to sustain itself, to govern itself, and defend itself?

I congratulate the members of the new majority, but I must say, with the new majority comes not only the privilege of setting the Nation's agenda in

the Congress but also the duty of governing. It is not acceptable to merely criticize, particularly if you are in the majority. We need to know what their alternative plan is for this unacceptable possibility of failure in Iraq if, in fact, we are to cut the legs out from under the Maliki government and simply withdraw before the Iraqis are able to sustain themselves.

Mr. President, I am one of those who have not given up on Iraq and who believe that our fighting forces in Iraq are doing a lot of good. It is true, as the President said, that mistakes have been made, but it is important to recognize that the initial threat in Iraq was of a Saddam Hussein delivering weapons of mass destruction and technology about biological, chemical, and nuclear weapons to terrorists to use against us, as the terrorists did on 9/11. Even a remote possibility that might happen was unacceptable. We voted with a vote of 77 Senators—on a bipartisan basis—to authorize the President to use military force to take out Saddam Hussein.

I don't need to recount the failures of our intelligence community that led us to erroneously believe he actually at that time did have weapons of mass destruction. But there is no question at all that Saddam Hussein sought weapons of mass destruction, much as his neighbor now to the east, Iran, seeks nuclear weapons itself. It is simply unacceptable, in a world where there are those driven by a radical ideology that celebrates the murder of innocent civilians, as al-Qaida and other Islamic radicals do, to allow them to get weapons of mass destruction and then to use them on innocent civilian populations, whether it is in the United States or abroad.

It is true that the President has said that this is a test for the Maliki government. We are putting a lot of reliance, yet pressure, on the Maliki government to perform. When Prime Minister Maliki said he will stand up to the death squads and Shiite militias, like that of al-Sadr, we will hold him to his word.

It is absolutely critical to the success of reconstruction in Iraq, to a peaceful self-determination through a democratic form of government, that the security situation in Iraq be stabilized. The only way that is going to happen is if a lawful government of Iraq obtains a monopoly on the legal use of force in that country. Right now, the people of Iraq don't trust their own Government to provide that sort of security, so they have broken down along sectarian lines and relied upon Shiite militias and other extralegal groups to try to provide that security. But what happened is that we have seen retribution killings between different ethnic groups. But the threat is that sort of sectarian violence is not going to be contained just to Iraq but will spill over into the region. Iran will use the opportunity of Shiite violence to exact ethnic cleansing on Sunni populations in Iraq. Iran will use its ability to expand its influence into Iraq, perhaps to expand its own borders.

That will not go without some response by the Sunni majority nations in the Middle East. Saudi Arabia, for example, has already expressed grave concern that if the Shiite militias and others continue to exact violence upon the Sunni population, they may very well find a necessity to become involved and, indeed, we know that what some people view as if through a soda straw, violence in Iraq will become a regional conflict.

Is there any doubt that if, in fact, we fail in Iraq because we have given up, because we don't believe Iraq and the Middle East is worth this last best chance for success, is there any doubt that the oil and gas reserves in that region of the world will be used as an economic weapon against the United States? So not only will we have a security vulnerability using that platform of a failed state as a launching pad for future terrorist attacks, much as al-Qaida did in Afghanistan following the fall of the Soviet Union in that country, but is there any doubt that in addition to additional terrorist attacks in the United States and among our allies and around the world, that the oil and gas reserves in that region will be used as an economic weapon to wreak a body blow against the rest of the world?

So with winning the election on November 7 and gaining the majority and the mandate of the American people comes responsibility. The responsibility of our Democratic colleagues is to point out what their plans are when Iraq fails if we do not even try, as the President has proposed last night, to salvage the situation there by a change of course, by working with our Iraqi allies, backing them up, stiffening their backbone, to restore the security environment there so that reconstruction and democracy and self-government can flourish. I don't know whether it will work. I don't know whether anyone can ever guarantee in a time of war that one side or the other will be successful. But the consequences of giving up and of failure are simply too horrendous to contemplate, present too great a risk to the American people and civilized people around the world, for us not to try.

That, to me, is the choice we have been given—between trying, using the last best effort we can come up with through this change of course in Iraq, or simply giving up. I would like to hear from our colleagues what their plan is if Iraq does descend into that failed state, if a regional conflict occurs and it then becomes necessary at a future date not to send an additional 20,000 American troops but far more to protect America's national security interests.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for 10 minutes.

IRAQ

Ms. MIKULSKI. Mr. President, I yield myself 10 minutes of the time controlled by the majority.

Last night, President Bush asked the American people to support a surge of military troops in Iraq. Many are using the term ''surge,'' though the President didn't. Make no mistake, this is a dramatic escalation of our troop presence in Iraq. In the debate leading into the President's speech, the term ''surge'' was used, which implied something that was limited and temporary. An escalation is where we are heading, which means a long-term commitment with no end in sight.

We are in a hole in Iraq, and the President says the way to dig out of this hole is to dig deeper. Does that make sense? When you are in a hole, do you get out by digging deeper? This is a reckless plan; it is about saving the Bush Presidency, it is not about saving Iraq.

Before Congress can act on this plan—and act we must—there are several questions that need to be answered. I need those answers, you need those answers, the American people need those answers and, more importantly, our troops and their families need those answers. Is this policy achievable? Is it sustainable? What is the President's objective in calling for this escalation of troops? Who is the enemy? Does the Bush administration even know anymore? When our troops are embedded with Iraqi forces, are they going to shoot Sunnis or Shiites? Are we taking sides in a civil war? I don't think we know. What is the Iraqi Government going to do for itself? We suddenly have something called benchmarks. Where have those benchmarks been for the last several years? What is going to be the political solution that only the Iraqis can do to resolve the power sharing with Sunni, Shiite, and Kurds? Where are the oil revenues that were talked about to pay for this war? When is the Iraqi Government going to end the corruption in their own ministries so that they can come to grips with services, security, and power sharing and oil revenue sharing?

Who is going to disarm the militias and insurgents and, more importantly, who is going to keep them disarmed? Are we going to be in those neighborhoods forever? Where are the troops going to come from for this escalation? Our military, our wonderful military is worn thin. Also, how are we going to pay for it? While China builds up its reserves, we build up our debt.

Make no mistake, though. U.S. troops cannot do what the Iraqi Government will not do for itself. Iraq needs a functioning government that produces security and services for its own people. It needs a government of reconciliation that will function on behalf of the Iraqi people. Iraq needs its own security forces up and running. No matter what training we give them, they have to have the will to fight. They need to put an end to the sectarian violence, and they need to end

this corruption in their own ministries to get oil production moving and a way to share those oil revenues.

There are those who say: Well, what about supporting our troops? I absolutely do support our troops. And for those troops who are in Iraq, let me say this: Your Congress will not abandon you.

But the best way to support the troops is not to send them on this reckless mission. The best way to support our troops is to bring them home safely and swiftly. That is why I voted against this preemptive war in the first place. In my speech when I was 1 of the 23, I said: We don't know if we will be greeted with flowers or landmines. I said: We shouldn't go to Iraq on our own. We need to go with the world if, in fact, the weapons are there.

Well, from the very beginning, everything the Congress and the American people have been told by this administration has proven not to be so. It has either been an outright lie or dangerously incompetent. The President asked the Congress to vote for a preemptive war because Iraq was supposed to have weapons of mass destruction that posed an imminent danger to the United States. Well, the Congress gave the preemptive authority. However, the weapons of mass destruction were not there.

I say to my colleagues, after all of those troops we sent, weren't you filled with shock and awe to find out there were no weapons?

Then, the administration sent Colin Powell to the United Nations to make the case for war. He is one of the most esteemed Americans in the world, and the Bush administration set him up. Then—CIA Director Tenet said it was going to be a slam dunk. To this day, Colin Powell cries foul about what happened to him at the U.N. How can we trust the data or judgment of an administration that continually gives us this fiasco?

Now, what about President Bush's good friend, Prime Minister Maliki? I listened to my colleague from Texas. He said: Are we giving up on Maliki? The question is, is Maliki giving up on Iraq. Are we cutting the legs out from Maliki? I say no, Maliki's government has no legs. They are not involved in dealing with the corruption, with power sharing. It is the same Maliki who told our U.S. marines they couldn't go into a neighborhood to go after a Shiite cleric called al-Sadr, who bankrolls attacks on American soldiers. Is Maliki an honest broker in Iraq or is he someone who represents the Shiites?

I don't have confidence in what we have been told by this administration, and I have very serious doubts about the will of the administration of Prime Minister Maliki. Make no mistake—and I feel so deeply about this—a great American military cannot be a substitute for a weak Iraqi Government. The stronger we are, the more permission we give the Iraqis to be weak.

We were challenged a few minutes ago to say: Well, what is the alternative? I say let's use the ideas that have come from our commanders, which have now been put aside, the Iraq Study Group, and others within the region. Let's use Baker-Hamilton as a starting point. Let's send in the diplomats before we send in the troops. I don't embrace all of the recommendations of the Iraq Study Group, but it is a bipartisan way of going forward. It was not reckless. Once we send in those troops, it is irrevocable. I think we need a new policy, and I think we need a new direction. I think Baker-Hamilton gave us a good direction to pull us together to go in, and I think that is where we need to go.

Let me conclude by saying this: To our outstanding men and women in uniform who are already in Iraq, you have a tough job, and we are proud of you. Neither the Congress nor the American people will ever abandon you. But to those troops who are waiting to head to Iraq, the best way to support you is to say no to the President's reckless, flawed escalation of this war in Iraq.

Again, let's send in the diplomats, not the troops.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for 15 minutes.

EVOLVING DISASTER IN COLORADO

Mr. ALLARD. Mr. President, I rise today to call to the attention of the Members of the Senate an evolving disaster that is occurring in parts of eastern Colorado as well as parts of Nebraska, Oklahoma, New Mexico, and Kansas and to concur with statements made earlier this week by my colleague, Senator ROBERTS from Kansas. On Monday, my friend from Kansas stated that he rose to call attention to what can only be described as a major disaster. I agree with Senator ROBERTS, there can be no doubt that we are dealing with a disaster in the West.

Over the last few weeks Colorado and its neighbors have experienced record-setting blizzards. In some parts of Colorado the storms dropped almost 5 feet of snow which has drifted in some cases to a size of 15 feet. I stand about 6 feet 1 inch, so to get some perspective, 5 feet of snow would leave my neck and shoulders just out above the snow. It is tough to get around in and a nightmare if you have to tend to livestock, but that is what folks in Colorado, and in the neighboring States have done. In fact, so much snow has fallen in Baca County down in southeastern Colorado that weather stations that transmit data including snowfall were unable to send information because they were buried under a number of feet of snow.

Let me reiterate that there was so much snow in Baca County that they were unable to measure it. This has created a horrendous situation for many in the West. Thousands of cattle and other livestock are currently stranded without food or water. Many have died due to the freezing temperatures. I have here a photo of an animal that is caked with several inches of snow. There are ice sickles falling down off of the nose of the animal and off of the underbelly of the animal. This is a hearty animal. Most animals that have suffered this kind of condition would not survive. The reason I point this out to the Members of the Senate is it just shows how ferocious this particular storm was and how serious of an impact it has had on the animals. This doesn't occur unless you have very severe blizzard conditions with lots of snow accompanying it.

The aftermath of these devastating blizzards continues to paralyze many counties in Colorado and the West. Dozens of communities have experienced severe economic damage and loss as a result of these blizzards. These storms have created a dire situation. Thousands of local men and women have banded together and are working to provide relief to their neighbors and to the tens of thousands of livestock facing starvation. In the tradition of the West, local individuals have pulled together and spent much of their holiday season trying to dig each other out and reach stranded livestock.

These storms struck during a time of year when ranchers in Colorado are preparing for the National Western Stock Show, one of the largest stock shows in the world. The stock show is an important opportunity for ranchers to show stock and to make contacts. Now in its 101st year, this year's stock show has seen a marked drop in attendance due to these storms.

A story in the Rocky Mountain News was ''No-Show Stock Show.'' I have received reports that livestock pens are sitting empty at the stock show and that the number of exhibitors is down. This is because the animals that would fill the pens are fighting for their very survival and the ranchers who would typically exhibit simply can't make it because they are trying to save their stock. Folks aren't at the stock show because they are back home trying to help one another deal with the aftermath of these major storms. Locals are trying to do all they can.

I am grateful for the assistance that the National Guard and FEMA have provided. Unfortunately, more help is needed. The vicious combination of blizzards was especially hard on eastern Colorado and the farmers and ranchers who call this part of Colorado home.

The part of Colorado hardest hit by these blizzards is also one of the most important agricultural regions in our Nation and is an epicenter for cattle production. Ranchers in this part of the State are currently racing against time in an attempt to locate cattle that have been stranded without feed or water. Unfortunately, as each day

goes by, the death toll increases. I have confirmed reports that the livestock loss has already reached into the thousands, and the tally is steadily growing.

I have a photo that reflects how devastatingly some of the herds have been impacted. We have live cattle back here, and down here dead cattle. This photo reflects how all the cattle bunched together for warmth during the storm, and as a result, we have dead animals clustered together down here in this lower part of the photo that I bring to the Senate. It is a gruesome scene. This loss will have a very severe economic impact on this particular farmer and rancher. Unfortunately farmers and ranchers all over the State of Colorado and our neighbors to the east are facing similar situations.

I grew up on a ranch, and I know all too well when your livestock is threatened, then so is your livelihood. Indications are that a tragic scene is developing in Colorado as cattle succumb to the elements due to a lack of food or a lack of water or from extreme exposure.

Colorado's Governor has declared a state of emergency and has requested help from the Federal Government. I support this request and have transmitted my support for Federal aid to the White House. On Sunday, President Bush made an official emergency declaration for parts of Colorado. I am thankful for the President's attention to this crisis and the time he and his staff put in on this situation, working through the weekend to help Colorado producers. By signing this declaration on Sunday night, the President showed that he is a man familiar with ranching and understands how devastating this situation is for rural Colorado.

The efforts of the President freed up valued aid from FEMA for snow removal for which I am grateful. As you can see from this particular picture, we have a roof that collapsed from the weight of the snow. It is just part of the picture, but I think it again reflects how the utilities and the infrastructure in areas of Colorado have been impacted. These impacts include the closure major highways and one of the country's busiest airports. I am grateful for the aid from FEMA. Local officials have been offering aid from the start and others from their office have swarmed to Colorado to offer assistance. They have a temporary headquarters set up in a Holiday Inn off the highway. Even in these less-than-ideal conditions, they are committed to helping folks in Colorado. This photo depicts the need, it shows a roof that collapsed from the weight of the snow.

Last night I was informed by FEMA officials that upon receipt of appropriate paperwork from Colorado, up to six additional counties could be eligible for assistance. Those counties that could be added to the President's original emergency declaration are Baca, Bent, Crowley, El Paso, Prowers, and Pueblo Counties. In the coming days and weeks, I will continue to work the FEMA officials to see if other Colorado counties will be eligible. We appreciate the assistance FEMA has provided and their continued efforts.

One of the most pressing matters that needs to be addressed is livestock aid. We desperately need aid for livestock rescue and recovery. The need for livestock aid becomes more pressing with each passing minute. I am hopeful that short-term relief will be forthcoming very soon.

To address this need in the long term I have introduced a bill with colleagues from other affected States. The Livestock Assistance Act of 2007 will provide aid to farmers and ranchers for livestock recovery and assistance to help cover the costs of the livestock losses created by these storms. I am hopeful that my colleagues in the Senate can appreciate the vital nature of this bill and act quickly on it. As I stand here today, another storm is on its way to Colorado, bringing Arctic cold and a prediction of up to another foot of snow. We are in a tough spot out West, and I ask that all necessary Federal resources be made available to Colorado and other Western States suffering the devastation brought on by these historic storms.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I yield myself 10 minutes of the time controlled by the majority. I ask unanimous consent that Senator JACK REED be recognized for 10 minutes at the conclusion of my remarks.

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

TIME FOR A CHANGE

Mr. CARDIN. Mr. President, on November 7, the voters in Maryland and all around the Nation voted for change. Ten new Senators were elected to this body, six defeating incumbents.

After serving the people of Maryland for 20 years in the House of Representatives, I am honored that they have sent me here, to the other side of the Capitol, where I will continue to fight on their behalf.

The voters in Maryland and across the Nation sent a clear message on November 7: It's time for a change.

Our constituents want things done differently in Washington. They want their interests put before the special interests.

Therefore, it is appropriate that the Senate's first order of business is ethics legislation that will bring greater transparency and fairness to the political process in Washington and help restore the American people's confidence in their Government.

The American people also called for a reordering of our priorities. They want Congress to respond to the needs of families fighting for the American dream.

They want their children to have a better chance at that dream, and they know that achieving it is impossible without stronger communities, access to quality health care, and better educational opportunities. They want to raise their families in an energy-independent Nation with cleaner air and water. They want a country that respects the rights of all, and that celebrates and embraces our diversity.

But the loudest cry in November was the call for a change in our policies in Iraq. Americans overwhelmingly want to see our troops begin to come home and they don't want to see thousands of additional troops go to Iraq.

Iraq is a country today torn by civil war. Victory in Iraq will not be achieved with our military might. It will come only from successfully aiding Iraq in establishing a government that protects the rights and enjoys the confidence of all its people. It must be a government that respects both human rights and democratic principles. The efforts of U.S. soldiers, no matter how heroic, cannot accomplish these objectives for the Iraqis.

For 4 years, our soldiers have helped the Iraqis in ousting Saddam Hussein, providing security to the country and advising and training Iraqi security forces.

Our soldiers have performed their responsibility with bravery and devotion to their country. We honor their service. More than 3,000 soldiers have made the ultimate sacrifice and many more have suffered life-changing injuries.

It is well past time for a change in strategy in Iraq. The circumstances on the ground are worsening. Last June, I laid out a plan for success in Iraq. It started with reducing our combat troop levels and having the Iraqis take greater responsibility for the defense of their own country. It stressed the need for diplomatic and political solutions—with the international community engaged in negotiating a cease fire with the warring militias.

I called on greater support from our allies in helping us to train the Iraqi security forces.

And last June, I spoke about the need for a negotiated government in Iraq that would represent all of its ethnic people—Sunnis, Shia and Kurds.

Last month, the Iraq Study Group came forward with similar recommendations—highlighting the need for the President to start drawing down troops. Many military experts agree, including some of our generals on the ground.

As GEN George Casey recently said:

> It's always been my view that a heavy and sustained American military presence was not going to solve the problems in Iraq over the long term.

On November 7, the American people told us that they too agree that it's time for a change in Iraq.

So when President Bush said several weeks ago that he was reevaluating the

situation in Iraq and would announce a new policy shortly after the new year, there was great hope that the President, Congress and the American people could come together with an effective new policy to help the people in Iraq and advance U.S. interests.

Unfortunately, that was not the case. President Bush has decided to ignore the advice of the Iraq Study Group, many of his own military officials and the American people in making his decision to send 20,000 additional American troops to Iraq.

The President's announcement last night represents more of the same, more ''staying the course,'' just now with more American troops in harm's way. An escalation of U.S. troops in Iraq is counterproductive.

Former Secretary of State Collin Powell recently said:

> I am not persuaded that another surge of troops into Baghdad for purposes of suppressing this communitarian violence, this civil war.

We need a surge in U.S. troops coming home, not a surge in those going to war. We need a surge in diplomatic and political efforts to end the civil war. We need a surge in the urgency of the U.S. engagement of the international community to deal with its regional politics and problems in the Middle East.

This Congress has a responsibility to our citizens to evaluate a clear record of the facts in Iraq.

The hearings taking place in the Armed Services and Foreign Relations Committees are vital. But our responsibility goes well beyond the hearings. Individually and collectively, we must act with our voices and our votes, speaking out vigorously and taking action against the continued mismanagement of this war.

The American people deserve an opportunity to hear from military experts and administration officials on the consequences of a surge in troops in Iraq. Congress has a responsibility to scrutinize this plan and offer its own recommendations.

In October 2002, in the other body of Congress, I voted against giving the President the right to use force in Iraq. I am proud of that vote. As a Senator, I have the responsibility to acknowledge where we are today and take action that is, in my view, in the best interest of Maryland and the Nation.

I want the U.S. to succeed in Iraq and in the Middle East. I want our soldiers to return home with the honor that they deserve. I want to work with my colleagues to strengthen our military and to make sure that promises made to our veterans are promises kept.

We can achieve these objectives, but they would be more achievable if the President would act on the overwhelming evidence and work with this Congress to truly set a new direction in Iraq. We must begin by starting to bring our troops home, not by escalating troop levels. We need to engage and energize the international community, including our traditional allies as well as other countries in the Middle East. Our primary focus must be extensive political and diplomatic negotiations directed toward the twin goals of a cease-fire and a lasting and stable Iraqi Government. Let that be our mission.

Mr. President, I yield the floor and suggest 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. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Under the previous order, the Senator from Rhode Island is recognized for 10 minutes.

A CHANGE IN IRAQ POLICY

Mr. REED. Mr. President, last evening President Bush spoke about Iraq. His speech represented perhaps a change in tone but not a fundamental change in strategy, and the American people were looking for a fundamental change in strategy. They were particularly looking for this change based upon the recommendations of the Iraq Study Group. These are distinguished Americans who have dedicated themselves to public service, bipartisan individuals who thoughtfully and carefully looked at the situation in Iraq and made a series of proposals, most of which the President apparently ignored.

The American people are deeply concerned about the course of our operations in Iraq. They are incredibly supportive, as we all must be, of the soldiers, the marines, the sailors, the airmen and airwomen who are carrying out this policy, but they are deeply concerned. One of the things that has characterized the President's approach to Iraq for so many years has been the discussion of what I would describe as false dichotomy—false choices. You can recall, in the runup to the conflict in Iraq, the President said we have two choices—invade the country, occupy it indefinitely, or do nothing. Of course, those were not all the choices.

We had the ability to interject U.N. inspectors to do the things which we thought were important, which is to identify the true status of weapons of mass destruction—and that was rejected out of hand. We had diplomatic options. We had limited military options. If, as was suggested, there were terrorists lurking in the Kurdish areas, we could have used the same approach as we used a few days ago in Somalia, a preemptive targeted strike, targeted on those whom we had identified as terrorists. All of that was rejected.

Then the President undertook a strategy which I think was deeply flawed, which has led us to a situation now where the emerging threat of Iran is much more serious. Iran has seen its strategic position enhanced by the Bush strategy.

Of course, we know now the incompetence of the occupation of Iraq, the decisions made in Washington about debaathification, about dismantling the Iraqi Army, about spending so many months in denial of the spreading insurgency have led us to this day. After all of that, the American people were looking for something more than a so-called surge.

I say so-called because this is not a surge. This is a gradual increase in troops—20,000 troops approximately in the Baghdad area, and additional Marine forces in Al Anbar Province. It is gradual because our Army and Marine Corps are so stretched that they could not generate an overwhelming force in a short period of time. In fact, due to the policies of this administration, we lack an adequate strategic reserve. Our Army Forces who are not deployed to Iraq are, in so many cases, unready principally because of equipment problems, to rapidly deploy. That I think is a stunning indictment of this administration.

But this gradual escalation is not, I think, going to accomplish the goal and objective that the President talked about. One of the critical aspects of this is that even though 20,000 troops will represent billions of dollars of additional expense and put a huge strain on the Army and Marine Corps, it is probably inadequate to the task of a counterinsurgency operation in a city such as Baghdad, a city of roughly 6 million people. Lieutenant General David Petraeus who has been nominated to take over the operations in Iraq, replacing General Casey, spent the last several months coauthoring a new field manual on counter-insurgency, and one point they make in this field manual is that counterinsurgency operations require a great deal of manpower.

At a minimum, the manual suggests 20 combat troops for every 1,000 inhabitants. That would mean Baghdad, with roughly a population of 6 million people, would require, according to the manual, 120,000 combat troops. The additional 20,000 troops the President is suggesting will hardly make that total of 120,000 combat forces. I know there will be Iraqi forces there, but those forces have proven to date to be less than reliable. They are motivated, not so much by a military agenda but by sectarian agendas. They are often overruled by their political masters in the Iraqi Government.

So as a result, the increase of forces is probably inadequate to accomplish the mission the President wants. That is not according to some subjective view; it is based upon the best thinking of the best minds in the Army and the Marine Corps. For that reason alone, the President, I think, has to ask himself after the speech, Why am I doing it?

The other huge cost is not just in terms of money, in terms of stress on

the regular Army and Marine Corps, but inevitably we are going to have to reach out, once again, to our National Guard, those men and women who have served so well, the citizen soldiers we call upon, again. They will receive an additional burden to bear. Again, probably not in sufficient numbers with a 20,000 deployment to achieve and guarantee success.

The other factor here, too, is it will literally take the pressure off Iraqi forces and Iraqi political leaders to do the job that they must do. The issues in Iraq, the issues of counterinsurgency are fundamentally more political than they are military. That is what we are seeing today in Iraq. It requires political will. It requires political competence to succeed. That will and confidence must be the Iraqis' primarily, not that of the United States.

What I think is happening in Iraq today is this Government is essentially a Shia government. They feel they are winning. They are accomplishing the goals they won't articulate but that seem to be obvious from the pattern of their behaviors: to marginalize the Sunnis so they never again will be in a position of dominating Iraq, consolidating Shia power in the south of Iraq, using probably the model of the Kurds in the north. If you go to Iraq, the area which is the most successful, prospering, is the Kurdish area. If you look at it and ask why, they have their own militia, they have their own virtual autonomy, they have access to oil, and they are doing quite well.

Again, that is what the Shia intend for themselves. That, of course, leaves the Sunnis in an area where they face an existential conflict. If things continue as they are today, they will be absolutely and totally marginalized in Iraqi society. The Shia, still harboring fears after years and years of domination and horrific tyranny by Sunni leaders, are unwilling to compromise.

Unless we can forge some type of reasoned compromise, it is very likely the future of Iraq is one of political fragmentation, if not formal disintegration. I think the best and perhaps the only leverage we have as a nation is to suggest to Shia leaders that we are not going to give them an open-ended commitment.

I was pleased last evening to hear for the first time the President say something my colleague CARL LEVIN has been stressing for almost 2 years now, a simple statement by the President to the effect that there is not a blank check to the Iraqi Government. I fear those perhaps are just words because in the same speech he is talking about increasing our military forces there, increasing our support to the Iraqi security forces. That is where we have our leverage. I don't think the President is quite yet willing to use that leverage. More importantly, until we do exert that leverage, the milestones the President talked about—the milestones which were announced months ago by the Iraqis and still are unfulfilled—will remain unfulfilled.

The political issues have not yet been resolved by the President. Without political cooperation and political commitment by the Iraqi Government, the number of forces we have in the country is a secondary matter. What I think the Iraqi political leaders—the Shia government and the Maliki government, with Hakim and the Badr organization and Moqtada al Sadr and Maahdi army, all part of this government—what they would be quite willing to do is to have us conduct operations in Sunni neighborhoods in Anbar Province, but what will be left undone is confronting, in a serious way, the Shia militias which are also part of the problem.

If you go to Iraq, as many of my colleagues have, as I have, and you talk to the Prime Minister or the Minister of the Interior, they recognize there is an insurgency. It is a Sunni insurgency. They would be very happy for us to conduct operations against the Sunnis. But they are very unwilling to take the steps that are necessary to provide a check on Shia militias and Shia operations in that country.

There is another long-term consequence of the President's speech which may be, in the longer term, the most important. Any strategy of the United States—increasing troops, redeploying troops, training Iraqi forces—requires as an essential element, public support of the people of the United States. The people spoke last November and in a very convincing way said they need to see a change in course in Iraq. They continue to speak—not just in the formal polls, but go out to the coffee shops, walk the streets of this country, all across this country, and you will discover the great concern and disquiet the American public has about the President's policy in Iraq.

Nothing changed last evening, fundamentally. In fact, the President actually predicted that this increase in troops is likely to create more chaos in Baghdad, more casualties. That is the nature of committing more troops to intense combat operations in an urban area. The American public will have a very difficult time squaring that with the assertion this is the way forward. I fear they might abandon support for any type of significant commitment to the region.

This is a very dangerous precedent that could be emerging today. The President, in disregarding popular opinion, is running the risk of alienating that opinion in a way in which we cannot conduct serious operations there for limited missions in Iraq and elsewhere.

We have a very difficult situation. We have a situation in which we have to begin to manage the consequences of the administration's failures. This is not a question of winning or losing. This is a situation of managing a situation that is deteriorating rapidly and, some fear, irreversibly. In doing that, we have to adopt a strategy that is consistent with our resources—our military personnel, our diplomatic resources, our economic resources, and the political support of the American people.

That strategy rests in the context of a phased withdrawal of our forces from Iraq, a refocusing of our mission to specific areas which is more consistent with our national interests than trying to arbitrate and settle the sectarian civil war. These missions would be training Iraqi security forces so the country does not collapse because of chaos and anarchy; focusing attention on those small elements of international terrorists who are there, many of whom came after the fall of Saddam—not before; of indicating to the regional powers that we would not tolerate gross violations of the borders of Iraq or gross intervention in the political affairs of Iraq. These are missions that can and should be done, and they don't require an increase of troops. In fact, I would suggest they require a redeployment of our troops.

The real challenge is—and the President alluded to it without indicating to the American public confidently and surely that these milestones are being accomplished—that the Iraqi Government, the Maliki government, must undertake serious reconciliation. I think the temper of that Government at the moment is not to do that because they feel they do not have to.

Second, they have to begin to spend their own money. I was aware of the significant money—upwards of $13 billion that the Iraqi Government is sitting on—they are not spending. I hope the American people were paying attention when the President announced the Iraqis are promising to spend $10 billion for their own benefit. We have been pouring billions of dollars into Iraq for reconstruction and economic revitalization and the Iraqis have been sitting on billions of dollars when their survival and the integrity of the country is at stake. Something is wrong. They have suggested they will spend the money, but only time will tell because so far they have been extremely reluctant to spend resources unless they benefited their own sectarian community. If that continues, this will be another idle promise.

There is one issue, too, that the President did not talk about which is essential to progress in Iraq. It is not democracy and freedom—all the buzzwords—because, frankly, what democracy means in Iraq to the Shia is Shia control. What democracy means to the Sunni is Sunni control. That is one of the reasons they are having sectarian struggle.

What we need now more than democracy and freedom and elections is governmental capacity, ministries that actually can serve the people of Iraq so they feel they have a stake in their Government and the Government can respond to their basic needs. They have ministers in Iraq today who are political operatives. The Minister of Health is a devotee of Moqtada al Sadr and the

Maahdi army and will refuse to adequately supply hospitals in Sunni areas. We have repeated examples where the ministries of Iraq are not only nonfunctional but deliberately so. Until they help them, or someone helps them, there won't be a government to rally around for the Iraqi people because the Government provides nothing to them.

This is a long list of items that has to be accomplished. I am not confident, after the President's speech, that any of this will be done by the Iraqi Government, nor am I confident at all that an additional 20,000 troops in Baghdad will make a decisive military difference. I believe the President has to go back to the drawing board to craft a truly changed strategy that will be consistent with our strategic objectives in the region, consistent with our resources, and consistent with the will and desires of the American people. I hope he does that.

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. 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, at this time I yield back any remaining morning business time.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report by title.

The legislative clerk read as follows:

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

Pending:

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

Reid 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. 13 (to amendment No. 3), to prevent government shutdowns.

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 amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

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.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 11

Mr. DURBIN. Mr. President, I come to the Chamber to discuss DeMint amendment No. 11 which relates to earmark reform.

First, let me say that I welcome the Senator's efforts to strengthen this bill. We certainly all have a mutual interest in making this process more transparent. Senator DEMINT, in his amendment language, adopts the language passed by the House in several important ways. As we move through the process, we are going to work together to ensure that the earmark provisions are carefully crafted and as strong as possible.

Unfortunately, overall the DeMint language is not ready for this bill. The DeMint amendment defines earmarks to include amounts provided to any entity, including both non-Federal and Federal entities. The Reid-McConnell definition which is before the Senate covers only non-Federal entities. On its face, the DeMint language may sound reasonable. After all, I have no problem announcing to the world when I have secured funding for the Rock Island Arsenal in my State. But the DeMint language is actually unworkable because it is so broad.

What does the Appropriations Committee do? It allocates funds among programs and activities. Every appropriations bill is a long list of funding priorities. In the DeMint amendment, every single appropriation in the bill—and there may be thousands in any given appropriations bill—would be subject to this new disclosure requirement, even though in most cases the money is not being earmarked for any individual entity. How did we reach this point in the debate?

There is a concern expressed by some that there is an abuse of the earmark process. When you read the stories of some people who have been indicted, convicted, imprisoned because of earmarks, it is understandable. There was a corruption of the process. But as a member of the Senate Appropriations Committee, I tell my colleagues that by and large there is a race to the press release. Once you put an earmark in to benefit someone in a bill, you are quick to announce it—at least I am because I have gone through a long process evaluating these requests and come up with what I think are high priorities. So there is transparency and there is disclosure.

The purpose of our debate here is to consider reasonable changes in the rules to expand that disclosure. Senator DEMINT is talking about something that goes way beyond the debate that led to this particular bill. We are not talking in his amendment about money that goes to non-Federal entities—private companies, for example—or States or local units of government. Senator DEMINT now tells us that we have to go through an elaborate process when we decide, say, within the Department of Defense bill that money in an account is going to a specific Federal agency or installation. That is an expansion which goes way beyond any abuse which has been reported that I know of. Frankly, it would make this a very burdensome responsibility.

If I asked the chairman, for example, to devote more funds to the Food and Drug Administration to improve food safety—think of that, food safety, which is one of their responsibilities—that is automatically an earmark under the new DeMint amendment, subject to broad reporting requirements. No one can be shocked by the suggestion that the Food and Drug Administration is responsible for food safety. They share that responsibility, but it is one of theirs under the law. So if I am going to put more money into food safety, why is that being treated as an earmark which has to go through an elaborate process? I think that begs the question. Every request, every program, money for No Child Left Behind, for medical research at the National Cancer Institute, for salaries for soldiers, for combat pay for those serving in Iraq, for veterans health programs, every one of them is now considered at least suspect, if not an odious earmark, under the DeMint amendment. It is not workable. It goes too far.

In other instances, the DeMint amendment does not go far enough. To pass this amendment at this time could, down the road, harm the Senate's efforts to achieve real earmark reform.

Many of us on the Appropriations Committee happen to believe that the provisions in tax bills, changes in the Tax Code, can be just as beneficial to an individual or an individual company as any single earmark in an appropriations bill. If we are going to have transparency in earmark appropriations, I believe—and I hope my colleagues share the belief—that should also apply to tax favors, changes in the Tax Code to benefit an individual company or a handful of companies. The DeMint amendment does not go far enough in terms of covering these targeted tax benefits. The language already in the Reid-McConnell bipartisan bill strengthens the earmark provisions passed by the Senate last year by also covering targeted tax and trade benefits. The Reid-McConnell language on targeted tax benefits is superior to the DeMint amendment. The DeMint amendment, in fact, weakens this whole aspect of targeted tax credits and their disclosure.

Reid-McConnell covers ''any revenue provision that has practical effect of

providing more favorable tax treatment to a particular taxpayer or a limited group of taxpayers when compared with other similarly situated taxpayers.'' That is the language from which we are working. Consider what it says: favorable tax treatment to a particular taxpayer or a limited group of taxpayers compared to others similarly situated. That is a pretty broad definition. It means that if you are setting out to give 5, 10, 15, or 20 companies a break and several hundred don't get the break, that is a targeted tax credit which requires more disclosure, more transparency.

The DeMint amendment covers revenue-losing provisions that provide tax credits, deductions, exclusions, or preferences to 10 or fewer beneficiaries or contains eligibility criteria that are not the same for other potential beneficiaries. The Senate should not be writing a number such as 10 into this law or into the Senate rules, creating an incentive for those who want a tax break to find 11 beneficiaries to escape the DeMint amendment.

The Reid-McConnell amendment establishes a definition with flexibility so that facts and circumstances of the particular tax provision can be considered. There may be instances when a tax benefit that helps 100 or even 1,000 beneficiaries should be considered a limited tax benefit. Our bill provides that. The DeMint amendment weakens it and means that more of these targeted tax credits will escape scrutiny.

Second, in the interest of full disclosure, the Reid-McConnell approach requires that the earmark disclosure information be placed on the Internet 48 hours before consideration of the bills or reports that contain earmarks. The DeMint amendment does not have a similar provision. Why would he want to weaken the reporting requirement? That is, in fact, what he does. Under the DeMint amendment, information about earmarks must be posted 48 hours after it is received by the committee, not 48 hours before consideration of the bill. In the case of a fast-moving bill, it is possible that the information could be made public only after the vote has already been taken. So this provision actually weakens reporting requirements.

Finally, it is important that the House and Senate have language that works for both bodies. Technical changes are probably needed in the current language in both bills, changes that may come about during the course of a conference. Adopting the imperfect House language wholesale, as Senator DEMINT suggests, would make it more difficult for us to work out our differences in conference. The better course would be to address the final language in conference and not get locked into any particular words at this moment.

We need strong reforms in the earmarking process. The Reid-McConnell bipartisan amendment does that. Unfortunately, DeMint amendment No. 11 weakens it—first, in exempting more targeted tax credits instead of being more inclusive; second, in weakening reporting requirements already in this amendment; and finally, tying the hands of conferees by adopting House language that has already been enacted by that body.

The Reid-McConnell substitute is an excellent first step. I am afraid the DeMint amendment does not improve on that work product but detracts from it. To adopt this amendment will only take us backward in this process. I urge the Senate to oppose the DeMint amendment No. 11. Let's keep working on this issue together on a bipartisan basis.

AMENDMENT NO. 13

I would also like to discuss DeMint amendment No. 13. This amendment on the surface seems like a harmless amendment. Nobody wants a Government shutdown. But in truth, what amendment No. 13 does is encourage Congress to abdicate its appropriations responsibility and fund the Government on automatic pilot at the lowest levels of the previous year's budget or the House- and Senate-passed levels. That is what we are in the process of doing for this fiscal year. It is painful. But the results could be disastrous if it becomes the policy of our country. Funding the Government by continuing resolutions does not allow Members to adequately work for a consensus to adjust funding for new challenges and changing priorities. The responsibility to appropriate was duly outlined for the legislative branch by our forefathers in our Constitution. It is a duty we should not abandon by handing it over to some automatic process.

The Senator from South Carolina has argued that this amendment is needed so that Congress should not feel the pressure to finish appropriations bills on time. He is plain wrong. If there is anything we need, it is the pressure to finish on time. If we are under that pressure, it is more likely we will respond to it. But if we are going to glide into some automatic pilot CR that absolves us from our responsibility of passing appropriations bills, we will find ourselves in future years facing the same mess we face this year, when many of the most important appropriations bills were not enacted before the last Congress adjourned.

Our constituents look to us to complete our appropriations bills on time, not make it easy to govern by stopgap measures that underfund important priorities such as education, transportation, and health care. Incidentally, the last time Congress completed its appropriations process on time was the 1995 fiscal year. Rather than abdicate our responsibility, we need to focus on fulfilling that duty under the Constitution. I believe this DeMint amendment is not responsible. It signals our willingness to throw in the towel before the fight has even started.

I urge my fellow Senators to oppose this amendment, send a clear message to the American people that we are ready to accept our responsibilities and not avoid them.

I yield the floor.

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

Mr. DEMINT. Mr. President, I am not quite prepared to make all of my remarks about the amendments, but I did happen to be in the Chamber, and Senator DURBIN was kind enough to open the discussion on two of my amendments, which I greatly appreciate. I am somewhat disappointed, however, that my colleague is not completely informed about these amendments.

I will start with the amendment that attempts to more accurately define what an earmark is. My colleague went to great pains to continuously describe this as the DeMint amendment, the DeMint language. Unfortunately, I am not sure if he knows, but this is the language which the new Speaker of the House, NANCY PELOSI, has put in this lobbying reform bill in order to make it more honest and transparent. I believe she has a very thoughtful approach. She campaigned on this, along with a number of Democrats and Republicans. We do need to disclose and make transparent every favor we do for an entity.

I am beginning to get disappointed in this process because I did believe in a bipartisan way that we were going to come together to try to do things to show the American people that we were going to spend their money in an honest way and that was not wasteful. But as we look back on some of the scandals, the first one that comes to mind, obviously, is the Abramoff scandal—using Indian money to try to buy influence on Capitol Hill.

Yesterday there was a thoughtful amendment by Senator VITTER that would have attempted to get the Indian tribes to play by the same rules everyone else in America plays by, that they have regulated contributions that are disclosed. The reason we had the scandal with Abramoff is the Indian tribes are not regulated by the Federal Election Commission. They can give unlimited amounts, unaccounted for, and it corrupted our process. The amendment yesterday very simply said: Let's just have everyone follow the same rules. Yet that was voted down, primarily by my Democratic colleagues. I hope they will rethink that. We would like to bring that amendment back to the floor and make sure there is adequate discussion because it is hard for me to believe that anyone who wants to clear up the corruption in Washington would overlook that a big part of the corruption was caused by unlimited donations by lobbyists from Indian tribes.

Now we have another problem. We are talking about earmark reform. We use language here many times in the Chamber that I don't think Americans understand. When we talk about earmarks, we are talking usually about lobbyists who come and appeal on behalf of some organization or business

or whatever for us to do them a favor with taxpayer money. It may be a municipality that wants a bridge. It may be a defense contractor that wants a big contract from us. And if we put that money in an appropriations bill designated just for them, it is an earmark. That is a Federal earmark. NANCY PELOSI had the wisdom to see that a lot of the problems we have had came from lobbyists asking for favors that went to Federal, as well as State, and other types of earmarks.

What other corruption comes to mind as we think about last year? Duke Cunningham. The corruption there was a Federal earmark. The underlying bill we are discussing today would not have included that. It would not have been disclosed. Senator DURBIN said that should not be disclosed, when most of the problems that we have come from that particular type of earmark.

I think if you look at this in the big picture, we are talking about trying to let the American people know how we are spending their money. When we designate their money as a favor to different people and entities across this country, we want to let them know what we are doing so we can defend it, so they can see it. But what is a dirty little secret in the Senate and in the House is that while we are making this big media display of reforming earmarks and lobbying, 95 out of every 100 earmarks are in the report language of bills that come out of conference which are not included in the current discussion of transparency for earmarks.

So the case my dear friend Senator DURBIN has made today is that we want to disclose these particular favors for 5 out of every 100 earmarks in this Senate. That is not honest transparency. If we are going to do it, let's look at what the new Speaker of the House has asked us to do. If we are going to go through this process and if we are going to change the laws and try to tell the American people that now you can see what we are doing, let's don't try to pull the wool over their eyes. Speaker PELOSI is right. Many in this Chamber know I don't often agree with Speaker PELOSI, but she is the new Speaker. One of her first and highest priorities was to do this ethics reform bill right. At the top of the list is, if we are going to talk about the transparency to the American people, let's be honest and show them the way we are directing the spending of their money. I agree with her. I am here to defend her language on behalf of the Democratic colleagues on the House side that let's not try to pull the wool over the American people's eyes and tell them we are cleaning up these scandals when what we are doing here would not have affected the Abramoff scandal, the Cunningham scandal, or any of the scandals we have talked about in the culture of corruption in this Congress. Let's at least be honest with the reform we are saying is going to clean up this place. We are not being honest now. Speaker PELOSI has the right idea.

Let me mention one other thing, the other amendment my colleague was nice enough to bring up. It is what we call the automatic continuing resolution. I have been in Congress now for 8 years. This is my ninth year. Every year, we get toward the end of the year and we have not gotten all of our appropriations done; it comes down to the last minute and they are saying we have to vote on this and we have to pass it or we are going to shut down the Government. So we create this crisis. Then we don't know what is in all of the bills. They are just coming out of conference and we have to vote on them, and most of us go home in December and find out about all of the earmarks and the favors that were put in the bills. We find it out later because we are not even given time to read them. We create this crisis and force people to vote on bills when they don't know what is in them. We are forced to vote on things that should not be in them so we won't close down the Government.

We need to stop playing this game at the end of the year that forces us to accept what lobbyists and Members and staff have worked out that we don't even know about. If we are serious about decreasing the power of lobbyists in this place, we need to take the pressure off passing bad bills at the end of every year. This is a very simple idea.

You will notice, despite what has been said, we passed a continuing resolution at the end of last year and didn't pass our appropriation bills. Of course, as you look around, you see the country is still operating just fine. The thing we don't have is 10,000 new earmarks. I would make the case we need a system that if we are not able to have ample debate and discussion about appropriations, we don't have all this fanfare about closing down the Government every year and scaring our senior citizens and our veterans that something is not going to come that they need. Let's have a simple provision that if we cannot get our work done and agree on what needs to be done and what should be in these bills, then we will have a continuing resolution until we can work it out. We will fund everything at last year's level, so that there is no crisis, there is just responsibility.

That is what is missing here. When we put things into crisis mode, we cannot see what needs to be seen, or tell America what needs to be told about these bills, and we pass bills and find out later we have done things that embarrass us and diminish the future of our country.

This is a simple amendment. I am very disappointed in my Democratic colleague who wants to help us, I believe sincerely, clean up the way lobbying works in this place by making things more transparent to the American people, but these two amendments—one will disclose all earmarks and the other will take the crisis out of every year and allow us to pass responsible legislation.

Mr. President, I will have more to say later and I am sure other Members will also before these amendments come to a vote. Unfortunately, I have been told that my colleagues don't even want these bills to come to a vote. They want to try to table them so we will limit the debate.

I will reserve the rest of my time and yield the floor right now, and we will discuss more about these amendments after lunch.

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. 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 Senator from Texas wishes to speak. I will only be a minute.

I ask unanimous consent that at 2 p.m. today the Senate proceed to vote in relation to the DeMint amendment No. 11, to be followed by a vote in relation to amendment No. 13, regardless of the outcome of the vote with respect to amendment No. 11; that there be 2 minutes of debate equally divided before the first vote and between the votes; further, that at 12:30 p.m. today, Senator BYRD be recognized to speak for up to 25 minutes, and that Senator KYL then be recognized for up to 15 minutes; and that no second-degree amendments be in order to either amendment prior to the vote. Senator DEMINT would have up to 45 minutes under his control.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I wish to clarify that the time Senator DEMINT has utilized would be counted against the 45 minutes under his control.

Mrs. FEINSTEIN. That is my understanding.

Mr. BENNETT. Thank you.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENTS NOS. 24 AND 25 EN BLOC

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendments be laid aside, and I send two amendments to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. ENSIGN) proposes amendments numbered 24 and 25, en bloc, to amendment No. 3.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 24

(Purpose: 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)

On page 3, strike line 9 through line 11 and insert the following:

''(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section, ''matter not committed to the conferees by either House'' shall be limited to any matter which:

(A) in the case of an appropriations Act, is a provision containing subject matter outside the jurisdiction of the Senate Committee on Appropriations;

(B) would, if offered as an amendment on the Senate floor, be considered ''general legislation'' under Rule XVI of the Standing Rules of the Senate;

(C) would be considered ''not germane'' under Rule XXII of the Standing Rules of the Senate; or

(D) consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of this section, ''matter not committed to the conferees by either House'' shall not include any changes to any numbers, dollar amounts, or dates, or to any specific accounts, specific programs, specific projects, or specific activities which were originally provided for in the measure committed to the conferees by either House.

AMENDMENT NO. 25

(Purpose: 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)

At the appropriate place, insert the following:

SEC. . SENATE FIREWALL FOR DEFENSE SPENDING.

(a) For purposes of Section 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under Section 302(f) by—

(1) DEFENSE ALLOCATION.—The amount of discretionary spending assumed in the budget resolution for the defense function (050); and

(2) NONDEFENSE ALLOCATION.—The amount of discretionary spending assumed for all other functions of the budget.

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENTS NOS. 25 AND 26 EN BLOC

Mr. CORNYN. Mr. President, I send two amendments to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mr. CORNYN) proposes amendments numbered 26 and 27, en bloc, to amendment No. 3.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 26

(Purpose: To require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers)

At the appropriate place, insert the following:

''(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, report, conference report, or statement of managers unless the following—

''(a) a list of each earmark, limited tax benefit or tariff benefit in the bill, joint resolution, report, conference report, or statement of managers along with:

''(1) its specific budget, contract or other spending authority or revenue impact;

''(2) an identification of the Member of Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

''(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit, including how the earmark, targeted tax benefit, or targeted tariff benefit advances the 'general Welfare' of the United States of America;

''(b) the total number of earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers; and

''(c) a calculation of the total budget, contract or other spending authority or revenue impact of all the congressional earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers;

is available along with such bill, joint resolution, report, conference report, or statement of managers to all Members and the list is made available to the general public by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to it.''.

AMENDMENT NO. 27

(Purpose: To require 3 calendar days notice in the Senate before proceeding to any matter)

At the appropriate place, insert the following:

SEC. ___. NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No legislative matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Proceed or Consider''. Each section shall include the name of each Senator filing a notice under this section, the title or a description of the legislative measure or matter to which the Senator intends to proceed, and the date the notice was filed.

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

Mr. CORNYN. Mr. President, I will not debate the amendments at this time. I appreciate the courtesies extended by the managers. I will come back later when it is appropriate to debate these particular amendments.

I yield the floor.

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. CORNYN. 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. CORNYN. Mr. President, I understand now might be a convenient time for the Senate to consider some debate on the amendments I have just offered, Nos. 26 and 27.

I think the preeminent value, when we talk about ethics debate, that we ought to be focusing on is transparency. It has been said time and time again that the old saying is ''sunlight is perhaps the best disinfectant of all.'' The fact is, the more Congress does on behalf of the American people that is transparent and can be reported and can be considered by average Americans in how they determine and evaluate our performance here, the better, as far as I am concerned.

I am proud to be a strong advocate for open government and greater transparency. Senator PAT LEAHY, now the chairman of the Senate Judiciary Committee, and I have been cosponsors of significant reform of our open government laws. We only had modest success last Congress. We were able to get a bill voted out of the Judiciary Committee. But it is my hope, given the sort of bipartisan spirit in which we are starting the 110th Congress and given Senator LEAHY's strong commitment to open government, as well as my own, that we will be able to make good progress there.

This amendment No. 27 is all about greater transparency that is healthy for our democracy and essential if we are to govern with accountability and good faith. I offer this amendment with the goal of shining a little bit more light on the legislative process in this body and actually giving all Members of the Senate an ability to do their job better.

Specifically, this amendment would require that before the Senate proceeds

to any matter, that each Senator receive a minimum of 3 days' notice and that, more importantly, the full text of what we will consider will be made available to the public before we actually begin our work on it.

What happens now is that in the waning hours of any Congress, we have a procedure—known well to the Members here but unknown to the public, perhaps—known as hotlining bills. In other words, presumably noncontroversial matters can be so-called hotlined, and that is placed on the Senate's calendar and voted out essentially by unanimous consent.

The problem is this mechanism, which is designed to facilitate the Senate's work and move relatively noncontroversial matters, is increasingly the subject of abuse. For example, in the 109th Congress, there were 4,122 bills introduced in the Senate. In the House there were 6,436 bills. Of course, many of these bills run hundreds of pages in length. The problem is, as I alluded to a moment ago, in the final weeks of the 109th Congress, I was told there were 125 matters called up before the Senate for consideration, many of which included costs to the taxpayers of millions of dollars, including an astonishing 64 bills in the final day and into the wee hours of Saturday morning before we adjourned. In fact, as the chart I have here demonstrates, in the last 5 days of the 109th Congress, there was a total of 125 bills hotlined. As I mentioned, some of these are relatively noncontroversial matters, but some of them spent millions of dollars of taxpayers' money.

I would think that at a very minimum Senators would want an opportunity to do due diligence when it comes to looking at the contents of this legislation and determining whether, in fact, it is noncontroversial and in the public interest or whether, on the contrary, someone is literally trying to slip something through in the waning hours of the Congress in a way that avoids the kind of public scrutiny that is important to passing good legislation and making good policy.

Mr. President, I have in my hands a letter in support of this amendment from an organization called ReadtheBill.org, which I ask unanimous consent be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, I know this perhaps seems like a small thing, but small things can have dramatic consequences.

Let me give an example. Senator X introduces a bill called the Clean Water Access Act sometime this year. For whatever reason, this bill doesn't get a hearing or the hearing is held perhaps with just a modest number of Members actually attending—in other words, it doesn't get a lot of attention. The bill is one of the thousands of bills introduced. And let's say my staff or your staff, Mr. President, or other Members' staff don't really have this bill on the list of priorities, of things to do; it is not one of the most urgent priorities because it looks as though perhaps there is not a lot of interest in the legislation. The bill never gets a vote in committee or on the floor, so Senator X decides: I have an idea. I will hotline the bill at the end of the year, at the very end of the Congress in the last few hours. What this amendment would do would be to impose a very commonsense requirement—let's give adequate notice that this is legislation which Senator X intends to move—so that the appropriate scrutiny and consideration may be given to the bill.

Of course, a notice goes out under the current rule, and the Senator's staff alerts the Senator to some concern that unless that happens, it passes by default. That is right, this is essentially an opt-out system. If the Senator does not object within an hour or two, the bill goes out by unanimous agreement.

My proposal is that there be simply a modest notice period before the Senate proceeds to a measure for Senators and their staff to review the legislation and so the American people and various groups that may have an interest in it could scrutinize it before we actually consider it and pass it in the waning hours, perhaps, of a Congress. I don't know who could really have a legitimate objection to such a requirement. I look forward to hearing from any of my colleagues who have some concerns about it, and perhaps I can address those concerns and we can work together to pass this important, although simple and straightforward, amendment.

I believe this amendment is certainly common sense and a good government and open government approach, which is conducive to allowing us to do our job better. So I ask my colleagues for their enthusiastic support, and maybe if not their enthusiastic support, at least their vote in support of this amendment at the appropriate time.

AMENDMENT NO. 26

Mr. President, I have also offered Senate amendment No. 26. This is another amendment designed to offer greater sunshine and this time on the earmark process. This is an amendment which I have offered in the spirit that Senator DEMINT, the junior Senator from South Carolina, has offered but with a little bit of additional twist that I would like to explain.

The current bill requires that all future legislation include a list of earmarks and the names of the Senators who requested them. Again, I know we talk in terms of legislative-ese and, of course, an earmark is something not otherwise provided for within the Federal appropriations bills but is specifically requested by a Member of Congress—a Senator or a Congressman—to be included.

Frankly, there are some earmarks that are very positive and very much in the public interest, but there are others that have been the subject of abuse, and I don't need to go into that in any great detail.

It is a fact that the American people have grown very concerned about the abuse of earmarks here, again, primarily because there is not adequate scrutiny, adequate sunshine on this process, causing them grave concerns about the integrity of the entire appropriations process.

My amendment would add a requirement that the budgetary impact for each earmark be included, as well as a requirement that the total number of earmarks and their total budgetary impact be identified and disclosed. The goal is that when we are considering legislation, we will have a summary document that details the number of earmarks, the total cost of those earmarks, and a list of the earmarks, along with their principal sponsor. I believe this will allow us, again, to do our job more diligently and with greater ease.

We will also create a fixed baseline from which we can proceed in the future and will further allow the American public, as well as our own staff, to be able to analyze the impact of these earmarks on the budgeting process.

Consider that the Congressional Research Service studies earmarks each year and identifies earmarks in each appropriations bill. Through that study, one can see both the total number of earmarks and the total dollar value of those earmarks have grown significantly over the last decade. The total number of earmarks, for example, doubled from 1994 to 2005, and the number appears to likely go up in 2006 as well. The problem is that getting this data after voting on the legislation is not particularly helpful after the fact. By requiring that all legislation contain a list of each earmark, the cost of each earmark, and the total number and cost of earmarks in the legislation as a whole, we empower our staffs and, more importantly, the American people, and ourselves to make better decisions.

As I said, this is not a broadside attack against all earmarks. Some earmarks are good government, but not all earmarks are good government. What this would do is give us the information we need to evaluate them, to have some empirical baseline we can use to evaluate how this impacts Federal spending and the integrity of the appropriations process.

There is one other little element of this amendment I would like to highlight. This amendment would also require an explanation of the essential governmental purpose for the earmark or a targeted tax benefit or targeted tax tariff benefit, including how the earmark targeted tax benefit or targeted tariff benefit advances the general welfare of the United States of America. This requirement—again, something I think most people would assume would be part of the analysis

and deliberative process Congress would undertake anyway—is an important reform for the Congress, and it is certainly appropriate on the subject of ethics reform.

Take, for example, these situations: In the fiscal year 2004 budget, there was a $725,000 earmark for something called the Please Touch Museum; $200,000 of Federal taxpayers' money was appropriated by an earmark for the Rock and Roll Hall of Fame. Even those who like rock and roll may question the appropriateness of taxpayers' money being spent to subsidize the Rock and Roll Hall of Fame. Mr. President, $100,000 was spent for the International Storytelling Center.

In 2005, $250,000 was spent in an earmark for the Country Music Hall of Fame. I myself am partial to country music. I like country music, but I think many might question whether it is appropriate that Federal taxpayers' dollars be spent by an earmark, here again largely anonymous because it is not required to be disclosed who the Senator is under current law, who has requested it, but a quarter of a million dollars of taxpayers' money has been spent for that purpose.

Another example: $150,000 for the Grammy Foundation and $150,000 for the Coca-Cola Space Science Center.

These are just a couple of quick examples, but I think they help make the point; that is, under the status quo, there is simply not enough information, not enough sunshine shining on the appropriations process and particularly the earmark process which has been the subject of so much controversy, and yes, including some scandal leading up to this last election on November 7. If there is one certain message I think all of us got on November 7, it is that the American people want their Government to work for them and not for special interests.

One of the best things we can do, rather than passing new rules, is to shine more sunlight on the process. With more sunlight comes greater accountability, and I think in many ways it provides a self-correcting mechanism. In other words, people are not going to be doing things they think they can sneak through in secret out in the open. So it has the added benefit of sort of a self-policing or self-correcting mechanism as well.

So I would commend both of these amendments for the Senate's consideration. At the appropriate time, I will ask for a vote, working, of course, with the floor managers on this bill.

Mr. President, I yield the floor.

EXHIBIT 1

READTHEBILL.ORG,
Washington, DC, January 11, 2007.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: ReadtheBill.org Education Fund commends you for your leadership in proposing an amendment to S. 1 that would prohibit floor consideration of legislation and conference reports before senators and the public had more time to read them. If implemented in Senate rules, this Cornyn amendment would be a significant improvement over current Senate rules, and over Senate practice during the 109th Congress.

ReadtheBill.org respects the openness of the sponsors of S. 1 to additional improvements on the floor. As proposed, S. 1 would amend Senate rule XXVIII to prohibit consideration of conference reports before they have been publicly available online for 48 hours. S. 1 would improve on current Senate rules. However, S. 1 would NOT cover legislative measures or matters on their first consideration by the Senate (as opposed to final conference reports). This is a major failing of S. 1. It's crucial to find and fix questionable provisions early in the legislative process. By the time a bill emerges from conference committee in its final form, it can be too late to fix even its worst provisions. Yes, the conference report can be posted online. But a conference report can gather the political momentum of a runaway train. Posting the manifest for each train car may reveal a sinister or illicit cargo. But it's too late to do more than wave an arm before the train is long gone.

That is why it is so important to take time to read bills early in the legislative process, before their first floor consideration by the Senate. The Cornyn amendment would cover ALL measures or matters (but no amendments), prohibiting their consideration until they had been printed in the Congressional Record for three calendar days and posted publicly online for two calendar days. ReadtheBill.org endorses the substance of the Cornyn amendment.

The Cornyn amendment would be a vital step toward ReadtheBill.org's ultimate goal of amending the standing rules of the Senate and House to require legislation and conference reports to be posted online for 72 hours before floor debate. As work on this bill continues, ReadtheBill.org looks forward to working closely with you to craft the most practical, enforceable amendment that moves toward this goal.

Non-partisan and focused only on process, ReadtheBill.org is the leading national organization promoting open floor deliberations in Congress.

Sincerely,

RAFAEL DEGENNARO,
Founder & President.

Mr. THOMAS. Mr. President, I would like to speak in general, so I ask unanimous consent that the current amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I wish to speak in general about the bill, not on the specific amendments, about what I think we are doing and the importance, frankly, of what we are doing. We are talking, of course, about ethics, about how we function within this body, and I hope we can keep that in mind. We are not talking about Federal law. We are not talking about rules and laws dealing with contributions. We are talking about how we operate within this body.

I happen to be a member of the Ethics Committee, and I have been very impressed, frankly, with what we are doing now. That is not to say we can't do some more, and indeed we should, but the fact is we have really gone along fairly well here. We haven't had any real problems particularly. We are reacting largely to some of the problems that have happened on the other side of the Capitol, and they could happen here, so they are appropriate. So I believe we need to evaluate where we are now with the rules and regulations we have with the Ethics Committee, which is designed to enforce them, and try to maintain our focus on those kinds of things.

I think we have gotten into things that become Federal law in terms of, for instance, political contributions. Well, that is really not an ethics issue; that is a Federal issue with relation to what is done there. So it seems to me the real overriding opportunity for us is to increase the transparency of how we function and the accountability and to spend more time with the Members and with the staff in terms of familiarizing ourselves with what the rules are. We have lots of rules. Quite frankly, as I came onto this committee, I was a little impressed with all there is that most of us haven't had much time or opportunity to take a look at.

So really what we need is transparency and accountability, and that is what we are doing. I am pleased that we are, but I want to suggest that we keep in mind the role of what we are doing, the role of ethics, and try to maintain some limits on the kinds of things we do and hold it to what we are doing. As I said, our record has been pretty good. I think the key is transparency and accountability, so I hope we can hold it to that.

I think we need to understand that even though there have been things that have happened in the Capitol that we don't like, the fact is the people who have done most of those things, many of them, are in jail. They have acted against the law. The Jack Abramoff thing, which has brought much of this about, was wrong and bad and has been dealt with and is being dealt with. I think we need to keep that in mind and try to define the difference between ethics and behavior here and legal activities that affect everyone.

So again, I say ethics is something for which each of us is responsible. As representatives of our people, we are responsible for it. So if we have transparency, that is one of the keys. And we should understand that what we are doing is dealing with ethics rules. When this is all over, we ought to be able to take another look at the total of our rules and hold what we are doing here on the floor to that effort. We can do that.

There are a good many reforms in S. 1, and I am pleased we are talking about earmarks, which is one topic of reform. There needs to be more public information. There needs to be more information to Members as to what earmarks are. On the other hand, if I want to represent things that are important to my State or your State or anyone else's State, we need from time to time to have an opportunity to suggest that here is an issue in this budget

which needs to be dealt with. Now, it needs to be done early on. It needs to be transparent. Everyone needs to know about it. We need to avoid the idea of putting things in during the conference committee meetings. After all, Members' opportunities have passed. That is wrong. But I think the idea that Members have an opportunity to have some input into the distribution of funding for their States is reasonable. So I think, again, transparency is the real notion, and the conference reports ought to be available on the Internet.

Banning gifts, of course, is good. I think we need to be a little careful about what gifts are and whom they are from.

I just had an opportunity to meet with someone who is a realtor in Wyoming. He came in to talk about problems for realtors. He is not a lobbyist; he is a realtor. Now, am I supposed to be a little careful to talk to somebody from Wyoming? How else am I going to know what the issues are for the various groups? Even though they have an association and he is probably a member of it, he is not a lobbyist. So I think we need to be sure we identify some of the differences that are involved.

We ought to talk about holds. I think there is nothing wrong with having a distribution of what the holds are when we are putting them together in Congress and then putting them in the CONGRESSIONAL RECORD. Again, that is something which should be public.

Travel. I think there is nothing wrong, with major travel, with having some sort of preapproval from the Ethics Committee. That is a reasonable thing to do. We each have different problems with travel. Some States are quite different from others. Charters can be made to different places, so we need to have some flexibility there. Again, I say one of the keys is to have some annual ethics training, some annual ethics information so people know what it is all about. I would venture to say that before this discussion started, if you talked about what is in our ethics rules, most of us wouldn't be able to tell you much about them. We need to do more of that.

There needs to be public disclosure of lobbying, there is no question, and that is a good thing and we need to do that.

The idea of an independent ethics office troubles me a good deal. We are talking about our behavior among ourselves as Members, and the idea of having some non-Member office overseeing our operation just doesn't seem to make sense to me. If any of you have not had the opportunity to see all of the things that our Ethics Committee staff goes through, I wish you would take a look at it. There is a great deal that goes on.

So in sum, I am generally saying that I hope—and I think our leaders on this issue have done this—we stay with what it is we are seeking to do; that is, take a look at our rules and regulations and how we abide by them, how we understand them, how we enforce them, and how we have opportunities to see them, and that there is transparency from them. That is what we are talking about. When we start getting off into so many things that really are much beyond ethics and get into the laws—for instance, as I said, campaign contributions—that is another issue. It is a good issue, but it is not this issue. So I hope we are able to do that.

Those are the points I wanted to make. We are going to be going forward, and I am glad we are. I hope we don't spend too much time on this because I think our real challenge is to focus on what it is we are really seeking to do and not let us spend a lot of time on things that are inappropriately in this bill. Our main goal, it seems to me, is greater transparency, a set of rules we can understand, the opportunity to know what those are, and then, of course, to have an opportunity within our own jurisdiction to enforce them.

I yield the floor, and 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. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia is recognized for up to 25 minutes.

IRAQ

Mr. BYRD. Mr. President, last night in his address to the Nation, the President called for a ''surge'' of 20,000 additional U.S. troops to help secure Baghdad against the violence that has consumed it. Unfortunately, such a plan is not the outline of a brave new course, as we were told, but a tragic commitment to an already failed policy; not a bold new strategy but a rededication to a course that has proven to be a colossal blunder on every count.

The President never spoke words more true than when he said, ''The situation in Iraq is unacceptable to the American people.'' But the President, once again, failed to offer a realistic way forward. Instead, he gave us more of his stale and tired ''stay the course'' prescriptions. The President espoused a strategy of ''clear, hold, and build''—a doctrine of counterinsurgency that one of our top commanders, GEN David Petraeus, helped to formulate. Clear, hold, and build involves bringing to bear a large number of troops in an area, clearing it of insurgents, holding it secure for long enough to let reconstruction take place. But what the President did not say last night is that, according to General Petraeus and his own military experts, this strategy of ''clear, hold, and build'' requires a huge number of troops—a minimum of 20 combat troops for every 1,000 civilians in the area. If we apply that doctrine to Baghdad's 6 million people, it means that at least 120,000 troops will be needed to secure Baghdad alone. Right now, we have about 70,000 combat troops stationed all throughout Iraq. Even if they were all concentrated in the city of Baghdad, along with the 20,000 new troops that the President is calling for, we would still fall well short of what is needed.

But let us assume that the brave men and women of the U.S. military are able to carry out this Herculean task and secure Baghdad against the forces that are spiraling it into violence. What is to keep those forces from regrouping in another town, another province, even another country—strengthening, festering, and waiting until the American soldiers leave to launch their bloody attacks again? It brings to mind the ancient figure of Sisyphus, who was doomed to push a boulder up a mountainside for all of eternity, only to have it roll back down as soon as he reached the top. As soon as he would accomplish his task, it would begin again, and this would go on endlessly. I fear that we are condemning our brave soldiers to a similar fate, hunting down insurgents in one city or one province only to watch them pop up in another. For how long will U.S. troops be asked to shoulder this burden?

Over 3,000 American soldiers have already been killed in Iraq; over 22,000 have been wounded. Staggering. Hear me—staggering. And President Bush now proposes to send 20,000 more Americans into the line of fire beyond the 70,000 already there.

The cost of this war of choice to American taxpayers is now estimated to be over $400 billion. That means $400 for every minute since Jesus Christ was born. That is a lot of money.

Hear me now. Let me say that, again. The cost to American taxpayers of this war of choice is now estimated to be over $400 billion, and the number continues to rise. When I say number, I am talking about your taxpayer dollars. That ain't chicken feed. One wonders how much progress we could have made in improving education or resolving our health care crisis or strengthening our borders or reducing our national debt or any number of pressing issues with that amount of money. Man, we are talking about big dollars. And the President proposes spending more money, sending more money down that drain.

On every count, an escalation of 20,000 troops is a misguided, costly, unwise course of action. I said at the beginning we ought not go into Iraq. I said that, and I was very loud and clear in saying it. I stood with 22 other Senators. I said from the beginning we ought not to go into Iraq. We had no business there. That nation did not attack us, did it? I said from the beginning I am not going down that road and I didn't and I am not going to now.

This is not a solution. This is not a march toward ''victory.''

The President's own military advisers have indicated we do not have enough troops for this tragedy to be successful. It will put more Americans in harm's way than there already are. It will cost more in U.S. taxpayers' money—your money. You, who are looking through those lenses, looking at the Senate Chamber, hear what I have to say. Many commanders have already said that ours is an Army that is at its breaking point. It is a dangerous idea.

Why, then, is the President advocating it? This decision has the cynical smell of politics to me, suggesting that an additional 20,000 troops will alter the balance of this war. It was a mistake to go into Iraq. Now we want to pour 20,000 more of your men and women, your sons and daughters, into this maelstrom, this sausage grinder, this drainer of blood and life.

We won't alter the balance of this war. It is a way for the President to look forceful, a way for the President to appear to be taking bold action. But it is only the appearance of bold action, not the reality, much like the image of a cocky President in a flight suit declaring ''mission accomplished'' from the deck of a battleship. Remember that?

This is not a new course. It is a continuation of the tragically costly course we have been on for almost 5 years now. Too long. I said in the beginning, I won't go; it is wrong; we should not attack that country which has never invaded us or attacked us. Those persons who attacked this country were not Iraqis, right? Somebody says I am right.

It is simply a policy that buys the President more time, more time to equivocate, more time to continue to resist any suggestion that the President was wrong to enter our country into this war in the first place. This war, in this place, at this time, in this manner, and, importantly, calling for more troops, gives the President more time to hand the Iraq situation off to his successor in the White House. The President apparently believes he can wait this out, that he can continue to make small adjustments here and there to a misguided policy while he maintains the same trajectory until he leaves office and it becomes someone else's problem.

If you are driving in the wrong direction, anyone knows, as you will not get to your destination by going south when you should be going north, what do you do? What should you do? You turn around. I see the Presiding Officer is following me. I saw him use his arm like that. He did just what I did, before I did it. You turn around and get better directions.

This President—I speak respectfully when I speak of the President. I speak respectfully of the President; that is my intention—this President is asking us to step on the gas in Iraq full throttle while he has not clearly articulated where we are going. What is our goal? What is our end game? How much progress will we need to see from the Iraqi Government before our men and women come home? I should think that is what the fathers and mothers of our American troops would want to know. What is our goal? What is our end game? In the first place, why are we there in Iraq? Why are we asking for more troops now? How much progress will we need to see from the Iraqi Government before our men and women come home? How long will American troops be stationed in Iraq, to be maimed and killed in sectarian bloodshed?

The ultimate solution to the situation in Iraq is political and would have to come from the Iraqis themselves. The Iraqi Government will have to address the causes of the insurgency by creating a sustainable power-sharing agreement between and among Sunnis, Shias, and Kurds, and it is far from clear that the Government has the power or the willingness at this point. But as long as American troops are there to bear the brunt of the blame and the fire, the Iraqi Government will not shoulder the responsibility itself. And Iraq's neighbors, especially Iran and Syria, won't commit to helping to stabilize the country as long as they see American troops bogged down and America losing credibility and strength. Keeping the United States Army tied up in a bloody, endless battle in Iraq plays perfectly into Iran's hands and it has little incentive to cease its assistance to the insurgency as long as America is there. America's presence in Iraq is inhibiting a lasting solution, not contributing to one.

Let me say that again. I should repeat that statement. Iraq's neighbors, especially Iran and Syria, won't commit to helping to stabilize the country as long as they see America bogged down and losing credibility and strength. Keeping the United States Army tied up in a bloody, endless battle in Iraq plays perfectly into Iran's hand and it has little incentive to cease its assistance to the insurgency as long as America is there. America's presence in Iraq is inhibiting a lasting solution, not contributing to a lasting solution.

The President has, once again, I say respectfully, gotten it backwards. What I hoped to hear from the President were specific benchmarks of progress that he expects from the Iraqi Government and a plan for the withdrawal of American troops conditioned on those benchmarks. Instead, we were given a vague admonition that the responsibility for security will rest with the Iraqi Government by November, with no suggestion of what that responsibility will mean or how to measure that Government's capacity to handle it.

The President is asking us—you, me, you, you out there, you who look around this Chamber today—asking us once again to trust him while he keeps our troops mired in Iraq. But that trust was long ago squandered. I weep for the waste we have already seen—lives, American lives, Iraqi lives, treasure, time, good will, credibility, opportunity—wasted, wasted. Now the President is calling for us to waste more. I say enough, enough. If he will not provide leadership and statesmanship, if he does not have the strength of vision to recognize a failed policy and to chart a new course, then leadership will have to come from somewhere else. Enough waste, enough lives lost on this misguided venture into Iraq.

I said it was wrongheaded in the beginning and I was right. Enough time and energy spent on a civil war far from our shores while the problems Americans face are ignored. Yes, while the problems that you, the people out there, face—you, the people on the plains and mountains and in the hollows and hills, your problems—we wallow in debt and mortgage our children's future to foreigners. That is what we are doing. We are continuing. We are asking now for more, more, more. Not: Give me more, more, more of your kisses but more, more of your money, more, more of your lives. Enough. It is time to truly change course. Mr. President, it is time to look at the compass, time to change course and start talking about how we can rebalance our foreign policy and bring our sons and daughters home—bring our sons and daughters home.

There are a lot of people making political calculations about the war in Iraq, turning this debate into an exercise of political grandstanding and point scoring. But this is not a political game. This is a game of life and death. This is asking thousands more Americans to make the ultimate sacrifice for a war that we now know, beyond a shadow of a doubt, was a mistake. We had no business going into Iraq. We had no business invading a country that never posed an imminent threat, a serious threat to our own country.

There were those of us who cautioned against the hasty rush to war in Iraq. And I have some credibility on that score. I cautioned against it, yes. And there were others in this Senate Chamber who stood against the hasty rush to war in Iraq. Unfortunately, our cries, like Cassandra's, went unheeded. Like Cassandra, our warnings and our fears proved to be prophetic—proved to be prophetic.

But we are not doomed to repeat our mistakes. We ought to learn from the past. We must understand—and understand it now, and understand it clearly—that more money and more troops—more American troops, more American lives lost in Iraq—are not the answer.

The clock—there is the clock above the Presiding Officer's chair. There it is. There is the clock. There is another one behind me on this wall. These clocks are running, running, running

on our misadventure. And I can say that with credibility because I said it was a misadventure in the beginning—our misadventure into Iraq.

Enough time has been wasted, Mr. President. Enough. Enough. Hear me: Enough. Enough time has been wasted.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). My understanding is, under the previous order, the Senator from Arizona is recognized for up to 15 minutes.

IRAQ

Mr. KYL. Mr. President, I suppose it was inevitable, the criticism of the President's announcement last night. But I ask: What happened to all of the promises of last week, the talk of bipartisanship, the talk of trying to work together, especially on the biggest challenge of our time, this challenge to our national security? Where is the unity that we need at this time for this issue more than at any other? I am disappointed by the attacks on President Bush's strategy, particularly because they come primarily from people who have offered no alternative. It seems to me that threatening to cut off funding for our troops, as some have done, while not giving the President's Iraq strategy a chance, is the worst kind of partisan politics.

When dealing with issues of war and peace, and trying to devise a strategy that will result in the least harm to Americans, with the greatest chance of success, it seems to me we should be trying to find common ground.

The critics of the President throughout last year called for a new strategy and interpreted the election results of 2006 as substantially a repudiation of the President's strategy and confirmation that there needed to be a new strategy.

After consulting with Members of Congress, with generals, with retired generals, with other experts, the Baker-Hamilton Commission, and many others, the President has come up with another strategy, and he announced that strategy last night. It seems to me that we at least owe him the opportunity to see whether that strategy can work before immediately attacking it as a policy that is bound to fail, especially, as I said, because I have seen no alternative.

The only alternative is that we withdraw. There are a lot of different ways that we would withdraw, and timetables for withdrawal, but they all come down to withdrawing. That suggests that leaving the Iraqi forces to establish the stability and peace that is required in Iraq is likely to be more successful than the Iraqi troops combined with U.S. troops—a proposition which, it seems to me, is incredible on its face. So where is the alternative strategy for success?

Now, one of our colleagues, earlier this morning, said:

> We are in a hole in Iraq, and the President says the way to dig out of this hole is to dig deeper. Does that make sense, when you are in a hole, you get out by digging deeper? This is a reckless plan. It is about saving the Bush Presidency. It is not about saving Iraq.

Well, let me talk about the two elements of that—first, the analogy, which I think breaks down. I have used it before. It is a good analogy in certain situations. But it is a little bit like saying that when the first wave of our boys hit the Normandy beaches, because many of them were dying, that it made no sense to add more forces, to land the rest of our troops on the beach. And that, of course, was not the case.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. KYL. Mr. President, I will be happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Those of us who disagreed with the plan to go into Iraq in the beginning—and now who disagree with the request that we put more troops into Iraq—we are not talking about the Normandy beach. That was an entirely different matter.

What are we fighting for over here in Iraq? Why are the American people sending their boys and girls into Iraq, a country that has not attacked us? Why are we sending our boys and girls to have their blood spilled in that faraway country? For what? For what are we spending these billions of dollars?

I cannot understand it. I say that most respectfully to the distinguished Senator, who is my friend.

Mr. KYL. Mr. President, I would say to the distinguished Senator from West Virginia, the Senator asked that question in his remarks a few minutes ago, and I had written down that is a fair question. I am prepared to answer that question, and I would like to answer that question. If the Senator would allow me just to finish the point I was making earlier, I will answer that question.

Mr. BYRD. Yes. Very well. I thank the Senator.

Mr. KYL. I might say, by the way, that is the central question, and it has not been adequately answered to date. I will concede that to my friend from West Virginia. But there is an answer, I believe, that justifies, that warrants our participation, and I will make that point.

The point I wanted to make before is that simply because you are having a problem achieving something does not mean it is wrong to try to figure out a new strategy to win. And sometimes applying more force can supply that element, that missing element.

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

Mr. KYL. Yes, of course, I will be happy to.

Mr. BYRD. What is it we are seeking to achieve by putting more troops into Iraq?

Mr. KYL. Mr. President, first of all, I ask unanimous consent that the time used by the Senator from West Virginia not count against the time I was given.

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

Mr. KYL. Secondly, since the Senator has remained on the Senate floor and asked that question a second time, I will go ahead and move to answer that question, and then come back to the other points I was going to make a moment ago.

Basically, the Senator asked two questions: Why are we there in the first place; and, secondly, how is this strategy supposed to enable us to achieve the victory we seek to achieve?

Let me answer that second question first, briefly, because the President talked about this last night. The concept that the President outlined was one that he had developed, or our forces in Iraq had developed with the Maliki government. And it was predicated on a commitment that the President received from the Iraqi Government that it would be willing to do some things differently in the future.

Specifically, what? We appreciate until peace and stability come to Iraq, it is not going to be possible for that Iraqi Government to engage in the political and economic reforms that will be necessary for that society to move forward.

How does one achieve peace and stability? For most of the country there is relative peace. But everyone agrees in Baghdad itself there is great conflict and killing. So the President talked last night about a division of the city into nine specific regions, bringing in more troops from the Iraqi Government, twice as many more as the United States would bring in, in order not just to clear those areas of the killers, as the President called them, but to hold the areas, to prevent them from coming back in and then causing harm to the innocent Iraqi civilians.

The Maliki government had talked about doing this in the past. But when we did the clearing, the killers were allowed to come back and continue their bad action right after we left. We established checkpoints and curfews, and the Iraqi Government said they would like for us to eliminate those checkpoints and curfews. We would arrest these killers and put them in jail, but the Iraqi Government would let them back out. In other words, it was doing things that were antithetical to our ability to consolidate the original victory we obtained by clearing those areas of the killers.

The President obtained a commitment from Maliki that this would change, so the strategy now would be with Iraqi troops taking the lead and American troops assisting, to clear the areas and hold them, and hold the killers responsible, keep them from killing again, and go after the militias, especially in Baghdad, that were doing most of this killing.

Now, that would require some additional troops in Baghdad, and the President talked about the number of troops that would be provided for that. He said the other area where troops

would be provided would be in Al Anbar Province, to the west, where the al-Qaida terrorists had basically developed a tremendous amount of strength and taken over parts of that area, and some additional troops would be needed there.

There were other elements of the President's speech. There were well over 20, as I counted them, of different parts of this strategy. But the key elements were the ones I just mentioned. So that is the role these additional troops are supposed to play.

Now, to the more fundamental question that the Senator asked, if one only looks at Iraq in a vacuum, I can easily understand why one would come to the conclusion that with the death and destruction there, and the harm to our own troops, it does not make sense for us to be there.

But Iraq is not in a vacuum. Iraq is part of a larger war. And this is one thing that both Osama bin Laden and George Bush agree on, probably the only thing: Both of them have called the battle in Iraq critical to achieving victory in the ultimate—the President calls it the war against terrorists; bin Laden calls it the holy jihad. But, in either case, they understand that the loser in this battle in Iraq is not likely to be able to prevail in the larger global war.

In bin Laden's case, he is talking about the war to establish the califate, and he says that Baghdad will be the capital of the califate. This is the area that will be ruled by Sharia, the strict law of his interpretation of Islam. The U.S. concept of victory is a peaceful, stable Iraq that can maintain its society and borders and be an ally with us in the war against the terrorists.

Our security there is identified in two ways. First, because of the al-Qaida and other terrorists who, as I said, have done a tremendous amount of damage in Al Anbar Province and who initiated a lot of the conflict between the Shiites and the Sunnis, among other things, by bombing one of the most holy of the Shiite mosques; they have initiated a lot of this terrorism. We have to be able to defeat al-Qaida and the other terrorists in Iraq.

Secondly, we cannot lose the momentum we have gained in this war against these terrorists in places such as Jordan and Egypt and Saudi Arabia and Pakistan and Afghanistan and Yemen and other places. From a situation where they were actually helping terrorists, we have gotten to a point where they are actually helping us to find and root out and capture or kill the terrorists. Were we to leave Iraq a failed state, it would not only be a devastating—I will use the word—Holocaust for the people of Iraq, especially anyone who tried to help us or participated with the Iraqi Government, but it would be a horrible blow to our national security because it would reverse the momentum we have gained in the war against the terrorists and cause these other states to begin to hedge their bets in working with us because it is a dangerous neighborhood. It would be evident that we have no stomach to stay there and that the terrorists, therefore, can move back in, can use those as a base of operation and continue, then, to work against the states of Afghanistan, Pakistan, Saudi Arabia, and the like. In fact, Saudi Arabia has already talked about trying to provide funding for Sunnis in Iraq. Iran is providing assistance to Shiites in Iraq. These are the reasons why it is more than a battle for Iraq but, rather, to continue the momentum we have gained in dealing with these radicals all throughout that region.

Mr. BYRD. Will my friend yield?

Mr. KYL. I am happy to yield, again, to my friend.

Mr. BYRD. He used these words: ''We have no stomach to stay there.'' The question is, How long and at what cost? Stay there how long? How long are the American taxpayers and mothers and fathers going to put up with the use of their sons and daughters and their money? How long are they going to continue to want to—I shouldn't say it that way—how long are they going to continue to put up with this expenditure of blood and money and for what? I thank my friend for yielding. I hope I don't appear to be discourteous in any way.

Mr. KYL. Mr. President, the Senator from West Virginia has, again, asked the most fundamental of all questions. I am going to have to take some time to go into more detail about my answer to the question. But I think I have tried to answer one of the two questions: What is the U.S. security interest in achieving victory in Iraq?

We know that the world in that region would be thrown into absolute chaos, with probably hundreds of thousands of casualties, if not more, if we leave Iraq a failed state. Even more directly to America's interests and to answer the question of how long will Americans support this effort is the danger that our momentum in the war on terror will be set back and will be dealt a tremendous blow if we leave Iraq a failed state and the terrorists are able to then move out from there and again become dominant in places such as Afghanistan and Pakistan, the Wahabis, and Saudi Arabia and so on. That would be a terrible blow to the progress we have made against these terrorists.

Osama bin Laden has a saying about the weak horse and the strong horse. It has always been his view that we are a weak horse because we get out when the going gets tough—in Lebanon, in Vietnam, and in Mogadishu. He believes that just as he thinks he threw the Soviets out of Afghanistan, he can throw the United States out of all of this part of the world because we are the weak horse. If we confirm to the people in that region that he is right, because we will not stay in Iraq because of the difficulties we have confronted, then we will only validate the view that he has propounded and make it much more difficult for us to confront terrorists.

To the question of how long Americans will continue to support this, I suspect that the answer is only so long as they believe there is a prospect for success and only so long as the hidden costs of failure remain hidden. We have not done as good a job as we need to, to say: All right, maybe this new strategy of President Bush won't work. He believes it will. There are new commitments from the Iraqi Government that suggest it will. We are going to be doing things differently. We believe this has a chance to succeed. We know one thing for sure; that is, the alternative, withdrawal, is a guarantee for failure. And what will that failure bring? Who wants the blood on his or her hands of the hundreds of thousands of people who are likely to be killed as a result of our leaving Iraq a failed state? Who wants to then ask the question of why it is that terrorists began to spread their evil ideology throughout that part of the world to be more effective in potentially attacking the United States, when, in fact, we have had them on the run? The evidence of what we did in Somalia is a good illustration. The fact that the London bombing about 6 months ago was thwarted is another good illustration of the fact that when we have good intelligence and when we have the ability to take the fight to the enemy, we make ourselves more secure.

I appreciate the questions of the Senator from West Virginia. They go to the heart of this debate. I would hope that we will have the opportunity soon to expand on these questions and the answers to them and engage in the kind of debate that we haven't had up to now and this country needs in order to be able to make the decision of what kind of support it wants to give to the President or whether it wants to accept other points of view.

I didn't deliver quite the remarks I intended, but I appreciate the comments of the Senator from West Virginia. I would be happy to engage in that discussion in the future.

Mr. BYRD. I thank the Senator for his comments.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to ask the Senator from Arizona a question.

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

Mr. COBURN. The question I have is, The distinguished Senator from West Virginia asked the question: How long and at what price? But that is a false choice. Because if we leave Iraq and we walk away, we are going to be fighting this battle again. So it is not about how long and at what price; it is, when are we going to have this battle again? I believe that is up for debate. What the American people lack is the understanding that if we walk out now, we are going to put young men and women

again at risk, at far greater numbers and at far greater cost in the future, as we empower the terrorists. I wonder if the Senator from Arizona may comment.

Mr. KYL. In response to the Senator from Oklahoma, that is the point I raised at the very end. It is not only a question of whether the President's new strategy has a chance to succeed, as he believes it does, but what is the alternative. If the alternative is leaving Iraq a failed state, I have barely scratched the surface of identifying the horrors that that would represent and the dangers to American national security that it would involve. We need to do a better job of articulating that alternative. As I see it, that is the only alternative that has been put forward to the President's new strategy.

AMENDMENTS NOS. 11 AND 13

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, am I correct in my understanding that I control the time between now and 2 o'clock.

The PRESIDING OFFICER. Under the previous order, that is correct.

Mr. DEMINT. I thank the Chair.

I am here to discuss two amendments that will be voted on at 2 o'clock. I see my colleague, Senator COBURN, is here to speak on one of them. I will make a few comments and then yield some time to him.

This whole debate about lobbying and ethics reform is very important to this Congress. We know from the last election that the American people are concerned about how we spend our money, about corruption. The closer we looked at it as Congressmen and Senators, the clearer it became that the practice we have of earmarking, which is providing some favor with tax dollars to some group or entity around the country, has begun to corrupt the process. The scandals we saw on the House side were mostly related specifically to a lobbyist basically buying an earmark, a favor we consider scandalous in the Senate.

The new Speaker of the House, NANCY PELOSI, in a thoughtful proposal, H.R. 6, provided a clear definition of what these earmarks or favors are, so that when we begin to develop reform of the earmarking process, we can target those things that are the problem.

That is what my amendment is about. The bill that is on the floor of the Senate now defines earmarks in a way that only includes about 5 percent of the total earmarks. It would not have included the type of earmarks that got Congressman Duke Cunningham in trouble. It would not have included the Abramoff type of scandal either. We often disagree, but as we start this new session, there is a new climate of bipartisanship, the need to cooperate, Republicans and Democrats. But it is also important, between the House and the Senate, that when we think the House gets it right, whether it is Republican or Democrat, we should take an honest look at it. In this case, Speaker PELOSI has it right on the earmarks.

I would like to speak more about it. Before I do, I will yield whatever time Senator COBURN would like.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I don't think you can have a discussion on earmarks until you set the predicate for what is really going on. It is not dishonorable to want to help your home State. The vast majority of those things that are considered earmarks are not bad projects. They are not dark. They have a common good that most people would say would be adequate.

The question about earmarks is, What has evolved through the years and what have they become? I believe earmarks have been the gateway drug to the lack of control of the Federal budget. The proof of that is, look at who votes against appropriations bills. I will promise you, there won't be Senators in this body who have an earmark in a bill that will vote against the appropriations bill. What does that say? Does that mean everything in that bill was good; they agree with the bill?

What it means is, they have an earmark in the bill. And if they vote against it, the next time they want an earmark, they won't get it. So you have the coercion of using earmarks to control votes.

Our oath is to do what is in the best long-term interest of our country. No matter what our political philosophy, we are all Americans.

We can all agree about that. And whether we are liberal or conservative, we don't want any money wasted. But as we spend money on things that are earmarks that are not bad but definitely should not be a priority when we are fighting a war and have a gulf catastrophe and a budget deficit of $300 billion we are passing on to our children, we get the priorities all out of whack. Priorities are what the American people said they wanted us back on, and they wanted us back on it together.

The bill that is on the floor, as the Senator from South Carolina said, addresses only 5 percent of that problem—5 percent of the earmarks. The Congressional Research Service looked at that—12,318, of which 534 would fall under the bill that is on the floor—correction, 12,852 is the total and there are 12,318 that this bill would not apply to at all. It would have no application to it at all.

The other problem with earmarks is there has to be sunshine. Fixing the problem to make everybody think we fixed it versus really fixing it is what this bill does. It is a charade, as far as earmarks are concerned. There is nothing wrong with wanting an earmark or for me wanting to bring something to Oklahoma. I have chosen not to do that because I cannot see how Oklahoma can be helped with an earmark when we are borrowing $300 billion from our kids and grandkids. I cannot see how that priority can be greater when it undermines the future standard of living of our children and grandchildren. But to put this bill up without the House version—and even it doesn't go far enough because it doesn't list who the sponsor is until after it is passed. In other words, you don't know who the sponsor is until after the bills come through.

We need to be honest with the American people. The only way we are ever going to get our house in order fiscally is to have complete transparency on what we are doing, so they can see it. Today the President of the Senate and I passed a bill that will, after the fact, create transparency so that everybody will know where all the money went. But it does nothing before the fact. We need the discipline to control the spending and to not use this tool of earmarks as a coercive tool with which we get votes on appropriations bills that are spending more money than we have.

This last year, a subcommittee I chaired in the last Congress had 46 oversight hearings where we identified over $200 billion in discretionary waste, fraud, or duplication. We ought to be taking up those things. We ought to be eliminating that. We can do tremendous work.

The other thing that is important in the earmark discussion is that you don't have an earmark if it is authorized. When it is authorized, that means a committee of the Senate—a group of our peers—looked at it and said this is a priority and something that should be done; therefore, it is no longer an appropriations earmark because it has been approved by the committee of jurisdiction.

The best way to eliminate earmarks is to bring them into the sunlight, get them authorized, and allow Appropriations to fund them. That way, we have 100-percent sunshine and the American people know what we are doing, and we defend that in the public, open arena of committee hearings. We should not be afraid to do what is right, what is open, what is honest, and what is transparent for the American public. They deserve no less than that.

The earmark provision that is in the bill in the Senate that we are debating right now is cleaning the outside of the cup while the inside stays dirty. We should not let that happen. There is no doubt in my mind that Senator DEMINT's amendment is going to lose.

So the question has to come to the American public, are you going to hold the Senate accountable for acting as though they are fixing something when they are not? Anybody who votes for this bill, with the language in it the way it is today, is winking and nodding to the American people and saying we fixed it. But we didn't. Everybody here knows it won't be fixed with the language as it sits today. So it is going to

require the American people to have great oversight over us to see who votes for this bill. If you are voting for this bill, you don't want to change the way business is done here; you want to leave it exactly the way it is and leave everything alone. So you want to tell everybody you fixed it when you didn't. That smacks of a lack of integrity in this body that belies its history.

I yield back my time.

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

Mr. DEMINT. Mr. President, I thank my colleague for his persistence and hard work on a very commonsense issue. Many times in this Chamber, and in the House, we assume on our side that if the Democrats have an amendment, there is always some trick in it and they are trying to get us to take a vote and make us look bad; we don't trust each other. I wish to make an appeal that on this one amendment—this amendment No. 11 we have talked about—there is no trick. It is the exact language Speaker NANCY PELOSI put in their ethics bill, because everybody there—many Republicans and Democrats—agree that if we are going to at least have a pretense of changing the culture here, we need to be fully transparent and open and honest in what we are talking about.

As Senator COBURN said, many earmarks are good projects; they help people and organizations. The problem we have is that in order to get a few of those things that are good and necessary, we have to vote for thousands and thousands of earmarks that are not Federal priorities, and many of them, once disclosed, become an embarrassment to us. I think it has made the American people jaded about what we do here.

This is an opportunity to at least work together on one thing. The problem we had—and Senator COBURN mentioned this—in 2006 is that in the appropriations bills there were 12,852 earmarks. I am sure there are many that could be defended. But the biggest problem we have as a Congress is that behind these thousands of earmarks are thousands and thousands of lobbyists who have been paid to come up here and influence us in a way that would include a favor for their client in the bill. Again, many of these are legitimate. But what we have done to ourselves and our country—it drives me crazy to see a little town in South Carolina that is paying a lobbyist firm over $100,000 a year because that firm has promised them they can come up here and get a Federal earmark for a million dollars or more. What a great return—pay $100,000 and get a million dollar earmark. We see little colleges, associations, and businesses hiring lobbyists, hoping to get a particular earmark. So we have thousands of lobbyists in this town who are here to try to influence us to do a favor on behalf of their client. Much of this is legitimate, but our oath and our reason for being here is for the good of this country. We cannot do business with thousands and thousands of special interests who are here to influence us, and we have a system that actually makes it difficult for us not to go along with that, as Senator COBURN has pointed out.

This amendment is very simple. It doesn't create any kind of rigorous process for disclosure, which has been claimed here today by the other side. It simply says if we are going to create a transparent, well-disclosed process of the earmarks we are putting into a bill, all of them are disclosed, not just some small definition that includes only 5 out of 100 earmarks. We have already said there were only 534 out of about 12,800, so we cannot pretend to be putting a stop to the corrupting process of money here in the Congress if we try to convince the American people that somehow we have done some good. If we look at the corruption we are trying to get rid of, Duke Cunningham on the House side was influenced by lobbyists to get a Federal earmark from the Department of Defense. That would not have been included in the bill that is here on the Senate side. But it would be in NANCY PELOSI's language. We could stop the corruption before it ever happens.

We have a real opportunity to do something that is significant. If we are going to spend weeks and weeks—which ultimately we are—with ethics and lobbying reform and transparency, if we get to the end of this and we have something that does not appear remotely honest to the American people, I think we will all be ashamed of the process we went through. Unfortunately, yesterday, we voted down an amendment that would bring another bit of honesty to this organization. We had the big scandal we talked about in the last election, Abramoff. The problem there is that Indian tribes in America are allowed to give unregulated amounts of unaccountable money to Congress to buy influence, and that is what happened in that case.

We had an amendment yesterday that would have asked the Indian tribes to play by the same rules every other group in America plays by, but we voted it down. That means that in the future Indian tribes, with all their casinos and money, are going to continue to flood Congress with money and the American people don't know what it is buying, where it is coming from. It is senseless to go through an ethics reform bill and overlook something that obvious.

Today, we have something equally as obvious. We have a proposal to identify and make transparent the earmarks that come through the appropriation bills. It is something the House has agreed on, and Speaker PELOSI has made it a top priority. This is not a partisan trick. This is a commonsense disclosure provision that will be good for this body.

Mr. COBURN. Will the Senator yield for a moment?

Mr. DEMINT. Yes.

Mr. COBURN. Mr. President, I will make a point. There is nobody down here defending the other side.

Mr. DURBIN. I am here.

Mr. COBURN. I would love to have a debate on the basis of why the amendment that is in this substitute should not cover the other 95 percent of the earmarks. I ask the Senator from Illinois, what is the basis for only covering 5 percent of the earmarks in the bill.

Mr. DURBIN. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Time is controlled by the Senator from South Carolina.

Mr. DEMINT. I yield to Senator DURBIN so he may answer the question.

Mr. DURBIN. Mr. President, there are two problems, at least, with the amendment. First, we try in the bipartisan Reid-McConnell earmark reform to include not only appropriations earmarks but also tax benefits. It is the same deal. You either send a million dollars to a corporation in an appropriations earmark or in a tax benefit. So we include both. The language of Senator DEMINT's amendment, unfortunately, waters that down and weakens it.

Secondly, we have more stringent reporting requirements in the Reid-McConnell amendment than in the DeMint amendment. There is no reason to walk backward here. We are moving forward toward reform of earmarks. I don't know if it was a drafting error or what, but the DeMint amendment makes language on tax earmarks weaker and the reporting requirements weaker as well.

Mr. DEMINT. I thank the Senator. Reclaiming my time, I would be happy to work with the Senator on that. We include earmarks related to special tax treatment and special tariffs. I know there was discussion in the House. Again, Speaker PELOSI and the Democrats decided on this definition because they believe strongly in it. I do, too. We are certainly willing to work on that.

The strategy today to table this amendment that would move from 5 percent of earmarks to 100 percent does not seem to be an open and honest part of the process to get at a better ethics reform bill.

Mr. COBURN. Will the Senator yield?

Mr. DEMINT. Yes.

Mr. COBURN. I make the point, if you got better reporting on 5 percent and no reporting on 95 percent, you have nothing. That is the whole point. Before the Senator from Illinois came down, I said it is not dishonorable to ask for an earmark. Most of them are good projects. I made that point. But to not have 95 percent of the earmarks reported, whether strong or weak, and say we are going to report 5 percent of the earmarks and report them strongly is not cleaning anything up.

Mr. DURBIN. Will one of the Senators yield?

Mr. DEMINT. I yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator. As I said, this is getting perilously close to debate in the Senate, which hardly ever happens.

Mr. DEMINT. Mr. President, I thank the Senator for being here.

Mr. DURBIN. I am glad to be here with my colleague. The difference is this: I have had a passion for a long time about the fight for global AIDS. I believe we need to appropriate the funds that the President promised and for which I applauded him to fight the global AIDS epidemic.

Every year I try to plus up and increase the amount of money that goes to fight global AIDS. I have been successful. I am proud of it. I think it is something I have done that has made a difference in the world.

That, under the Senator's definition, is an earmark. It is not an earmark as we have traditionally understood it. The money is not going to a private company, individual or private entity. The money is going to a Federal agency.

To add to this earmark reform language, all the money that goes to Federal agencies may give the Senator some satisfaction, but it is just creating voluminous, unnecessary paperwork.

Can we not focus on where the abuses have occurred, where the earmarks have gone to special interest groups, businesses, and individuals? Let's get that right. The rest of it is what an appropriations bill is all about.

Mr. DEMINT. In the interest of continued debate, I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from South Carolina yields to the Senator from Oklahoma.

Mr. COBURN. Mr. President, first, that is not an earmark program. It is not an earmark. Everybody knows it is not an earmark. It is the 95 percent that is in the report language that nobody knows about and on which we are not going to report.

The American people deserve transparency. The Senator is good. Senator DURBIN is very good, and I understand debating with him is difficult, but he is not to the point. The point is, that is not an earmark. It is a great move to the side. That is not an earmark. Items authorized are not earmarks. That is the point I made before the Senator from Illinois came to the floor.

All we have to do to get rid of the earmark program is to authorize them in an authorizing committee. Let a group of our peers say they are good. But we don't want to do that. We want to continue to hide this 95 percent that is hidden in the report language that the American public isn't going to know about until an outside group or some Senator raises it to say: Look at this atrocious thing.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. COBURN. I would like to finish. The point being, let's not send a false message to the American public. This provision that is in this bill is a sham in terms of cleaning up earmarks, and if you are going to defend it, then you are going to have to defend it to the American public.

It will not eliminate 95 percent of the earmarks, it will not make them transparent, and they will never know until after the fact who did it, why, when, and what lobbyist got paid for it.

Mr. DEMINT. Mr. President, reclaiming my time. I am running short. I believe I have until 2 o'clock.

The PRESIDING OFFICER. That is correct. The Senator from Illinois has asked if the Senator from South Carolina will yield for a response.

Mr. DEMINT. I will yield in a moment. I appreciate the Senator from Illinois staying with us because I want to mention another amendment and give him some comment. I do appreciate the opportunity for some debate.

I would like to summarize to make a key point. Nothing in this amendment would limit, in any way, our ability to earmark bills. We could have 12,000 next year, if we want. The main point of this is that if we are going to have 12,800 some-odd earmarks we have a way to show the American people what these earmarks are, where they are going, and who sponsored them so they can see what we are doing.

We know what that would do. It would, first of all, reduce a lot of the earmarks if they were disclosed. It would allow Members to know when we have earmarks. Many times, the 95 percent or so we are voting on are in a conference report, and we haven't seen them. We are not eliminating earmarks, we are disclosing them and making them transparent, which is key to any lobby reform.

Let me mention another amendment we talked about earlier today. It is referred to as an automatic continuing resolution, and I am sure a lot of folks don't know exactly what we are talking about. Every year we go through a process of appropriating money for different Government programs. We have 11 or so different bills, if that is the way we divide it this year. We have to have those done, or supposed to, by the end of our fiscal year in order for the Government to continue operations. But 24 out of the last 25 years, the Congress, under the control of both Republicans and Democrats, has not finished all its appropriations bills before the end of our fiscal year, and we have had to have a continuing resolution to avoid the Government shutting down. We have done that every year I have been in the House and in the Senate.

What that does at the end of every year is create a crisis. We have to vote for the continuing resolution, we have to get it done, and that is when many of these earmarks are slipped in. That is when many times we are told that if we want to keep the Government operating, we need to vote for this resolution, even though we don't know what is in it yet.

Every year we frighten senior citizens, veterans, and other people depending on Government programs that somehow their service is going to be interrupted because the Government is going to close down.

It is completely unnecessary to do this every year. We know, in the last years, it is not unusual for us to pass a continuing resolution in the middle of the night and put it on a jet airplane and fly it to the other part of the world so the President can sign it at the last minute so we won't send all our Federal employees home and cut services around the country. It is a game we play every year that encourages bad legislation, it encourages unnecessary earmarks, and it encourages us to operate with blinders on because we don't know what we are voting on. This is not a partisan trick because the Democrats could be in charge, we could have a Democratic President.

This amendment is, again, very simple. If we have not passed the appropriations bills at the end of the fiscal year that applies to certain agencies of Government, those agencies continue to operate at the budget they had the previous year. At whatever time during the year we pass the appropriations bill that funds them, then that circumvents the automatic CR, and we continue with the new level funding. This would take the crisis out of the end of every year.

What is effective blackmail, where you vote for this or the Government is going to close down, we don't need to do that. What we need is an orderly, transparent process that the American people can see and that we as Members can see.

This amendment would continue the operation of Government until we are able to get our business done, and then we would continue business as usual.

Again, it is simple, commonsense legislation that does not cost the country anything. In fact, I think it will save us millions and millions of dollars when we do our business correctly.

If the Senator from Illinois has some response, I will be glad to yield.

Mr. DURBIN. Mr. President, if the Senator will be kind enough to yield.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have been speaking with our colleague from Oklahoma. On some of this, I say to the Senator, we may be able to reach an understanding. As I understand it, from the original language of the bill which referred to earmarks as non-Federal spending, that language ''non-Federal'' is stricken, leading us to conclude that it applies to Federal earmarks as well.

The Senator from Oklahoma says he believes the distinction should be whether the program is authorized. That is not in the language of the amendment of the Senator from South Carolina.

It is important for us, if we are going to change the Senate rules, to explore

in some detail the language we use. Although the Senator's intent may be noble, I am opposing it as currently written because I think we need to tighten it and make sure we achieve what we want to achieve.

The final point I will make is, as disappointing as the underlying bill may be to some, to others, I think it is a positive step forward. It is going to result in more required transparency and disclosure than currently exists.

If the Senator feels we should move beyond it, perhaps at another time we can, but let's do it in a manner that achieves exactly what the Senator has described on the floor. I think the language presented to us does not achieve that.

Mr. DEMINT. Mr. President, I appreciate the Senator's transparency. I have been around long enough to know exactly what is going to happen. If we have a transparent provision for 5 percent of earmarks, but if we do them another way, such as in report language, they are not transparent, and this is going to encourage more perversion of the way we do business because what is going to happen is we are going to push more and more of our earmarks into report language in conference bills that we don't know is there and the American people don't know is there.

We know how this place operates, and we are going to choose the path of least resistance. If we don't have to disclose it if it is in report language, but we do if it is in the bill, then we are actually going to do harm to the process.

I will tell the Senator from Illinois this: He mentioned a Senate rule. We are not talking about a Senate rule. We are talking about a statute of law we are passing that will go to conference with the House. The Senator, obviously, as a member of the majority, will have ample opportunity to change this provision, but I think it would be a good signal to America, to the House, to our colleagues in the Senate that if we adopt this amendment today, and if there are ways to improve it in conference, I am certainly open to that. But to table this amendment and to say we don't even want to discuss or vote on an amendment that creates more disclosure and honesty in the process, I think does harm to what we are trying to do today.

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

Mr. DEMINT. Yes.

Mr. DURBIN. Mr. President, I say to the Senator, having served in the House and Senate on Appropriations Committees and having been fortunate to chair a subcommittee in the House and now in the Senate, I would like to make this point which I think the Senator's amendment misses.

We cannot authorize a program with committee report language—we cannot authorize a program with committee report language. I learned long ago that unless we have bill language, actually creating a law, we are not authorizing the creation of a program. The Senator's language says:

> The term ''congressional earmark'' means a provision or report language authorizing or recommending a specific amount.

It is not legally possible in a committee report to authorize a program.

Mr. DEMINT. Mr. President, I thank the Senator. The Senator from Illinois is right. We don't authorize, but the Senator also mentioned the word ''recommending.'' Ninety-five percent of the earmarks produced by this Congress are in report language and conference reports that actually do not have the force of law, that are recommended but have been carried out by the executive branch for years just for fear of retribution from the Congress because we talked to the President about this.

There is no reason why these should not be disclosed. There is no reason the American people should not know they are there. We are not limiting the number that can be there. We are not suggesting we change the authorizing process.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. DEMINT. I yield to the Senator from Oklahoma.

Mr. COBURN. I want to put in the RECORD this idea of Federal entity, non-Federal entity. Let me give my colleagues examples of Army Corps of Engineers' earmarks in report language:

Six hundred thousand dollars to study fish passage, Mud Mountain, WA;

Two hundred and seventy-five thousand dollars to remove the sunken vessel State of Pennsylvania from a river in Delaware;

Five hundred thousand dollars for the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary Storage Unit facilities, Milk River Project, MT;

Five million dollars for rural Idaho environmental infrastructure. Nowhere will you find in that bill what that is for. The American people ought to know what that is for. We ought to know what that is for.

One million and seventy-five thousand dollars for a reformulation study of Fire Island Inlet to Montauk Point, NY;

One hundred and fifty thousand dollars for the Teddy Roosevelt Environmental Education Center;

One million two hundred and fifty thousand dollars for the Sacred Falls demonstration project in Hawaii;

Two million dollars for the Desert Research Institute in Nevada.

None of those are authorized. Nobody will hold anybody accountable for those earmarks. Nobody will know it happened unless we bring it up on the floor, and then we would not have the power to vote because the coercive power of appropriations in this Congress is, if you don't vote for it, you won't get the next earmark you want; you will be excluded from helping your State on a legitimate earmark.

The American people better pay attention to the vote on tabling this amendment because anybody who votes to table this amendment wants to continue the status quo in Washington as far as earmarks.

Mr. LEVIN. Mr. President, I will vote to table the DeMint amendment. This amendment would strike earmark reform language in the Reid-McConnell bipartisan substitute and replace 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 define a tax benefit as an earmark only if it benefits 10 or fewer beneficiaries. This leaves open a loophole for earmarks aimed at benefitting very small groups of people, perhaps as few as 11 or 15 or 50 taxpayers. It would be relatively easy to circumvent the DeMint language and the intent of the tax earmark language in the bill.

The bipartisan Reid-McConnell language, on the other hand, defines a tax benefit as an earmark if it ''has the practical effect of providing more favorable tax treatment to a limited group of taxpayers when compared with similarly situated taxpayers.'' This is stronger language—a limited group can be far more than 10.

I am hopeful that this bill will come back from conference committee containing strong and effective earmark reform provisions from both the House and the Senate bills.

Mr. DEMINT. Mr. President, I will give the Senator from Illinois the last word.

The PRESIDING OFFICER. The Senator from Illinois has 2 minutes.

Mr. DURBIN. Mr. President, let me say at the outset that committee report language cannot authorize something that is not legal, no matter what we put in committee report language. This has to be put in bill language.

So referring to a committee report—trust me, after more than 20 years serving on appropriations committees, committee report language is akin to sending a note to your sister—it doesn't mean much. But when it comes to the actual expenditure of money, you want bill language and it is there.

Let me, also, say that the money the Senator is talking about is being transferred, I assume—I don't know those particular projects—to other governmental entities. They could be counties, they could be States, they could be cities. These governmental entities are receiving this money.

What we are talking about, the most egregious cases that have led to the greatest embarrassment on Capitol Hill involves the people who represent private interest groups who come here and receive these earmarked funds. Those people are subject to full disclosure under the underlying bill. That is what this is all about.

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

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided in relation to the DeMint amendment No. 11. Who yields time?

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. DEMINT. Which amendment is this?

The PRESIDING OFFICER. Amendment No. 11.

Mr. DEMINT. Mr. President, this is what we call the Nancy Pelosi amendment; it is in her honor. I appreciate the opportunity for debate. I appreciate my colleague from Illinois joining us in some give and take. I think there is a temptation to make this more than it is. It is not a new set of regulations. It is applying the same transparency we are trying to apply to 5 percent of earmarks to all the earmarks so that we will not only be honest as a body, but we will appear honest to the American people.

I think all of us know if we walk out of here and the media shines a light on what we have done, and if it becomes obvious that most of the earmarks we pass are completely overlooked by our ethics and lobbying reform bill, then it will be seen for the sham that it really is. We are investing too much of our time and too much of the interests of our country in this idea of ethics reform——

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

Mr. DEMINT. I thank the President for his patience.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, I urge my colleagues to vote for a motion to table. We have a good underlying bipartisan bill that will bring about significant reform in the earmark process. The DeMint amendment would weaken the bill in two specific instances.

When it comes to targeted tax benefits, his definition, regardless of the source, is not as strong as the underlying bill, which means the targeted tax benefits that benefit special interest groups will not receive the same full disclosure under DeMint that they will under the underlying bill.

Second, for reasons I don't understand, he removes the requirement of posting these earmarks on the Internet 48 hours in advance. That is a good safeguard. Why he has removed it I don't know, but it weakens the underlying bill.

I urge my colleagues to vote for the motion to table. I will work with my colleagues from South Carolina and Oklahoma in the hopes that we can find some common ground.

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

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—46

Akaka	Domenici	Murray
Baucus	Dorgan	Nelson (NE)
Bayh	Durbin	Pryor
Bennett	Feinstein	Reed
Biden	Hatch	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Klobuchar	Salazar
Brown	Kohl	Sanders
Bunning	Lautenberg	Schumer
Byrd	Leahy	Smith
Cardin	Levin	Stabenow
Carper	Lincoln	Voinovich
Casey	Lott	Whitehouse
Clinton	McCaskill	Wyden
Conrad	Menendez	
Dodd	Mikulski	

NAYS—51

Alexander	Enzi	McConnell
Allard	Feingold	Murkowski
Bond	Graham	Nelson (FL)
Burr	Grassley	Obama
Cantwell	Gregg	Roberts
Chambliss	Hagel	Sessions
Coburn	Harkin	Shelby
Cochran	Hutchison	Snowe
Coleman	Inhofe	Specter
Collins	Isakson	Stevens
Corker	Kerry	Sununu
Cornyn	Kyl	Tester
Craig	Landrieu	Thomas
Crapo	Lieberman	Thune
DeMint	Lugar	Vitter
Dole	Martinez	Warner
Ensign	McCain	Webb

NOT VOTING—3

Brownback	Inouye	Johnson

The motion was rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 13

The PRESIDING OFFICER. There are 2 minutes of debate actually divided prior to the vote on the DeMint amendment, No. 13.

Who yields time?

Mrs. FEINSTEIN. Madam President, I ask for order.

The PRESIDING OFFICER. There will be order in the Chamber.

The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, it is my understanding I am speaking in defense of amendment No. 13, which we call the automatic continuing resolution.

The PRESIDING OFFICER. That is correct.

Mr. DEMINT. I wish to appeal to my fellow Senators to remember that over the last 25 years, 24 of those years we were not able to complete the appropriations process before the end of the fiscal year. As you know, every year we have a crisis situation here. We are all familiar with the end of the year crisis where we have to vote for a bill or we are going to close down the Government or parts of the Government. We sign a continuing resolution and that night, many times, we are flying to other parts of the world so the President can sign it.

This amendment is a very simple idea. If we are not able to finish an appropriations bill before the end of the fiscal year, it simply continues the Government under last year's funding. That way, we do not have to have a crisis and vote on bills we have not read and that we are embarrassed about 3 weeks later, and we do not have to threaten Federal employees or senior citizens that their services will be cut off.

Please support this amendment. It is simple common sense to continue the operations of Government until we can complete our business.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Madam President, this amendment essentially provides for an automatic continuing resolution in the event any annual appropriations bill is not enacted prior to the beginning of the fiscal year.

In this fiscal cycle we have passed three continuing resolutions to fund the programs for which appropriations bills have not yet been enacted. Those continuing resolutions have been free of extraneous matter, and have been passed by the House and Senate without particular difficulty.

My desire to enact the regular appropriations bills on time does not stem from fear of our inability to enact a continuing resolution. I do not see that the need to pass continuing resolutions creates a ''crisis atmosphere'' as some have portrayed.

Rather, the pressure to pass the annual spending bills stems from a sincere desire—at least on this Senator's part—to fulfill Congress's constitutional obligation to exercise the power of the purse. It stems from our desire to make intelligent decisions about programs that deserve more funding than was provided in the prior year, and to reduce or cut off funding for other programs that aren't working, or which are a lower priority within the constraints of the budget resolution.

Mr. President, if Senators feel that biennial budgeting is wise, then let us enact a biennial budget. If Members feel that the amount of discretionary spending should be reduced for certain programs, then let us debate amendments to the appropriations bills or to the budget resolution. But let's not abdicate our responsibilities by putting the whole operation on autopilot.

Finally, I would observe that at the end of the last Congress it was not the continuing resolution that was laden with extraneous items. It was rather the tax bill that contained a host of disparate and costly items, many of which were new to members of the Senate. And what was one of the primary

drivers of that tax legislation? The need to extend expiring tax breaks. I wonder how Senators would feel about a formula-driven approach to automatically extend expiring tax provisions?

This isn't a position that I am advocating, but it illustrates the point that a continuing resolution is not a ploy by the Appropriations Committee to pressure Members into supporting appropriations bills.

We don't need an automatic formula of this sort. What we need to do is get to work, debate legislation, move it through in the regular order, and get it done. We should not abdicate our responsibilities and put government on autopilot.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, while this amendment is well intended, I believe it will make the circumstance even worse, because it will put Government on automatic pilot.

Madam President, more seriously, the automatic CR proposed by the Senator guarantees funding levels; therefore, CBO would score the proposal as effectively prefunding the 2008 bills. Thus, if adopted, this amendment will be scored by the Congressional Budget Office with increasing direct spending by hundreds of billions of dollars. The last time CBO scored this bill, this proposal, they put an estimate of $566 billion on this amendment.

The pending amendment deals with matters within the jurisdiction of the Committee on the Budget. I therefore raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

Mr. DEMINT. We get lots of scores around this place. This is not spending. Pursuant to section 904(c)(1) of the Congressional Budget Act, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. CANTWELL). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Kansas (Mr. BROWNBACK).

The yeas and nays resulted—yeas 25, nays 72, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—25

Allard	Ensign	Martinez
Bunning	Enzi	McCain
Burr	Graham	McConnell
Chambliss	Grassley	Sessions
Coburn	Hatch	Stevens
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
DeMint	Kyl	
Dole	Lott	

NAYS—72

Akaka	Dorgan	Nelson (FL)
Alexander	Durbin	Nelson (NE)
Baucus	Feingold	Obama
Bayh	Feinstein	Pryor
Bennett	Gregg	Reed
Biden	Hagel	Reid
Bingaman	Harkin	Roberts
Bond	Hutchison	Rockefeller
Boxer	Kennedy	Salazar
Brown	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shelby
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lugar	Thomas
Conrad	McCaskill	Voinovich
Craig	Menendez	Warner
Crapo	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Domenici	Murray	Wyden

NOT VOTING—3

Brownback	Inouye	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 25, the nays are 72. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from South Carolina.

Mr. DEMINT. Madam President, if I could have a brief moment to address the majority.

We had a good debate on my first amendment, amendment No. 11, to expand the definitions of earmarks in a way that the American people could understand and see. I appreciate the Senator from Illinois participating in a good and open debate. The motion was to table that amendment, but, with bipartisan support, we defeated the motion to table. And as a customary way of courtesy, I think, in the Senate, we normally accept a voice vote for amendments that are not tabled.

I ask unanimous consent that amendment be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see the managers on the floor at this time. I do not wish to interrupt the flow of the discussion. I would like to speak briefly on another matter, to speak for a very few minutes.

Mr. BENNETT. Madam President, if I could be recognized to take care of a few housekeeping details, we would then listen to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield for that purpose.

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

The Senator from Utah.

AMENDMENTS NOS. 19, 28, AND 29 EN BLOC

Mr. BENNETT. Madam President, I ask unanimous consent to set the pending amendment aside and call up amendments Nos. 19, 28, and 29 en bloc.

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 Utah [Mr. BENNETT], for Mr. MCCAIN, proposes an amendment numbered 19 to amendment No. 4.

The Senator from Utah [Mr. BENNETT], for Mr. MCCAIN, for himself, Mr. FEINGOLD, and Mr. GRAHAM, proposes an amendment numbered 28 to amendment No. 3.

The Senator from Utah [Mr. BENNETT], for Mr. MCCAIN, for himself, Mr. FEINGOLD, and Mr. GRAHAM, proposes an amendment numbered 29.

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

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

The amendments are as follows:

AMENDMENT NO. 19

(Purpose: To include a reporting requirement)

On page 8, line 4 of the amendment, strike ''expense.''.'' and insert the following: ''expense.

''(i) A Member, officer, or employee who travels on an aircraft operated or paid for by a carrier not licenced by the Federal Aviation Administration shall file a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken. The report shall include—

''(1) the date of such flight;

''(2) the destination of such flight;

''(3) the owner or lessee of the aircraft;

''(4) the purpose of such travel;

''(5) the persons on such flight (except for any person flying the aircraft); and

''(6) the charter rate paid for such flight.''.

On page 9, line 21 of the amendment, strike ''committee pays'' and insert the following: ''committee—

''(I) pays''

On page 10, line 5 of the amendment, strike ''taken.'' and insert the following: ''taken; and

''(II) files a report with the Secretary of the Senate not later than 60 days after the date on which such flight is taken, such report shall include—

''(aa) the date of such flight;

''(bb) the destination of such flight;

''(cc) the owner or lessee of the aircraft;

''(dd) the purpose of such travel;

''(ee) the persons on such flight (except for any person flying the aircraft); and

''(ff) the charter rate paid for such flight.''.

AMENDMENT NO. 28

(Purpose: To provide congressional transparency)

On page 4, strike line 11 through line 10, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

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

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

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

(d) ANY MATTER.—In this section, the term ''any matter'' means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

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

''9.(a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

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

''(h) For purposes of this paragraph:

''(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

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

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

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

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

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of an entity (by

AMENDMENT NO. 29

(Purpose: To provide congressional transparency)

On page 4, strike line 11 through line 2, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

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

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

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

(d) ANY MATTER.—In this section, the term ''any matter'' means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

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

''9.(a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

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

''(h) For purposes of this paragraph:

''(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

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

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

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

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

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

Mr. BENNETT. Senator MCCAIN will have appropriate comments to make on these amendments at some future time.

AMENDMENT NO. 25, AS MODIFIED

Madam President, I, also, ask unanimous consent that amendment No. 25, offered by Senator ENSIGN, be modified in the form I send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE FIREWALL FOR DEFENSE SPENDING.

For purposes of sections 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under section 302(f) of the Congressional Budget Act of 1974 in the following categories:

(1) For the defense allocation, the amount of discretionary spending assumed in the budget resolution for the defense function (050).

(2) For the nondefense allocation, the amount of discretionary spending assumed for all other functions of the budget.

Mr. BENNETT. Thank you, Madam President.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I intend to, briefly—if the Senator has a consent request, I will be glad to yield for that purpose.

Mr. VITTER. Madam President, if the Senator would yield, I have a very similar 30-second housekeeping matter.

Mr. KENNEDY. Madam President, I yield for that purpose.

Mr. VITTER. I appreciate it.

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

The Senator from Louisiana.

AMENDMENT NO. 9, AS MODIFIED

Mr. VITTER. Madam President, I request to go to the regular order regarding the Vitter amendment No. 9 and send a revision of that amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 51, between lines 12 and 13, insert the following:

SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

''(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of that spouse shall be punished as provided in section 216 of this title.''.

Mr. VITTER. Thank you, Madam President.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

IRAQ

Mr. KENNEDY. Madam President, Iraq is the overarching issue of our time. American lives, American values, America's role in the world is at stake.

As the November election made clear, the American people oppose this war, and an even greater number oppose sending more troops to Iraq.

The American people are demanding a change in course in Iraq. Instead, the President is accelerating the same failed course he has pursued for nearly 4 years. He must understand Congress will not endorse this course.

The President's decision to send more American troops into the cauldron of civil war is not an acceptable strategy. It is against the advice of his own generals, the Iraq Study Group, and the wishes of the American people and will only compound our original mistake in going to war in Iraq in the first place.

This morning, the Secretary of State testified that the Iraqi Government ''is . . . on borrowed time.'' In fact, time is already up. The Iraqi Government needs to make the political compromises necessary to end this civil war. The answer is not more troops, it is a political settlement.

The President talked about strengthening relations with Congress. He should begin by seeking authority from Congress for any escalation of the war.

The mission of our Armed Forces today in Iraq no longer bears any resemblance whatsoever to the mission authorized by Congress in 2002. The Iraq war resolution authorized a war against the regime of Saddam Hussein because he was believed to have weapons of mass destruction, an operational relationship with al-Qaida, and was in defiance of the U.N. Security Council resolutions.

Not one Member of Congress—not one—would have voted in favor of the resolution if they thought they were sending American troops into a civil war.

The President owes it to the American people to seek approval for this new mission from Congress. Congress should no longer be a rubberstamp for the President's failed strategy. We should insist on a policy that is worthy of the sacrifice of the brave men and women in uniform who have served so gallantly in Iraq.

President Bush has been making up his mind on Iraq ever since the election. Before he escalates the war, the American people deserve a voice in his decision.

He is the Commander in Chief, but he is still accountable to the people. Our system of checks and balances gives Congress a key role in decisions of war and peace.

We know an escalation of troops into this civil war will not work. We have increased our military presence in the past, and each time the violence has increased and the political problems have persisted.

Despite what the President says, his own generals are on the record opposing a surge in troops.

Last November 15, 2006, General Abizaid was unequivocal that increasing our troop commitment is not the answer.

He said:

I've met with every divisional commander—General Casey, the corps commander, General Dempsey—we all talked together. And I said, ''in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?'' And they all said no.

On December 29, General Casey said:

The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias. . . .They can continue to blame us for all of Iraq's problems, which are at base their problems.

Time and again our leaders in Vietnam escalated our military presence, and each new escalation of force led to the next. We escalated the war instead of ending it. And similar to Vietnam, there is no military solution to Iraq, only political. The President is the last person in America to understand that.

We must not only speak against the surge in troops, we must act to prevent it.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

AMENDMENT NO. 30 TO AMENDMENT NO. 3

(Purpose: To establish a Senate Office of Public Integrity.)

Mr. LIEBERMAN. Mr. President, I now ask that amendment No. 30 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mr. OBAMA, Mr. MCCAIN, Mr. FEINGOLD, Mr. KERRY, and Mr. CARPER, proposes an amendment numbered 30 to amendment No. 3.

Mr. LIEBERMAN. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. LIEBERMAN. Mr. President, I am proud to offer this amendment, along with Senators COLLINS, OBAMA, MCCAIN, and the occupant of the Chair, the distinguished Senator from Delaware, Mr. CARPER.

This amendment would create a Senate Office of Public Integrity. The matter before the Chamber now is to reform the rules by which Senate ethics and the conduct of lobbyists are governed. It is the contention of those of us who sponsor this amendment that reform of the rules is critically necessary and important following the scandals of recent years. But it is also important to reform the enforcement process by which those rules are applied.

If we are about the business of restoring the public's trust in this institution and its Members and the willingness of this great institution to independently and aggressively investigate allegations of misconduct among Members and then to hold those Members accountable, it seems to me we can no longer be comfortable or content with a process that allows us to investigate charges against us and then reach a judgment about what the response should be to us.

The office that would be created by this amendment would investigate allegations of Member or staff violations of Senate rules or other standards of conduct. It would present cases of probable ethics violations to the Select Committee on Ethics of the Senate which would retain the final authority, consistent with tradition and law.

This office of public integrity would make recommendations to the Ethics

Committee that it report to appropriate Federal or State authorities any substantial evidence of a violation by a Member or staff of any law applicable to the performance of his or her duties or responsibility.

Finally, the Senate office of public integrity, a new office that would be created by this amendment, would approve or deny approval of privately funded trips for Members or staff, subject to the review of the Ethics Committee.

I called up this amendment to inform our colleagues that this group of cosponsors was going to go forward with the amendment and to urge that our colleagues take a look at it, consider it, ask us questions about it, and that we look forward to a full debate on it next week.

Earlier, I failed to say that Senators FEINGOLD and KERRY are also cosponsors of the amendment.

Having introduced it, called it up, I now ask unanimous consent that this amendment be set aside.

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

Mr. LIEBERMAN. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I was not sure this would come up. I know it has been an issue that has been discussed. But in view of the vote on this issue when we dealt with S. 1 in the previous Congress, I thought perhaps it would not come up. Because in the previous Congress, this was defeated 67 to 30. While we have had some turnover in the Senate, we haven't had a sufficient turnover to obviate 67 votes. Even if every new Senator who has come would vote with the 30, that would probably take them to 40 and is still not enough to pass.

We had a vigorous debate about this in the previous Congress. I don't need to rehearse too many of the issues that were discussed. Just for the record, the Senate does have a record of dealing with its own Members. Under the Constitution, it is the Senate that is charged with punishing its Members for misconduct. And the Senate has done that historically and sometimes courageously.

Interestingly enough, the majority has dealt with Members of the majority. Senator Packwood, who was a valued Member of this body, chairman of the Senate Finance Committee, one of the most prestigious positions a Senator can hold, the master of his craft—I don't know of many Senators who knew the finances of this country any better than Senator Packwood—engaged in activity which the Ethics Committee unanimously decided was inappropriate. Our current Republican leader, Senator MCCONNELL, was at the time the chairman of the Ethics Committee and recognized that the removal of Senator Packwood would undoubtedly, as it did, result in the shift of a seat from the Republican side to the Democratic side. I don't think you will find any more loyal partisan to the Republicans than Senator MCCONNELL.

In that position, with existing procedures, not requiring any office of public integrity, Senator MCCONNELL, as chairman of the Ethics Committee, led a unanimous vote out of the Ethics Committee against the interests of Senator Packwood, and Senator Packwood resigned. He was, indeed, replaced by Senator WYDEN, a Democrat. The Republicans had a seat which they lost and have never gotten back.

On the other side of the aisle, Senator Torricelli was dealt with by the Ethics Committee in a manner that caused him to resign his nomination and, therefore, any hope he may have had of reelection. We have a history in this body of dealing with our Members who act inappropriately with the existing procedures.

S. 1 is all about transparency. Most of the debate has been about transparency, getting more information out. The more information we get out, the better prepared we are within our existing procedures to deal with those of our Members who may or may not act as they should.

For all of those reasons, the Senate, by a vote of 67 to 30, said: We are capable under the present circumstances, under the present rules, under the present structure, to deal effectively with those Members who act inappropriately. I would expect the vote would be very close to the same this time. There is much more that can be said and that has been said. But given the history of this, that is probably a sufficient statement on my part.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Utah. I was thinking, there is much more that could be said and much that has been said. Undoubtedly next week much more will be said. The vote was 67 to 30 last time. Those of us who support this remain undaunted in our belief that we can improve the process. The process of ethics and ethical adjudications has been, with all respect, more problematic in the other body of the Congress, but we have an opportunity here, as we consider and I believe pass what will be landmark legislation with regard to the attempt of this great legislative body to set the highest standards of conduct for itself and those who interact with us, to also complete the mission while we are doing so by raising the independence of the enforcement process, still leaving the Senate Ethics Committee, composed of Senators, with the final judgment on what should happen in every case.

First, about the vote last year, I suppose the most general response I would offer is that hope springs eternal and the power of reason of our arguments will touch some of our colleagues. Secondly, we do have some new Members who are very focused on this legislation and upgrading the rules by which we govern ourselves and the process by which those rules are enforced.

Finally, a lot of things have been said here about Iraq and the message the people were sending last year about Iraq. It seems to me they were sending at least as strong a message about the way we in Congress do our business. I saw one public opinion survey or exit poll that showed more people said they voted based on what were ethical wrongdoings here in Congress than on any other issue. I begin this debate to indicate to our colleagues that my cosponsors and I intend to go forward with this amendment next week.

I thank my friend from Utah for beginning what I know will be a serious and elevating discussion.

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

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

Mr. DEMINT. Madam President, I would just like a few minutes to address the Senate. I have some deep concerns about some things that are going on.

I have been really encouraged since the new majority took over. We have had some great bipartisan meetings, and we have talked about trying to create a new spirit of cooperation here in the Senate and to work together. I think a lot of us have been trying to do that, and it has been going reasonably well.

Today I had the opportunity to offer an amendment, an amendment that will contribute to the transparency of what we call earmarks or the favors that sometimes lobbyists and Members work out where we put money in bills for specific things. We just wanted to make that transparent and to include all earmarks, not just a few.

We had a good debate. I have to admit it was the most fun I have had since I have been in the Senate. I was given 45 minutes of time before the vote at 2 o'clock, and Senator COBURN came down to speak on my behalf. Senator DURBIN asked me to yield, and I gave him all the time he wanted. I even yielded the last 2 minutes and gave him the last word. We had a good debate about it.

The majority had decided to try to table that amendment so we wouldn't have a vote, so the motion was to table the DeMint amendment. We had a good vote. It is always exciting to see how votes come in. When they held up the final sheet, 51 had voted not to table the amendment and 46 had voted to table it. It wasn't a partisan vote. It wasn't party line at all. That is what was kind of unusual.

Again, I think the spirit of what we have been trying to do is not just to

look at the party but to look at the issue. I think a lot of folks decided that if we are going to have disclosure of earmarks, let's have disclosure of all of them, and this one happens to take it from 5 percent to 100.

But I would like to thank some of my colleagues, my Democratic colleagues who thought about this amendment, who listened to the debate, including Senator LANDRIEU and Senator KERRY, Senator CANTWELL, Senator WEBB, Senator TESTER, Senator HARKIN, Senator FEINGOLD, Senator OBAMA, and my good friend Senator LIEBERMAN, who took the time to listen to the debate and decided that this shouldn't be tabled, that we should have a vote on it. Normally what happens in the Chamber—in fact, I have never seen it done any other way—is if a motion to table fails, then the majority would accept the amendment as a voice vote because the will of the Senate has spoken and a majority have expressed their support of that amendment.

But something happened on the way to civility and camaraderie here today. Instead of the normal procedure of the majority conceding that Republicans and Democrats wanted to pass this amendment, they did not agree when I asked that the amendment be accepted. They objected. Now I am told that after a lot of backroom work, they want to bring the amendment back to the floor, and apparently they have convinced some of my colleagues to change their votes. I have to say, I know when I was in the House, I saw my party guilty of that, after a Medicare vote being open 3 hours and armtwisting and all kinds of carrying on.

I think we all decided after the last election that maybe the American people didn't want us to do business that way. I think the will of the Senate has spoken on this amendment, and I think the issue is bigger than on my particular amendment; it is, if we are going to have ethics reform, let's be ethical about the process of voting on this reform. We had a good, open, and honest debate.

The amendment is simple and clear. It is actually NANCY PELOSI's amendment from the House side which has been vetted and voted on and discussed. I am aware there is some misinformation now going on about the amendment, but I would just encourage my colleagues—I would encourage my Republican colleagues because some of them voted against this—even if they don't like the amendment, let's support the idea of just following normal courtesies here in the Senate.

I have often heard, since I came from the House side, that the Senate is a much different place, that we are civil, we respect each other's rights. I am afraid a lot of that is slipping away here. I would just like to make an appeal today that my colleagues accept this amendment. The will of the Senate has spoken. It obviously can be worked on and improved in conference. The majority will control the conference. I think it will speak well for the Senate that we are willing to shine the light of day onto all of our earmarks so the American people can see it.

So, Madam President, I thank you for the opportunity to speak, and I yield the floor.

Mr. DEMINT. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DEMINT. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

DeMint	Klobuchar
Durbin	Reid,

The PRESIDING OFFICER. A quorum is not present. The majority leader is recognized.

Mr. REID. I move to instruct the Sergeant at Arms to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—90

Akaka	Dole	Martinez
Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Baucus	Durbin	Menendez
Bayh	Enzi	Mikulski
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Nelson (NE)
Boxer	Gregg	Obama
Brown	Hagel	Pryor
Bunning	Harkin	Reed
Burr	Hatch	Reid
Byrd	Hutchison	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Isakson	Salazar
Carper	Kennedy	Sanders
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Clinton	Kohl	Smith
Cochran	Kyl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Sununu
Cornyn	Lieberman	Tester
Craig	Lincoln	Thomas
Crapo	Lugar	Thune
Vitter	Warner	Whitehouse
Voinovich	Webb	Wyden

NAYS—6

Coburn	Ensign	McCain
DeMint	Lott	Shelby

NOT VOTING—4

Brownback	Inouye
Dodd	Johnson

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader is recognized.

AMENDMENT NO. 11

Mr. REID. Mr. President, these are the times when some of us who have served in the House yearn for the House procedures. But we are in the Senate. We live by the Senate procedures, and we have to work our way through this.

Everyone keep in mind, the underlying legislation that is bipartisan in nature, sponsored by the Democratic and Republican leaders, is good legislation. It is a significant step forward to anything that has happened in this country since Watergate: ethics reform, lobbying reform, earmark reform—a very sound piece of legislation.

I am going to be patient and listen to what others have to say. I do not know exactly, but I think we have 12 amendments that are pending, maybe 13, and we are going to try to work our way through those.

I have told my friend Senator DEMINT that I know his heart is in the right place. He believes in what he is doing. But this amendment he has offered is going to take a little more time.

Everyone should understand that the DeMint amendment strikes the definition of ''earmark'' in the underlying Reid-McConnell substitute and replaces it with language that is basically the House-passed definition.

I am happy to see the House doing their 100 hours and moving things along very quickly. I admire and respect that. But having served in that body, I know how quickly they can move things and, frankly, sometimes how much thoughtful consideration goes into matters that are on that House floor.

With this matter Senator DEMINT is trying to change, a lot of time went into this—a lot of time—weeks of staff working so that Senator MCCONNELL and I could agree to offer something in a bipartisan fashion.

The earmark provision is good. It is in the underlying bill. If we have an opportunity to vote on the DeMint amendment, I hope it is rejected because the definition that Reid-McConnell has is very much preferable to what Senator DEMINT is trying to do with the ''earmark'' definition.

I repeat, the underlying legislation that deals with earmarks was very carefully vetted by—and I repeat—weeks of work by our respective staffs. And it is stronger in various ways than DeMint.

The underlying Senate definition of ''earmark'' was included in last year's ethics bill. We have refined and defined it a little better now. The relevant committees worked with us on a bipartisan basis. We added language to the underlying section dealing with earmarks that passed 90 to 8 last year.

First, we added language to address the Duke Cunningham situation. Congressman Cunningham wrote his earmarks without actually naming the specific defense contractors he intended to receive Federal contracts. And he never mentioned the defense contractors, but there is only one defense contractor in the world that met his specific definition of that legislation. Under DeMint that would not have to be listed.

Under the new definition in the Reid-McConnell substitute, a Member cannot evade the disclosure requirement by clever drafting. They cannot do that. An earmark is present if the entity to receive Federal support is named or if it is ''described in such a manner that only one entity would qualify.''

Second, the substitute includes an improved definition of ''targeted tax benefit.'' Under the DeMint definition, a tax benefit would only qualify as an earmark if it benefited ''10 or fewer beneficiaries.'' But that leaves open the possibility of drafting mischief. And what kind of mischief could you draft? For example, someone could easily write a provision for 11 or 15 or 50 beneficiaries to evade the definition.

The Reid-McConnell definition says a tax earmark is anything which ''has the practical effect of providing more favorable tax treatment to a limited group of taxpayers when compared with similarly situated taxpayers.'' This subjective standard will capture more earmarks, by far, than the rigid DeMint definition—this ''10 or fewer beneficiaries.''

Actually, the Reid-McConnell definition is based on the definition of ''targeted tax benefit.'' Where did we come up with this? Senator JUDD GREGG, in his line-item veto bill. That is where we got that. I do not like the line-item veto bill, but I like his definition of ''targeted tax benefit.'' That is where we got that. I think Senator GREGG has found a sensible definition for this illusive concept.

Third, the Reid-McConnell substitute requires Members to certify they have no personal financial stake in the earmark. This seems to be a commonsense requirement that was not in the underlying bill. We added that to it.

It is important that the Senate rules be amended slowly and with careful bipartisan deliberation. My friend, the distinguished Senator from North Carolina—South Carolina—north, south; they are close together—the distinguished Senator from South Carolina has said this is exactly like the House provision. I say to my friend that is one of the problems I have with it because I, frankly, do not think they spent the time we have on this.

The House can change its rules at will, and they do. We cannot. The Senate is a continuing body. Our rules are permanent. It takes 67 votes to change a Senate rule. So when we write a Senate rule, we write it in concrete.

Earmark disclosure will be a major change in the way the Senate works. We should adopt the Reid-McConnell version rather than the House version in the DeMint amendment.

If we need to revisit the issue later, we can do that. I would appeal to my friend from South Carolina. I repeat: I know you are doing this because you think it is the right thing to do. But take the opportunity to look at what is here. It is better than the House version—so much better.

I have only touched upon why it is better than the House version. And, frankly, as we all know, we are going to have to do some work in conference. If the House version is what we send over there, there is no way in the world to improve this.

So I would say to my friend: Let's take another look at this. Do we need to vote on this? I hope not. This should not be a partisan issue. This bill is not meant to be partisan. That is why we worked so hard. One of the hardest provisions staff had to work on to get MCCONNELL and me to agree was this earmark provision. Senator MCCONNELL and I are members of the Appropriations Committee—well, I used to be for 20 years. I know the appropriations process very well. I think, with all due respect, the DeMint amendment will weaken the earmark provision. Let's see what we come up with with the underlying amendment that REID and MCCONNELL submitted to the Senate.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Mr. President.

Mr. President, I see that the majority leader was discussing this bill. While I have a number of Members sitting here, if I could respond to the majority leader. I very much appreciate his consideration. I appreciate what happened today. We had a good debate. Some of you listened. We had a good vote on the motion to table, and we won that vote.

As any of you know, if you have ever been through the process of trying to get an amendment up and trying to develop the support you need, to win a vote like that, it is a good day in the Senate.

I am afraid it is starting to feel a little like the House. I remember when I was in the House when the Medicare bill would not pass, the Medicare Part D, and we kept the vote open for 3 hours twisting arms, changing minds until the Republicans got what they wanted. I had hoped the Senate would be different. Our rules are different. We can't hold the vote open that long. But by using tabling and then bringing it back up, as we are doing now, we are doing exactly the same thing.

I will take exception to the House and NANCY PELOSI not taking the time to work this through. I think anyone who looks at the language will see that the Senate version only deals with 5 out of 100, 5 percent of the earmarks that we pass. We have a chart from last year, when there were 12,800 earmarks. Under the Senate provision, only about 500 would be included. The public is not going to believe that we are disclosing earmarks. So if we are going to disclose earmarks, let's disclose them all.

The House did have the good sense, after seeing what that did to the ethical appearance of the House, when the Medicare bill was held open for 3 hours until the majority got what it wanted, to have in their ethics rules that you cannot—I will just read the rule. It says: Clause 2(a) of rule 20 is amended by inserting after the second sentence the following sentence: A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

They know what that does to the appearance and the culture of the House. We didn't hold the vote open, but it has been less time than was held open for that Medicare vote, and we are back here revoting something after some arms have been twisted. If that is the culture we want in the Senate, I think we should stop saying that we have a higher culture than the House.

I believe Speaker PELOSI is sincere in wanting to disclose what we are doing so the American people will know how we are spending their money. This is not a careless amendment. It is something that has been done with a lot of thought. We won this vote fair and square. It is going to happen to all of you. If this is how you want fellow Members treated, if any amendment we offer can be tabled and if you win your amendment, the majority can go off and twist some arms and change some minds and we can have another vote, if that is how we are going to do business, then I think it is time the American people know it, and we might as well set this whole ethics bill aside because it is all pretense anyway.

I appreciate the opportunity to have a few people sitting here listening, but I can assure you that this amendment will improve this bill, and it will improve the perception of this Senate if we pass it.

I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DEMINT. I yield.

Mrs. HUTCHISON. I wanted to ask the Senator from South Carolina, what

is the difference in his amendment from the underlying bill, and how does it improve the transparency we are all seeking?

Mr. DEMINT. I thank the Senator. I welcome any input into this amendment. We have adopted the exact language that Speaker PELOSI insisted on just for the definition of ''earmarks.'' The most important part to remember is, in the Senate bill, no matter what we do with transparency, it only applies to 5 percent of the earmarks. It doesn't apply to Federal earmarks, the type of earmarks that got Duke Cunningham in trouble. Those need to be disclosed. It doesn't apply to report language in conference reports which include 95 percent of all the earmarks we do. So there is no way for the media or the public to look in on what we do, regardless of how we try to do transparency on that 5 percent and say that we are doing anything to make this place more transparent. That is the main difference.

We can get into the tax provisions. We used the definition the House did, but we do include tax-based earmarks or tariff-based earmarks. Again, in conference, we have the opportunity to work together and change it. But if we defeat this bill with misinformation right now and it doesn't go to conference as part of the mix, the public is going to know from day one that this idea of being open and transparent is just a scam. If we are going to do it, let's do it to all the earmarks, and then let's discuss what the best way is to do it.

Mrs. HUTCHISON. Would the Senator say that the earmarks that are covered in his amendment would include an earmark to a Federal agency as well as an earmark for a private university or some other private entity? Is that what he is saying, that he wanted to cover all the earmarks whether they are a specific earmark for a particular city and an agency such as the Corps of Engineers, a specific water project in a city? You just want that earmark to be known, who the sponsor is, just as if it were an earmark for funding for health research at a university; is that correct?

Mr. DEMINT. The Senator has it right. We are not saying whether earmarks are good or bad. We are not saying that we have some and not others. All we are saying is that earmarks are designated spending. Whether it be Federal, non-Federal, or report language, it should be disclosed in the same way. This chart shows the number of earmarks in the 2006 budget of 12,852. The Senate bill would apply to only 534 of those. So if we are going to have disclosure of earmarks—and that is up to the Senate to decide—if we are going to say we are going to have disclosure, I think we need to include the 12,318 that we don't want to tell people about. People will not believe we are transparent. I think that is what both sides of the aisle want. That is the only thing this amendment does; it doesn't limit earmarks. It doesn't change anything except it defines them in a way that is open and honest.

Mrs. HUTCHISON. I thank the Senator for the explanation. I think it is an excellent amendment. I thank him for bringing it to the floor.

Mr. REID. I couldn't hear the Senator. I am sorry. What did the Senator say?

Mr. DEMINT. 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.

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.

AMENDMENT NO. 38 TO AMENDMENT NO. 3

Mrs. FEINSTEIN. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. Yes, there is.

Mrs. FEINSTEIN. I ask unanimous consent that the amendment be set aside.

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

Mrs. FEINSTEIN. I send an amendment to the desk on behalf of the ranking member and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BENNETT, proposes an amendment numbered 38 to amendment No. 3.

Mrs. FEINSTEIN. 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 permit attendance of meetings with bona fide constituents)

At the appropriate place, insert the following:

SEC. ___. FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).''.

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(h)(1) A Member, officer or, employee may accept an offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

''(A) the cost of any meal provided does not exceed $50;

''(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

''(ii) the event will be attended by a group of at least 5 bona fide constituents or individuals employed by bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

''(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).

''(4) The Select Committee on Ethics shall issue guidelines within 60 days after the enactment of this subparagraph on determining the definition of the term 'bona fide constituent'.''.

Mrs. FEINSTEIN. Mr. President, this amendment on behalf of Senator BENNETT and myself speaks to a problem that we see with this bill. And that is when you meet with a very small group of people, say, 10 or less, bona fide constituents, no lobbyists present, and you have a sandwich or there is a lunch, somebody puts food in front of you, maybe you eat two bites of it, maybe you don't eat any of it, maybe you eat all of it—we all know we have been through that—you are illegal unless there is some provision that you can accept the lunch.

How many times have I gone to a speaking engagement, got involved, something is put in front of me. I don't touch it or maybe I touch it or maybe something is offered to me, maybe I eat one of it, maybe I eat two of it. It is hard to tell. With respect to these small, bona fide constituent events, one should be able to accept the meal, if one chooses, as long as the value of the meal is under $50. It seems to me that this is a reasonable amendment. The lobbyist is excluded, cannot be present. It is a bona fide constituent event. You can go to them at a Member's home. It can be a coffee. It can be a dinner. They happen all the time. I candidly see nothing wrong with it.

Sometimes you have events where people bring little amounts of food that are shared. To put a pricetag on all of this, to have to decide whether it is de minimis or not, whether it is equal to a baseball cap or a cup of coffee is extraordinarily difficult in the real world where we operate. That is the purpose of this amendment.

I yield to the ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairwoman for her consideration of this. As I pointed out in my opening statement when we got to consideration of this bill, virtually every American has an association with an

entity that employs a lobbyist. If you go to the rotary club, there is a lobbyist for the rotary club here in Washington. If you go to the Girl Scouts, the Girl Scouts have a lobbyist in Washington. If you go to the PTA, they have a lobbyist here in Washington. A bill that says you can't accept anything from any institution or corporation or organization that has a lobbyist means that if the Girl Scouts come by and give you some cookies and you eat those cookies in the presence of the Girl Scouts who are there, you have violated the law. You have taken something, taken a gift from someone who is connected to an organization that employs a lobbyist. And the chairman heard what I had to say on this. We worked on it together. We have been working on it for the past couple of days and came up with a commonsense solution that removes the concern about this situation. I salute her and thank her for the way in which she has worked with me. We have something on which we both agree. We understand it is fairly widely accepted throughout the body. I am more than happy to act as a cosponsor to this amendment and hope the Senate will adopt it.

Mrs. FEINSTEIN. Mr. President, I misspoke. The way we have this drafted, it is at least 5—I think I said 10—it is at least 5 constituents. I hope that is not a problem for anyone.

I thank the ranking member. It has been a pleasure to work with him. I think we both feel similarly about this. This issue of what you accept at a meal is a difficult issue, dependent upon where you are and where you are located. I think this is fair, in view of the nature of events covering all States, low cost of living, rural and urban States. So it is at least five bona fide constituents—that is a member of the State, not a professional lobbyist, although a professional lobbyist can also be a constituent. For the purpose of this bill, they are excluded. I hope this will be agreed to. I know there are some Members who want to look at this. It is at the desk. I urge them to come down right away and look at it because we would like to voice vote it.

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. 20 TO AMENDMENT NO. 3

Mr. BENNETT. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 20 be called up and that it be set aside.

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] proposes an amendment numbered 20 to amendment No. 3.

The amendment is as follows:

(Purpose: To strike a provision relating to paid efforts to stimulate grassroots lobbying)

Strike section 220 of the amendment (relating to disclosure of paid efforts to stimulate grassroots lobbying).

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 37 TO AMENDMENT NO. 3

Mr. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 37 be called up.

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

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 37 to amendment No. 3.

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

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

The amendment is as follows:

(Purpose: To require any recipient of a Federal award to disclose all lobbying and political advocacy)

At the appropriate place, insert the following:

SEC. ___. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) is amended by adding at the end the following:

"SEC. 5. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

''(a) IN GENERAL.—Not later than December 31 of each year, an entity that receives any Federal award shall provide to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the entity's chief executive officer or equivalent person of authority, and setting forth—

''(1) the entity's name;

''(2) the entity's identification number; and

''(3)(A) a statement that the entity did not engage in political advocacy; or

''(B) a statement that the entity did engage in political advocacy, and setting forth for each award—

''(i) the award identification number;

''(ii) the amount or value of the award (including all administrative and overhead costs awarded);

''(iii) a brief description of the purpose or purposes for which the award was awarded;

''(iv) the identity of each Federal, State, and local government entity awarding or administering the award and program thereunder;

''(v) the name and entity identification number of each individual, entity, or organization to whom the entity made an award; and

''(vi) a brief description of the entity's political advocacy, and a good faith estimate of the entity's expenditures on political advocacy, including a list of any lobbyist registered under the Lobbying Disclosure Act of 1995, foreign agent, or employee of a lobbying firm or foreign agent employed by the entity to conduct such advocacy and amounts paid to each lobbyist or foreign agent.

''(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation 1 standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each entity is assigned 1 permanent and unique entity identification number.

''(c) WEBSITE.—Any information received under this section shall be available on the website established under section 2(b).

''(d) DEFINITIONS.—In this section:

''(1) POLITICAL ADVOCACY.—The term 'political advocacy' includes—

''(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

''(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

''(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

''(i) is a defendant appearing in its own behalf;

''(ii) is defending its tax-exempt status; or

''(iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant; and

''(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

''(2) ENTITY AND FEDERAL AWARD.—The terms 'entity' and 'Federal award' shall have the same meaning as in section 2(a).''.

Mr. THUNE. Mr. President, I wish to speak briefly to this amendment before asking that it be set aside.

Currently, Federal grant recipients are generally prohibited from using their Federal grant funds to lobby Congress or to influence legislation or appropriations. Current law also generally prohibits 501(c)(4) civic leagues and social welfare organizations from all lobbying activities, even with their own funds, if they receive a Federal grant, loan or award. But these prohibitions do not prevent Federal grant recipients from lobbying or engaging in political advocacy. Most Federal grant recipients are free to use other parts of their budget, beyond their Federal grant, for lobbying or political advocacy. Even 501(c)(4) organizations whose prohibitions are more stringent can simply incorporate an affiliated organization to engage in lobbying activities or political advocacy.

While the appropriateness of Federal grant recipients engaging in any lobbying or political advocacy, even with their own funds, could be debated, the least we should ask these Federal grant recipients is that they disclose their lobbying and political advocacy activities. Federal grant recipients who are engaging in lobbying should register under the current public disclosure requirements for lobbyists. The public

should also have a right to know if recipients of Federal grants are engaging in political advocacy and to what extent.

In the wake of last year's transparency legislation, information on Federal grants and their recipients will soon be on a publicly available and searchable database. This amendment builds on that concept by requiring Federal grant recipients to disclose any and all political advocacy activities. The amendment would also require a good-faith estimate of the grantee's expenditures on political advocacy.

This, in my view, is a fairly straightforward amendment that adds to the transparency of organizations that engage in political advocacy and lobbying and I think sheds further light on the whole process of getting involved in Federal issues by organizations that actually are receiving Federal funding. I believe that is something the American people would like to see happen.

The Transparency Act that was passed last year, as I said earlier, will bring about disclosure of those organizations. They will have to now disclose, those who receive Federal funds.

All this amendment does is take that a step further and say that those organizations that receive Federal funds need to disclose if they are engaging in a form of political advocacy and to what extent—in other words, how much money are they spending on those types of activities.

The definition of ''political advocacy'' in the amendment is pretty straightforward, but it has to do with:

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar, activity;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

(i) is defendant appearing in its own behalf;

(ii) is defending its tax-exempt status; or

iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant. . . .

This is a fairly straightforward amendment. I am simply trying to shine additional light on this process. It is in line with the thinking behind this underlying bill; that is, bringing greater transparency, greater accountability to the process of lobbying and the whole exercise that we undertake around here and outside organizations undertake in trying to influence Federal legislation and Federal issues.

Mr. President, I yield the floor, and I ask unanimous consent that the amendment be set aside.

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

AMENDMENT NO. 40 TO AMENDMENT NO. 3

Mr. STEVENS. Mr. President, I ask that the pending amendment be set aside, and I have an amendment to offer.

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

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 40 to amendment No. 3.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I intend to explain it at a later date. There may be a technical change I have to make to this amendment.

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

The amendment is as follows:

(Purpose: To permit a limited flight exception for necessary State travel)

On page 8, line 14, after ''entity'' insert ''or by a Member of Congress, Member's spouse or an immediate family member of either''.

On page 10, after line 5, insert the following:

(4) LIMITED FLIGHT EXCEPTION.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h) For purposes of subparagraph (c)(1) and rule XXXVIII, if there is not more than 1 regularly scheduled flight daily from a point in a Member's State to another point within that Member's State, the Select Committee on Ethics may provide a waiver to the requirements in subparagraph (c)(1) (except in those cases where regular air service is not available between 2 cities) if—

''(1) there is no appearance of or actual conflict of interest; and

''(2) the Member has the trip approved by the committee at a rate determined by the committee.

In determining rates under clause (2), the committee may consider Ethics Committee Interpretive Ruling 412.''.

(5) DISCLOSURE.—

(A) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate 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.

This subparagraph shall apply to flights approved under paragraph 1(h).''.

(B) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking ''and'' at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(iii) 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.''.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, I stand to use this opportunity to again focus us on what I think is a very significant issue in this ongoing ethics and lobbyist debate, and that is the unfortunate practice, in my opinion, and the very clear and huge opportunity for abuse that exists when spouses of sitting Members, Senate or House, are lobbyists and act as lobbyists.

Now, the underlying bill and the underlying substitute, as we all know, have a prohibition on this issue, and it simply says in that case the spouse lobbyist can't directly lobby the Member he or she is married to, and that is good. I hope we all agree with that. I hope that is a no-brainer, an absolute minimum we would all agree to.

I have an amendment on which I look forward to voting in the very near future. It is amendment No. 9. That would broaden that in a way that I think is absolutely necessary. That would simply be a broadening to say that a spouse cannot lobby any Member of Congress, House or Senate. I think that is necessary if we are going to get real, if we are going to get serious in this ethics and lobbying debate, and if this bill is going to be a meaningful attempt to right grievous wrongs we have seen, including in the last couple of years.

The Presiding Officer came from the House of Representatives, as did I. Unfortunately, as we know, there have been these abuses. Really, the abuses fall into two categories; there are not just one but two real dangers we are talking about. One is that a lobbyist who is married to a sitting Member clearly has unusual access to other Members of Congress—forget about his

or her spouse but to other Members. You can't tell me if a lobbyist is going in to see a Member and he happens to be married, say, to a female Member who is chair of a committee on which that other Member sits, that doesn't cross the other Member's mind. You can't tell me that is not part of the equation; that is not part of the backdrop on that lobbying relationship. Clearly, that spouse lobbyist is going to have extraordinary, unusual access to all Members, or many Members, not simply the Member to whom he or she is married.

Of course, there are all sorts of social occasions where we get together, as we should, as families, with spouses. So there is that very real issue. But there is a second very real issue which, in my opinion, is even more serious and more pernicious and that is the clear opportunity for moneyed interests, special interests, to write checks directly into the family bank account of a Member through the lobbyist spouse.

I wish I could stand here and say that this was a hypothetical. I wish I could stand here and say that this was a solution searching for a problem in the real world. I can't. This has happened. This does happen. There have been cases, including in the House, that have been in the press in the last year or two where this does happen, and spouses are making big salaries from interests that have very important matters before Congress and before the Member to whom that lobbyist spouse is married.

This is not theoretical. This is not a solution looking for a problem. This is real and this is real abuse. It is simply a bribe by another name because it is a conduit to send significant amounts of money to the family bank account—the same family bank account that the Member, of course, lives on and relies on and enjoys.

I think this is a very serious issue. Clearly, if we are bringing up a bill that is about two things, ethics and lobbying, you can't ignore this issue. This issue is right in the middle of it. It is all about lobbying. It is all about ethics. It is all about both of those things, that this whole debate is about.

Let me point out that in my amendment I do include an exception. I think it is a fair exception. I can make an argument to have no exceptions, and I was tempted to do that. I wanted to bend over backwards to be fair and meet any legitimate questions out there. There is an exception if the spouse lobbyist was a lobbyist a year or more before the marriage happened, and/or before the Member's first election to Congress happened. In that situation, I think what it would mean is that this spouse had a real, bona fide career and was doing this and built up that practice, way before the marriage relationship ever happened or the representation relationship—membership in the House or Senate—ever happened. I think that legitimately is a different situation than the others.

Again, I can make the argument for no exceptions. I can certainly understand the sentiment: get rid of that exception. But in an abundance of trying to meet reasonable questions, reasonable objections, I included that exception.

I urge all of my colleagues, Democrat and Republican, to take a hard look and then to vote for the amendment because this goes to the heart of what we are talking about. This has been a real abuse. It is subject to continuing abuse. If we do not address it, this exercise, frankly, is not going to have much credibility in the eyes of the American people. If we do not address it, we are not going to be doing enough to restore the confidence of the American people in this institution and the institution across the Rotunda, the House of Representatives.

This has to be at the center of our debate, and I look forward to continuing the debate. I will be happy to answer any objections or questions and continue that debate in the next day or two and look forward to a vote on this very central amendment. I will specifically talk to the majority leader about a vote. He has not responded yet. Certainly, I cannot imagine a reasonable, fair debate on this question of ethics and lobbying and yet we do not at least vote on this issue of spouses lobbying Congress. Of course, I hope we vote the right way and forbid it.

Mr. President, I look forward to the continuation of this discussion and the vote and I yield the floor.

Mrs. FEINSTEIN. 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.

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 announce that there will be no more rollcall votes tonight. However, I caution Members, there will be possibly two rollcall votes, certainly one, tomorrow morning. No more rollcall votes tonight.

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.

AMENDMENT NO. 38, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask that amendment No. 38 be the pending business.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. FEINSTEIN. Mr. President, I have a modification at the desk, and I ask the amendment be modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 38), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).''.

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(h)(1) A Member, officer, or employee may accept an offer of free attendance in the Member's home state at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

''(A) the cost of meals provided the Member officer or employee does not exceed $50;

''(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

''(ii) the event will be attended primarily by a group of at least 5 bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

''(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).''

Mrs. FEINSTEIN. Mr. President, I believe both sides are in agreement with the modification.

We are prepared to voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 38), as modified, was agreed to.

Mr. BENNETT. Mr. President, 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 wish to clarify that this exception applies only when there are at least five constituents attending the event with a Member and at least half of the group in attendance are constituents.

Thank you very much.

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.

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.

AMENDMENT NO. 42 TO AMENDMENT NO. 3

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf of Senator ROCKEFELLER and Senator FEINSTEIN.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, proposes an amendment numbered 42 to amendment No. 3.

Mrs. FEINSTEIN. 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 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, in unclassified language to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.''.

Mrs. FEINSTEIN. Mr. President, a brief explanation, and then I wish to set aside the amendment. But essentially what this amendment does is very simple. It relates to classified earmarks and simply says:

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, in unclassified language, to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.

Mr. President, I ask unanimous consent that this amendment be set aside.

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

Mrs. CLINTON. Mr. President, yesterday evening I voted to table an amendment that would have prohibited authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal officeholder connected to the committee. I appreciate the concerns raised by Senator VITTER regarding allegations of abuse in this area, and believe action should be taken when the Senate Rules Committee undertakes comprehensive campaign finance reform later this year. I look forward to working with Chairwoman FEINSTEIN and the rest of my colleagues at that time to deal with the concerns raised by Senator VITTER.

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. 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

CORPORAL JASON DUNHAM

Mrs. CLINTON. Mr. President, I rise today to recognize the honorable and heroic actions demonstrated by the late Marine Cpl Jason Dunham of Scio, NY.

Today, the President of the United States presented the Medal of Honor, the Nation's highest decoration for combat heroism, to the family of Cpl Jason Dunham during a ceremony in the White House.

Cpl Jason Dunham was 22 years old in mid-April of 2004 and serving in Husaybah, Iraq. An Iraqi terrorist attacked Dunham, and Dunham selflessly acted to shield his squad members from a hand grenade blast. The blast severely wounded Dunham and he was flown to Bethesda Naval Hospital outside of Washington, DC where he died April 22, 2004.

Corporal Dunham is the first marine to earn the Medal of Honor in more than 30 years and one of only two U.S. service members to be awarded the medal since the wars in Afghanistan and Iraq began.

Corporal Dunham's actions in Iraq were truly humbling and worthy of the greatest honor. This medal is a fitting tribute to a true hero who made the ultimate sacrifice on behalf of his Nation and the marines with whom he proudly served.

I was honored to have sponsored the legislation last year to designate the U.S. Postal Service facility located at 4422 West Sciota Street in Scio, NY, as the ''Corporal Jason L. Dunham Post Office''.

Today, as their son is honored as the incredible hero that he was, I send my thoughts and prayers to Corporal Dunham's family and to all the brave men and women of our Armed Forces.

AGJOBS

Mr. CRAIG. Mr. President, the last Congress worked long and hard to resolve one of the most contentious issues of our time: immigration. As many of our colleagues know, while a number of border enforcement measures were enacted, we did not complete all the critical elements of a comprehensive strategy on immigration reform.

Yesterday, I joined with Senators FEINSTEIN, KENNEDY, MARTINEZ, VOINOVICH, and BOXER in reintroducing legislation to address a very important piece of that unfinished business: the establishment of a workable, secure, effective temporary worker program to match willing foreign workers with jobs that Americans are unwilling or unable to perform.

Our legislation is specific to U.S. agriculture because this economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A guest worker program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal.

The bill we reintroduced is called AgJOBS—the Agricultural Job Opportunity, Benefits, and Security Act. This bill was part of the comprehensive immigration legislation passed last year by the Senate. Today's version incorporates a few language changes that update, but do not substantively amend, that measure.

We are reintroducing AgJOBS to fix the serious flaws that plague our country's current agricultural labor system. Agriculture has unique workforce needs because of the special nature of its products and production, and our bill addresses those needs.

Our bill offers a thoughtful, thorough, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H–2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure.

This legislation has been tested and examined for years in the Senate and House of Representatives, and it remains the best alternative for resolving urgent problems in our agriculture that require immediate attention. That is why AgJOBS has been endorsed by a historic, broad-based coalition of more than 400 national, State, and local organizations, including farmworkers, growers, the general business community, Latino and immigration issue groups, taxpayer groups, other public interest organizations, State directors of agriculture, and religious groups.

We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive

decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

AgJOBS would serve all these goals.

Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. I urge my colleagues to demonstrate their support for U.S. agriculture by cosponsoring the Agricultural Job Opportunity, Benefits, and Security Act—AgJOBS 2007—and by helping us pass this critical legislation as soon as possible.

RETIREMENT OF COLONEL JYUJI D. HEWITT

Ms. SNOWE. Mr. President, I rise today to honor a Maine native and member of the U.S. Army who has served our country for nearly 30 years with both honor and distinction. On this day of his retirement, COL Jyuji D. Hewitt will leave his post as Chief of Staff of the U.S. Army Joint Munitions Command, where he has worked steadfastly to ensure that our military services maintain the logistics and resources necessary to complete their missions and protect our country from the gravest of threats.

Known by his fellow comrades as a man of candor and respect, Colonel Hewitt has amassed an impressive list of accolades and accomplishments throughout his career, which has taken him all over the world, to Germany, Korea, and Japan. However, his journey began in his home State: at the University of Maine-Orono. Shortly after graduating in 1978 with a bachelor of science in chemistry, Colonel Hewitt earned his commission as an officer through the ROTC Program. He then went on to earn a master's degree in systems management from the Florida Institute of Technology, a master of sciences in physics from the University of New Hampshire, and a master's degree in strategic studies from the U.S. Army College.

Following his education, Colonel Hewitt went on to fully utilize his expansive knowledge of science and military affairs by serving overseas as a nuclear policy officer, as well as program manager of the Defense Special Weapons Agency and Army Material Command liaison officer. Those whom he worked with appreciated his stringent managerial style, which often reflected both his personality and his acute understanding of business management.

Balancing his time as a husband and father of two, Colonel Hewitt returned to the United States where among other leadership assignments, he served as a school instructor and team leader at the U.S. Army Ordnance Missile and Munitions School at Redstone Arsenal, AL. After joining the Joint Munitions Command as a commander of installations in Oklahoma and Iowa, Colonel Hewitt's ascension through the military ranks culminated in September 2005, with his promotion as Chief of Staff, a position of great responsibility to the welfare and security of our country.

Colonel Hewitt's military awards and decorations are numerous, for they include the Defense Meritorious Service Medal, the Army Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Commendation Medal, the Army Commendation Medal with Oak Leaf Cluster, and the Army Achievement Medal with Oak Leaf Cluster.

Today, as he retires from the armed services, Colonel Hewitt deserves the highest of praise for his endless contributions to the military and the United States of America. His dedication and service is not only an asset to our Nation but serves as an inspiration to all Americans who know the price of freedom. Our Nation owes him a tremendous amount of gratitude, and I extend Colonel Hewitt my personal thank you for his service.

ADDITIONAL STATEMENTS

RECOGNITION OF ANN R. TRZUSKOWSKI

• Mr. BIDEN. Mr. President, today I wish to briefly honor a friend of mine of many years who recently reached a milestone in her golf game that many of us strive a lifetime for without success. Ann F. Trzuskowski celebrated the Thanksgiving weekend by achieving something that neither her husband Fran nor I ever have: a hole in one. The lucky club was a 7 wood, striking the ball the perfect 93 yards into the eighth hole of Ford's Colony Williamsburg's Marsh Hawk Course. Golf is the sort of game that draws you in with promises of grace and then torments you with its difficulty. I congratulate my friend on defying the golf gods with a single shot.•

IN MEMORIAM: NORMAN LIVERMORE, JR.

• Mrs. BOXER. Mr. President, today I offer a few words in observance of the passing of Norman Livermore, Jr., a man who dedicated his life to the preservation of beauty in the natural world and left us a magnificent legacy of protected natural resources throughout the State of California.

I extend my deepest sympathy and most sincere condolences to Mr. Livermore's family, especially his wife, Virginia Livermore, and their five children. My thoughts and prayers go out to them as they struggle with the death of a man they loved dearly.

Norman B. ''Ike'' Livermore, Jr. was a successful businessman with a profound appreciation for his surroundings and a passion for environmental advocacy. The son of an engineer and an environmental activist, he learned at an early age to infuse a respect for the bottom-line with a deeply held reverence for the sanctity of nature. Throughout his life, Mr. Livermore would use this remarkable ability to form an environmentally conscious vision of the future that appealed to Californians of all ideological persuasions.

As a youth, Mr. Livermore spent countless hours exploring the Sierra Nevada, beginning a love affair with the mountains that would guide him along his path in life. Strong and athletic, at age 15 he rode 200 miles on horseback and climbed the Grand Teton in tennis shoes. Mr. Livermore would continue to display a robust vigor and zeal for life in early adulthood, representing our nation as a baseball player in the 1936 Olympics and serving with great distinction and honor in the U.S. Navy during World War II.

Before and after the war, Mr. Livermore operated an outfitting business that took people into the Sierra. He ran the business for 20 years, during which time he crossed all 50 Sierra passes over 10,000 feet. Mr. Livermore's outstanding business sense and intimate knowledge of the Sierra and the northern woods of California made him a valuable asset to a wide array of groups seeking to shape the future of the state. He was an active member of the Sierra Club starting in the 1930s and later, in the 1950s and 1960s, he served as treasurer of the Pacific Lumber Company.

With self-effacing modesty, he once referred to himself as a living contradiction, but it was evident for everyone to see that all Mr. Livermore's actions were firmly rooted in a commitment to preserving the environment he encountered in his youth. His capacity to understand and engage the concerns of the industrialist and the environmentalist is what enabled him to be one of the most effective conservationists in California history. Recognizing Mr. Livermore's extraordinary ability and the high regard in which he was universally held, Governor Ronald Reagan tapped him to serve as Secretary for Resources in 1967.

While serving on Governor Reagan's Cabinet, Mr. Livermore played an indispensable role preserving the state we know and love today. California is filled with testaments to his incredible achievement. The Redwood National Park is a product of Mr. Livermore's efforts to protect the forest and the

jobs of lumberjacks by arranging an exchange of federally owned land for private plots that included the most magnificent old growth trees.

With similar resolve and resourcefulness, Mr. Livermore successfully led the campaign to preserve the Eel River. The Army Corps of Engineers and the state Department of Water Resources were supporting the construction of the Dos Rios Dam on the middle fork of the Eel River in an effort to minimize the risk of flooding to areas downstream. The proposed dam would have flooded the Round Valley, home to the Yuki, a Native American Tribe that had lived in the valley for 9,000 years. Arguing that the dam would have traded ''permanent destruction'' for ''occasional protection'', Mr. Livermore fought vigorously against the proposal and arranged a meeting between Governor Reagan and members of the Yuki tribe. The meeting had such a profound impact on the governor that he withdrew his support for the project, saving the Round Valley and preserving the natural state of the middle fork of the Eel River.

Mr. Livermore combined well-reasoned arguments with emotionally compelling appeals to win the hearts and minds of those inside and outside the conservation movement. He recognized that we all care deeply about that which we are familiar and that effective advocacy depends on one's ability to draw connections between experiences. He is known by many as ''Reagan's environmental conscience'', but his impact on our State is not confined to the policy of one administration. Mr. Livermore's legacy is in the beauty of our state and the joy and inspiration it invokes in 37 million Californians.●

IN RECOGNITION OF THE OUTLAND TROPHY

● Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the Greater Omaha Sports Committee, the Omaha World-Herald, and the Downtown Omaha Rotary, which tonight will continue a long-running tradition in honoring college football's top interior lineman.

The Outland Trophy has been awarded every year since 1946 by the Football Writers Association of America. It is named after John Outland, who was an All-American tackle at the University of Pennsylvania in 1897. Mr. Outland created the award in 1946 because he believed his fellow linemen deserved more recognition for their contributions. Indeed, the game of football is often won in the trenches, with the most physically dominating linemen deciding the game's outcome.

From 1946 to 1989, Outland winners received only a plaque, and there was no public ceremony to honor their remarkable achievements. That has since changed, thanks to the dedication of football supporters in Omaha, NE, who not only prepared an impressive trophy presentation but began an annual banquet and public award ceremony.

It is only fitting that the Outland Trophy is awarded in Nebraska, as the University of Nebraska Cornhuskers lead the Nation with seven Outland Trophy winners, while three other Huskers have been named runners up.

This year, we congratulate Wisconsin offensive tackle Joe Thomas, who at 6 feet, 8 inches, 315 pounds, becomes the first Badger to earn the honor. Mr. Thomas led the Badgers' offense to average 30.3 points per game as the team compiled a 12-to-1 record. Congratulations as well to Bill Fischer, the 1948 Outland Trophy winner at offensive guard for the University of Notre Dame and a member of the national championship-winning Fighting Irish teams of 1946 and 1947. Mr. Fisher will receive an authentic Outland Trophy to replace his plaque in a long-overdue award ceremony.

Tonight the State of Nebraska is honored to welcome these men, together with other past winners, in what is sure to be another prestigious evening for the giants of college football. ●

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. TANNER of Tennessee, Chairman.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2. An act to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 11, 2007, she had presented to the President of the United States the following enrolled bill:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''.

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–257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Beauveria Bassiana HF23; Exemption from the Requirement of a Tolerance'' (FRL No. 8108–4) received on January 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–258. 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 ''Mediterranean Fruit Fly; Remove Portions of Los Angeles, San Bernardino, and Santa Clara Counties, CA, From the List of Quarantined Areas'' (Docket No. APHIS–2005–0116) received on January 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–259. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to agreements made under the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–260. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a review of the Assembled Chemical Weapons Alternatives Program; to the Committee on Armed Services.

EC–261. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Kenya; to the Committee on Banking, Housing, and Urban Affairs.

EC–262. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the national emergency declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–263. A communication from the Assistant to the Board, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act'' (Docket No. R–1273) received on January 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–264. A communication from the Assistant to the Board, Legal Division, Board of

Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'' (Docket No. R–1272) received on January 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–265. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Secretary of the Army's recommendation of a flood damage reduction project for the town of Bloomsburg, Columbia County, Pennsylvania; to the Committee on Environment and Public Works.

EC–266. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a report relative to a document on an Agency assessment of coastal health; to the Committee on Environment and Public Works.

EC–267. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Identification of the Northern Virginia PM2.5 Nonattainment Area'' (FRL No. 8266–1) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–268. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority'' (FRL No. 8268–9) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–269. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Medical Device Manufacturing'' (FRL No. 8267–7) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–270. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Allen County 8-Hour Ozone Nonattainment Area to Attainment'' (FRL No. 8267–9) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–271. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District'' (FRL No. 8261–3) received on January 10, 2007; to the Committee on Environment and Public Works.

EC–272. 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 ''January–March 2007 Section 42 Bond Factor Amounts'' (Rev. Rul. 2007–5) received on January 10, 2007; to the Committee on Finance.

EC–273. 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 ''Modification of the Substantial Assistance Rules'' (Notice 2007–13) received on January 10, 2007; to the Committee on Finance.

EC–274. 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 ''Qualified Amended Returns'' ((RIN1545–BD40)(TD 9309)) received on January 10, 2007; to the Committee on Finance.

EC–275. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–502, ''Crispus Attucks Park Indemnification Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–276. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–482, ''Omnibus Public Safety Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–277. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–523, ''Digital Inclusion Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–278. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–507, ''Neighborhood Investment Amendment Temporary Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–279. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–506, ''Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–280. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–505, ''Uniform Disclaimers of Property Interests Revision Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–281. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–508, ''July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–282. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–509, ''Anti-Tagging and Anti-Vandalism Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–283. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–504, ''Domestic Violence Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–284. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–503, ''District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–285. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–475, ''Technical Amendments Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–286. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–474, ''Emerging Technology Opportunity Development Task Force Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–287. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–473, ''Targeted Historic Preservation Assistance Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–288. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–437, ''People First Respectful Language Conforming Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–289. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–492, ''Library Procurement Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–290. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–489, ''Metro Bus Funding Requirement Temporary Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–291. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–488, ''Anti-Drunk Driving Clarification Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–292. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–486, ''Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–293. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–485, ''Child and Family Services Grant-making Temporary Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–294. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–476, ''Fiscal Year 2007 Budget Support Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–295. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–496, ''Square 2910 Residential Development Stimulus Temporary Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–296. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 16–495, ''Wisconsin Avenue Bridge Project and Noise Control Temporary Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–297. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–494, ''Separation Pay, Term of Office and Voluntary Retirement Modifications for Chief of Police Charles H. Ramsey Amendment Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–298. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–493, ''Health Insurance Coverage for Habilitative Services for Children Act of 2006'' received on January 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–299. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–300. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2006 to September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–301. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–302. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to law, a report required by Section 102(b)(2) of the Congressional Accountability Act of 1995; referred jointly to the Committees on Rules and Administration and Homeland Security and Governmental Affairs.

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 Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mr. BIDEN, and Mr. ALEXANDER):

S. 256. A bill to harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mrs. MURRAY, Mr. WYDEN, and Ms. CANTWELL):

S. 257. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 258. A bill to clarify provisions relating to statutory copyright licenses for satellite carriers; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BYRD, Mr. REID, Mr. STEVENS, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Mrs. CLINTON, Mr. DOMENICI, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. SPECTER, and Mrs. DOLE):

S. 259. A bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mr. SPECTER, Mr. DURBIN, Mr. ALLARD, Mr. VITTER, Mr. LEVIN, Ms. COLLINS, Mr. KYL, and Mrs. FEINSTEIN):

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 262. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources .

By Mr. SMITH (for himself and Mr. WYDEN):

S. 263. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 264. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 265. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 266. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. REID, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, and Ms. CANTWELL):

S. 267. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mr. WYDEN, and Mrs. MURRAY):

S. 268. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. ISAKSON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 269. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 270. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. KERRY):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Finance.

By Mr. COLEMAN:

S. 272. A bill to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 273. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, Mr. VOINOVICH, Mr. CARPER, Mr. DURBIN, Mr. PRYOR, and Mr. LAUTENBERG):

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 275. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 276. A bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY:

S. Res. 23. A resolution designating the week of February 5 through February 9, 2007, as ''National School Counseling Week''; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Ms. COLLINS):

S. Res. 24. A resolution designating January 2007 as ''National Stalking Awareness Month''; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 25. A resolution congratulating the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship; considered and agreed to.

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 26. A resolution commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 3

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 4

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 5

At the request of Mr. BROWN, his name was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 6

At the request of Mr. BROWN, his name 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. 7

At the request of Mr. BROWN, his name was added as a cosponsor of S. 7, a bill to amend title IV of the Higher Education Act of 1965 and other laws and provisions and urge Congress to make college more affordable through increased Federal Pell Grants and providing more favorable student loans and other benefits, and for other purposes.

S. 8

At the request of Mr. BROWN, his name was added as a cosponsor of S. 8, a bill to restore and enhance the capabilities of the Armed Forces, to enhance the readiness of the Armed Forces, to support the men and women of the Armed Forces, and for other purposes.

S. 10

At the request of Mr. BROWN, his name was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 10, supra.

S. 21

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 119

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 154

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 154, a bill to promote coal-to-liquid fuel activities.

S. 155

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 155, a bill to promote coal-to-liquid fuel activities.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 237

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 237, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 243

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 243, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 244

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 244, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

AMENDMENT NO. 20

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

At the request of Mr. BENNETT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 20 proposed to S. 1, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mr. BIDEN, and Mr. ALEXANDER):

S. 256. A bill to harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Platform Equality and Remedies for Rights-holders in Music Act along with Senators GRAHAM, BIDEN, and ALEXANDER.

The need to protect creative works has been an important principle recognized in our country since the time when our Constitution was first drafted.

However, the founding fathers could not have predicted the path innovation would eventually lead us down, nor the amazing new technologies that we now take for granted.

While many of us still enjoy traditional radio, this too is rapidly changing.

Recently, radio stations have begun advertising for a national campaign to switch to High Definition, or HD, radio. This new platform is changing the way music is transmitted and, according to its promoters, ''radio has never sounded better.''

In addition, we can now have music radio programs provided not just in our cars, or on traditional home stereos, but radio programs have expanded to be available through Internet, cable, and satellite music stations.

And radio services are looking to use the new digital transmissions and new technologies to change how music is delivered so that the audience can not only listen but also record, manipulate, collect and create individual music play lists.

Thus, what was once a passive listening experience has turned into a forum where consumers can create their own personalized music libraries.

As the modes of distribution change and the technologies change, so must our laws change.

The government granted a compulsory license for radio-like services by Internet, cable, and satellite providers in order to encourage competition and the creation of new products.

However, as new innovations alter these services from a performance to a distribution, the law must respond.

In addition, as the changing technology evolves the distinctions between the services become less and less, and the differences in how they are treated under the statutory license make less and less sense.

Therefore, I am introducing a bill that will begin to fix the inequities currently in the statute and open the door to further debate about additional issues that need to be addressed.

First, the bill I am introducing today, the PERFORM Act, would create rate parity. All companies covered by the government license created in section 114 of title 17 would be required to pay a ''fair market value'' for use of music libraries rather than having different rate standards apply based on what medium is being used to transmit the music.

The bill would also establish content protection. All companies would be required to use reasonably available, technologically feasible, and economically reasonable means to prevent music theft. In addition, a company may not provide a recording device to a customer that would allow him or her to create their own personalized music library that can be manipulated and maintained without paying a reproduction royalty.

This does not mean such devices cannot be made or distributed. It simply means that the business must negotiate the payment for the music outside of the statutory license.

The bill also contains language to make sure that consumers' current recording habits are not inhibited. Therefore, any recording the consumer chooses to do manually will still be allowed.

In addition, if the device allows the consumer to manipulate music by program, channel, or time period that would still be permitted under the statutory license.

For example, if a listener chooses to automatically record a news station every morning at 9:00 a.m.; a jazz station every afternoon at 2:00 p.m., a blues station every Friday at 3:00 p.m., and a talk radio show every Saturday at 4:00 p.m., that would be allowable. In addition, that listener could then use their recording device to move these programs so that each program of the same genre would be back to back.

What a listener cannot do is set a recording device to find all the Frank Sinatra songs being played on the radio-service and only record those songs. By making these distinctions this bill supports new business models and technologies without harming the songwriters and performers in the process.

Unfortunately, this bill was unable to move last Congress primarily because of misinformation about what the bill does and does not do.

However, there were also some questions that were raised, not about problems with the bill, but about ways to expand its reach. For example, currently the bill does not apply to traditional radio distributed by the broadcasters. This legislation only covers businesses that are under the section 114 license: Internet, cable, and satellite. Yet, some of my Republican colleagues argued that the bill should apply the same recording limitations to over-the-air broadcasters as are applied to Internet, cable, and satellite. While this change has not been made in the version of the bill I am introducing today, I believe it is an issue we should look at in the 110th Congress.

Also, the bill as introduced does not address the other conditions applied to Internet, cable, and satellite services in order for them to get the benefit of the statutory license. The one that I am most concerned with is interactivity.

I think there is real confusion about what is and what is not allowed under the current statute: how much personalization and customization may these new services offer?

Currently, licensing rates are higher for interactive services. However, there are clear disagreements as to what constitutes an ''interactive'' service. I tried to have the parties meet to negotiate a solution to this issue so that we could include new language in this bill; however, the parties were so far apart that a solution could not be reached.

Despite this, I still believe this is an important issue that must be addressed. As introduced, the bill calls for the Copyright Office to make recommendations to Congress, but I am hopeful that through the process of moving this bill through the Senate we can develop a solution sooner rather than rely on a study.

Finally, some have raised concerns that applying content protection to all providers is unfair. They argue that if there is no connection between the distributor of the music and the technology provider that allows for copying and manipulating of performances then they should not be required to protect the music that they broadcast. In general, I do not agree. We know that there are websites out there now that provide so-called stream-ripping services that allow an individual to steal music off an Internet webcast.

It is not enough to turn a blind eye to this type of piracy and do nothing simply because there is no formal connection between the businesses. At the same time, I am sympathetic to the concerns that if the type of technology a company uses is inadequate or ineffective, through no fault of their own, they should not be saddled with huge mandatory penalties.

I am interested in looking at this issue more closely to see if there is some way to address this concern and find a compromise solution.

To be clear, I see this as the beginning of the process. I think this legislation is a good step forward in addressing a real problem that is occurring in the music industry. Changes or additions may be necessary as the bill moves forward, but I believe to wait and do nothing does a disservice to all involved.

Music is an invaluable part of all of our lives. The new technologies and changing delivery systems provide exciting new options for all consumers. As we continue to move forward into new frontiers we must ensure that our laws can stand the test of time.

I look forward to working with my colleagues to pass this legislation.

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. 256

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 ''Platform Equality and Remedies for Rights Holders in Music Act of 2007'' or the ''Perform Act of 2007''.

SEC. 2. RATE SETTING STANDARDS.

(a) SECTION 112 LICENSES.—Section 112(e)(4) of title 17, United States Code, is amended in the third sentence by striking ''fees that would have been negotiated in the marketplace between a willing buyer and a willing seller'' and inserting ''the fair market value of the rights licensed under this subsection''.

(b) SECTION 114 LICENSES.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(3) in paragraph (1) (as redesignated under this subsection)—

(A) in subparagraph (A), by striking all after ''Proceedings'' and inserting ''under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.'';

(B) in subparagraph (B)—

(i) in the first sentence, by striking ''affected by this paragraph'' and inserting ''under this section'';

(ii) in the second sentence, by striking ''eligible nonsubscription transmission''; and

(iii) in the third sentence—

(I) by striking ''eligible nonsubscription services and new subscription''; and

(II) by striking ''rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller'' and inserting ''the fair market value of the rights licensed under this section'';

(iv) in the fourth sentence, by striking ''base its'' and inserting ''base their'';

(v) in clause (i), by striking ''and'' after the semicolon;

(vi) in clause (ii), by striking the period and inserting ''; and'';

(vii) by inserting after clause (ii) the following:

''(iii) the degree to which reasonable recording affects the potential market for sound recordings, and the additional fees that are required to be paid by services for compensation.''; and

(viii) in the matter following clause (ii), by striking ''described in subparagraph (A)''; and

(C) by striking subparagraph (C) and inserting the following:

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is

about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services, eligible nonsubscription services, or new subscription services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.''.

(c) CONTENT PROTECTION.—Section 114(d)(2) of title 17, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking ''and'' after the semicolon;

(B) in clause (iii), by adding ''and'' after the semicolon; and

(C) by adding after clause (iii) the following:

''(iv) the transmitting entity takes no affirmative steps to authorize, enable, cause or induce the making of a copy or phonorecord by or for the transmission recipient and uses technology that is reasonably available, technologically feasible, and economically reasonable to prevent the making of copies or phonorecords embodying the transmission in whole or in part, except for reasonable recording as defined in this subsection;'';

(2) in subparagraph (C)—

(A) by striking clause (vi); and

(B) by redesignating clauses (vii) through (ix) as clauses (vi) through (viii), respectively; and

(3) by adding at the end the following:

''For purposes of subparagraph (A)(iv), the mere offering of a transmission and accompanying metadata does not in itself authorize, enable, cause, or induce the making of a phonorecord. Nothing shall preclude or prevent a performing rights society or a mechanical rights organization, or any entity owned in whole or in part by, or acting on behalf of, such organizations or entities, from monitoring public performances or other uses of copyrighted works contained in such transmissions. Any such organization or entity shall be granted a license on either a gratuitous basis or for a de minimus fee to cover only the reasonable costs to the licensor of providing the license, and on reasonable, nondiscriminatory terms, to access and retransmit as necessary any content contained in such transmissions protected by content protection or similar technologies, if such licenses are for purposes of carrying out the activities of such organizations or entities in monitoring the public performance or other uses of copyrighted works, and such organizations or entities employ reasonable methods to protect any such content accessed from further distribution.''.

(d) DEFINITION.—Section 114(j) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively; and

(2) by inserting after paragraph (9) the following:

''(10)(A) A 'reasonable recording' means the making of a phonorecord embodying all or part of a performance licensed under this section for private, noncommercial use where technological measures used by the transmitting entity, and which are incorporated into a recording device—

''(i) permit automated recording or playback based on specific programs, time periods, or channels as selected by or for the user;

''(ii) do not permit automated recording or playback based on specific sound recordings, albums, or artists;

''(iii) do not permit the separation of component segments of the copyrighted material contained in the transmission program which results in the playback of a manipulated sequence; and

''(iv) do not permit the redistribution, retransmission or other exporting of a phonorecord embodying all or part of a performance licensed under this section from the device by digital outputs or removable media, unless the destination device is part of a secure in-home network that also complies with each of the requirements prescribed in this paragraph.

''(B) Nothing in this paragraph shall prevent a consumer from engaging in non-automated manual recording and playback in a manner that is not an infringement of copyright.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code (as amended by subsection (b) of this section), is further amended—

(A) in paragraph (1)(B), in the first sentence, by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(B) in paragraph (4)(C), by striking ''under paragraph (4)'' and inserting ''under paragraph (3)''.

(2) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking ''and 114(f)(2)(C)''; and

(B) in clause (iv), by striking ''or 114(f)(2)(C), as the case may be''.

SEC. 3. REGISTER OF COPYRIGHTS MEETING AND REPORT.

(a) MEETING.—Not later than 90 days after the date of enactment of this Act, the Register of Copyrights shall convene a meeting among affected parties to discuss whether to recommend creating a new category of limited interactive services, including an appropriate premium rate for such services, within the statutory license contained in section 114 of title 17, United States Code.

(b) REPORT.—Not later than 90 days after the convening of the meeting under subsection (a), the Register of Copyrights shall submit a report on the discussions at that meeting to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BYRD, Mr. REID, Mr. STEVENS, Mr. KENNEDY, Mr. COCHRAN, Mr. BIDEN, Mrs. CLINTON, Mr. DOMENICI, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. SPECTER, and Mrs. DOLE):

S. 259. A bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am introducing with my dear friend, the senior Senator from Hawaii, DAN INOUYE, and several of our colleagues from both sides of the aisle, a bill paying tribute to one of this body's most loyal servants. The Henry Kuualoha Giugni Kupuna Memorial Archives bill honors Henry K. Giugni, our former Sergeant-at-Arms of the U.S. Senate, through the establishment of cultural and historical digital archives. Mr. Giugni would have turned 82 today, if he were still alive. These archives will enable the sharing and perpetuation of the culture, collective memory, and history of peoples Mr. Giugni so dearly loved.

As many of my colleagues are aware, Henry was a man full of life and loyalty who served our country with distinction. He enlisted in the U.S. Army at the age of 16 after the attack on Pearl Harbor. During World War II he served in combat at the battle of Guadalcanal. Following World War II, he continued to serve the State of Hawaii and our Nation by working as a police officer and firefighter. After nearly a decade of service with Senator INOUYE in the Hawaii territorial legislature, he came to Washington, DC, as the senior Senator's senior executive assistant and then chief of staff for more than 20 years. Mr. Giugni was appointed in 1987 to serve as Sergeant-at-Arms of our revered body—a position that each of my colleagues and I know as crucial to the running of the Senate.

Henry also sought to tear down barriers in society. In 1965 it was Mr. Giugni who represented Senator INOUYE's office, and thus the people of Hawaii, in the famous 1965 Selma to Montgomery civil rights march led by Dr. Martin Luther King, Jr. As Senator INOUYE's chief of staff, Mr. Giugni served as a vital link between the Senator's office and minority groups. He was the first person of color and the first Native Hawaiian to be appointed Senate Sergeant-at-Arms. In this influential position, he sought out capable minorities and women for promotion to ensure that our workforce reflects America. He appointed the first minority, an African-American, to lead the Service Department, and was the first to assign women to the Capitol Police plainclothes unit. Because of his concern about people with disabilities, Mr. Giugni enacted a major expansion of the Special Services Office, which now conducts tours of the U.S. Capitol for the blind, deaf, and wheelchair-bound, and publishes Senate maps and documents in Braille.

Further in his capacity as Sergeant-at-Arms, Henry was the chief law enforcement officer of the U.S. Senate and an able manager of a majority of the Senate's support services. He oversaw a budget of nearly $120 million and approximately 2,000 employees. As Sergeant-at-Arms, Mr. Giugni presided over the inauguration of President George H.W. Bush, and escorted numerous dignitaries on their visits to the U.S. Capitol, including Nelson Mandela, Margaret Thatcher, and Vaclav Havel.

Establishing the Henry Kuualoha Giugni Memorial Archives would be a poignant and appropriate way to honor our loyal friend, colleague, and fellow American, as well as his dear wife Lani, who recently followed him to the great beyond. Henry lived a life full of rich experiences, and along the way he accumulated a wealth of wisdom. His memory and spirit live on, but it is essential we perpetuate his wisdom and

experiences, and those of others like him, so what was learned and accomplished will not be lost to future generations. This is the primary impetus behind creating these archives. There is a dearth of physical archives, museums, or libraries devoted to preserving and perpetuating the history, culture, achievements and collective narratives of indigenous peoples. As one generation passes, a wealth of traditional knowledge could be lost forever. Establishing these archives to perpetuate the traditional knowledge of indigenous peoples such as Henry will ensure that future generations have access to that widsom and, in a sense, will be able to learn from the original sources themselves.

The development of the Internet in managing knowledge in electronic format has enabled the most pervasive storing and sharing of information the world has ever seen. Electronic, digital archives would facilitate the sharing, preservation and perpetuation of the unique native culture, language, tradition and history. These archives will be a source of enduring knowledge, accessible to all. It will help to ensure that the children of today and tomorrow will not be deprived of the rich culture, history and collective knowledge of indigenous peoples. These archives will help to guarantee that the experiences, wisdom and knowledge of kupuna, or elders such as Henry, will not be lost to future generations.

The first section of the Henry Kuualoha Giugni Memorial Archives bill authorizes a grant awarded to the University of Hawaii's Academy for Creative Media for the establishment, maintenance and update of the archives which are to be located at the University of Hawaii. These funds would be used to enable a statewide archival effort which will include the acquisition of a secure, web-accessible repository that will house significant historical and cultural information. This information may include oral histories, collective narratives, photographs, video files, journals, creative works and documentation of practices and customs such as traditional dance and traditional music that were used to convey historical and cultural knowledge in the absence of written language. The funds will enable this important effort by assisting in the purchasing of equipment, hiring of personnel, and establishment of space for the collection and transfer of media, housing the archives, and creating this in-depth database.

The second section of this bill authorizes the use of these grant funds for several different educational activities, many of which are intended to magnify the resourcefulness of these archives and benefit the student populations who will likely access the archives the most. This includes the development of educational materials from the archives that can be used in teaching indigenous students. Despite their focus, these materials are meant to enhance the education of all students, even students from non-native backgrounds. This also includes developing outreach initiatives to introduce the archives to elementary and secondary schools, and as enabling schools to access the archives through the computer.

Grant funds would also be available to help make a college education possible for students who otherwise could not independently afford such an education through scholarship awards. Additionally, funds can be used to address the problem of cultural incongruence in teaching, an issue that impedes effective learning in our Nation's classrooms. Such a lack of congruence exists in a wide range of situations, from rural and underserved communities in remote areas to well-populated urban centers, from my State of Hawaii to areas on the eastern seaboard. The dynamic I am describing exists along lines of race and ethnicity, socioeconomic strata, age, and many other vectors, which can muddy the effective transmission of knowledge. Many of us, especially those from rural, indigenous, or ethnic minority backgrounds, including Henry Giugni, have experienced barriers to learning as we have worked our way through the education system. This bill seeks to improve student achievement by addressing cultural incongruence between teachers and the student population. This will be accomplished by providing professional development training to teachers, enabling them to better communicate with their students.

Finally, as financial illiteracy is a growing problem, especially among college age youth who are exposed to a variety of financial products, funds can be used to increase the economic and financial literacy of college students. This will be accomplished through the propagation of proven best practices that have resulted in positive behavioral change in regards to improved debt and credit management, and economic decision making. Such activities can help to ensure that students stay in school, graduate in a better financial position, and remain disciplined in effectively managing their finances throughout their working and retirement years.

Henry K. Giugni served among us with distinction and honor. I am very grateful to have known him and his family. I encourage all of my colleagues to perpetuate his memory by supporting the Henry Kuualoha Giugni Memorial Archives bill. These archives are the most fitting way we can honor and remember our friend and dear public servant, Henry Kuualoha Giugni.

I ask unanimous consent that the text of the bill be printed in the RECORD and that support letters from University of Hawaii President David McClain and Academy for Creative Media Director Christopher Lee also be printed in the RECORD.

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

S. 259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to our Nation for preservation and access by future generations;

(2) to award scholarships to facilitate access to a college education for students who can not independently afford such education;

(3) to support programmatic efforts associated with the web-based media projects of the archives;

(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students such as Native Hawaiians, Alaskan Natives, and Native American Indians;

(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is culturally congruent with the learning modalities of the kindergarten, elementary school, or secondary school students the teachers are teaching, particularly indigenous students such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

(A) ameliorate the lack of cultural congruence between the teachers and the students the teachers teach; and

(B) improve student achievement; and

(10) to increase the economic and financial literacy of college students through the proliferation of proven best practices used at other institutions of higher education that result in positive behavioral change toward improved debt and credit management and economic decision making.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of the fiscal years 2009 through 2012.

UNIVERSITY OF HAWAI'I,
Honolulu, HI, August 3, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senator, State of Hawai'i, Hart Senate Office Building, Washington DC.

DEAR SENATOR AKAKA: The University of Hawai'i is proud to support the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives as detailed in the Senate Bill reviewed with your staff during my June 2006 visit to Washington, D.C. As you know, Henry Giugni was a great friend of the University of Hawai'i. We were honored to be

able to award him an Honorary Doctorate in Humane Letters from the University of Hawai'i in 2003.

Please add the University of Hawai'i to the growing list of many friends and congressional co-sponsors who have joined with you and Senator Inouye to pay appropriate tribute to a great Hawaiian and a worthy advocate for minorities in government—Henry Kuualoha Giugni. Thank you for this opportunity to express our support for one who was so important to our University 'ohana.

With best wishes and Aloha,

DAVID MCCLAIN,
President.

UNIVERSITY OF HAWAI'I,
ACADEMY FOR CREATIVE MEDIA,
Honolulu, HI, August 21, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senator, State of Hawai'i, Hart Senate Office Building Washington, DC.

DEAR SENATOR AKAKA: The Academy for Creative Media at the University of Hawai'i at Manoa is proud to support, and honored to be designated as the primary home for the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives.

As you know, there is an exciting visual history of Hawai'i that has yet to be collected, documented and archived for the benefit of historians, teachers, students, and all people who embrace the Spirit of Aloha. This is a people's history and archive that will tap deeply into the diversity and multiculturalism of our state.

Unfortunately, much of this rich treasure of moving images on film and video tape is deteriorating with age and cries out to be permanently preserved in a digital archive where it can be readily and interactively accessed by all.

The establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives will enable the creation of a plethora of illustrated oral histories of our beloved elders, create educational programs which can be used to bridge intercultural gaps while embracing an ever wider multicultural society, and empower new generations by grounding them in the richness of values, as reflected by Mr. Giugni, that has defined Hawai'i as the Aloha State.

The Academy for Creative Media stands ready to make this Archive a primary educational center and resource, a living tribute to Henry Kuualoha Giugni and the people of Hawai'i.

Sincerely,

CHRISTOPHER LEE,
Director.

Mr. INOUYE. Mr. President, today I join my partner from Hawaii, Senator AKAKA, and other esteemed colleagues, in lending my support to the Henry Kuualoha Giugni Kupuna Memorial Archives Bill. I offer my support today, on this, the eleventh day of January, Henry's birthday, to herald the significant role that the establishment of these archives will play in shaping the future of a new generation of Americans, just as Henry did during his remarkable tenure as the 30th Sergeant-at-Arms of the United States Senate.

In addition to creating a digital archive and preserving the traditions and culture of Native Hawaiians, this bill will support initiatives critical to the development of Web-based media projects and the creation of educational materials that will richly enhance the educational experience for countless students.

It is my hope that the establishment of these archives will inspire greater academic achievement of indigenous students by sharing with them the stories and histories of accomplished individuals with indigenous backgrounds, such as Henry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation to protect a natural wonder in my home State of New Mexico. A passage within the Fort Stanton Cave contains what can only be described as a magnificent white river of calcite. I am pleased to be joined in this effort again this year by my colleague from New Mexico, Senator BINGAMAN.

Many locals are familiar with the Fort Stanton Cave in Lincoln County, NM. Exploration of the cave dates back to at least the 1850s, when troops stationed in the area began visiting the network of caverns. Exploration continued over the years and in 2001 BLM volunteers discovered a two-mile long continuous calcite formation.

We have not found a formation of this size anywhere else in New Mexico or perhaps even in the United States. Because of the beauty and distinct appearance of this discovery, I continue to be excited about the scientific and educational opportunities associated with the find. This large, continuous stretch of calcite may yield valuable research opportunities relating to hydrology, geology, and microbiology. In fact, there may be no limits to what we can learn from this snow white cave passage.

It is not often that we find something so striking and so significant. I believe this find is worthy of study and our most thoughtful management and conservation.

My legislation does the following: (1) creates a Fort Stanton-Snowy River Cave Conservation Area to protect, secure and conserve the natural and unique features of the Snowy River Cave; (2) instructs the BLM to prepare a map and legal description of the Snowy River cave, and to develop a comprehensive, long-term management plan for the cave area; (3) authorizes the conservation of the unique features and environs in the cave for scientific, educational and other public uses deemed safe and appropriate under the management plan; (4) authorizes the BLM to work with State and other institutions and to cooperate with Lincoln County to address the historical involvement of the local community; (5) protects the caves from mineral and mining leasing operations.

As the people of my home State of New Mexico know, we have many natural wonders, and I am proud to play a role in the protection of this recent unique discovery. I hope my colleagues will join with me in approving the Fort Stanton-Snowy River National Cave Conservation Area Act.

I ask unanimous consent that 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. 260

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 ''Fort Stanton-Snowy River Cave National Conservation Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Fort Stanton-Snowy River Cave National Conservation Area established by section 3(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 4(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. ESTABLISHMENT OF FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton–Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton–Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled ''Fort Stanton–Snowy River Cave National Conservation Area'' and dated November 2005.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 3(a); and

(B) in accordance with—

(i) this Act;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this Act; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) ACTIVITIES OUTSIDE CONSERVATION AREA.—The establishment of the Conservation Area shall not—

(1) create a protective perimeter or buffer zone around the Conservation Area; or

(2) preclude uses or activities outside the Conservation Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Conservation Area.

(e) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this Act, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this Act.

(f) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation of any water right.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act. To establish the Fort Stanton-Snowy River Cave National Conservation Area.

By Ms. CANTWELL (for herself, Mr. ENGLISH, Mr. SPECTER, Mr. DURBIN, Mr. ALLARD, Mr. VITTER, Mr. LEVIN, Ms. COLLINS, Mr. KYL, and Mrs. FEINSTEIN):

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to join with my colleagues, Senators SPECTER and ENSIGN, in reintroducing the Animal Fighting Prohibition Enforcement Act of 2007. This legislation has won the unanimous approval of the Senate several times, but unfortunately has not yet reached the finish line. I look forward to working with my colleagues to see this important bill finally become the law of the land.

There is no doubt, animal fighting is terribly cruel. Dogs and roosters are drugged to make them hyper-aggressive and forced to keep fighting even after suffering severe injuries such as punctured eyes and pierced lungs.

It's all done for ''entertainment'' and illegal gambling. Children are sometimes brought to these spectacles, and the fights are frequently accompanied by illegal drug trafficking and acts of human violence. In 2006, nine murders related to animal fighting occurred across the country.

Some dogfighters steal pets to use as bait for training their dogs, while others allow trained fighting dogs to roam neighborhoods and endanger the public.

The Animal Fighting Prohibition Enforcement Act will strengthen current law by making the interstate transport of animals for the purpose of fighting a felony and increase the punishment to three years of jail time. This is necessary because the current misdemeanor penalty has proven ineffective—considered a ''cost of doing business'' by those in the animal fighting industry which continues unabated nationwide. These enterprises depend on interstate commerce, as I evidenced by the animal fighting magazines that advertise and promote them.

Our bill also makes it a felony to move cockfighting implements in interstate or foreign commerce. These are razor-sharp knives known as ''slashers'' and ice pick-like gaffs designed exclusively for cockfights and attached to the birds' legs for fighting. Cockfighting magazines I and websites contain hundreds of advertisements for mail-order knives and gaffs, revealing a thriving interstate market for the weapons used in cockfights.

This is long overdue legislation. Both the Senate and House approved felony animal fighting provisions in their Farm Bills in 2001, but they were stripped out in conference. The Senate included felony animal fighting provisions in the 2003 Health Forest Bill, but they were again dropped in conference. In September 2004, the Animal Fighting Prohibition Enforcement Act was approved by the House Judiciary Committee, but did not reach the floor. In April 2005, the Senate passed a bill nearly identical to the one we are introducing today, when it unanimously approved S. 382. In May 2006, the House Crime, Terrorism and Homeland Security Subcommittee held a comprehensive hearing on the House companion bill, H.R. 817, which garnered 324 cosponsors but was not considered on the House floor. The legislative history of this animal fighting felony legislation shows it has broad bipartisan support of more than half the Senate, and it has won unanimous approval on the floor time and time again.

It's time to get this felony animal fighting language enacted. With the bird flu threat looming, we can't afford to wait any longer. The economic consequences are staggering—the World Bank projects worldwide losses of $1.5 to $2 trillion. We must be able to say we did all we could to prevent such a pandemic, and this is an obvious, easy and necessary step.

Interstate and international transport of birds for cockfighting is known to have contributed to the spread of avian influenza in Asia and poses a threat to poultry and public health in the United States. According to the World Health Organization and local news reports, at least nine confirmed human fatalities from avian influenza in Thailand and Vietnam may have been contracted through cockfighting activity since the beginning of 2004. Several children are among those who are reported to have died from avian influenza as a result of exposure through cockfighting, including 4-year-old, 6-year-old, and 18-year-old boys in Thailand and a 6-year-old girl in Vietnam.

There have been many news stories focusing on the connection between bird flu and cockfighting. For example, an MSNBC report headlined, ''Cockfights blamed for Thailand bird flu spread.'' A World Health Organization Asia regional spokesperson interviewed recently on the CBS Evening News described the risk of spreading disease through cockfighting with infected animals as a ''total disaster waiting to happen.''

Because human handling of fighting roosters is a regular occurrence, the opportunity of disease transmission from fighting birds to people is substantial. Fighting-bird handlers come into frequent, sustained contact with their birds during training and during organized fights. It is common practice for handlers to suck saliva and blood from roosters' beaks to help clear their airways and enable them to keep fighting.

Cockfighters frequently move birds across State and foreign borders, bringing them to fight in different locations and risking the spread of infectious diseases. Communications in national

cockfighting magazines and websites have shown that U.S. cockfighters regularly transport their birds to and from other parts of the world, including Asia.

The U.S. Department of Agriculture (USDA), in endorsing the Animal Fighting Prohibition Enforcement Act, noted that strengthening current Federal law on the inhumane practice of animal fighting would enhance the agency's ability to safeguard the health of U.S. poultry against deadly diseases such as avian influenza and exotic Newcastle disease (END). The USDA has stated that cockfighting was implicated in an outbreak of END that spread through California and the Southwest in 2002 and 2003. That outbreak cost U.S. taxpayers nearly $200 million to eradicate and cost the U.S. poultry industry many millions more in lost export markets. The costs of an avian influenza outbreak in this country could be much higher—with the Congressional Budget Office estimating losses between 1.5 and 5 percent of GDP ($185 billion to $618 billion).

The National Chicken Council, which represents 95 percent of all U.S. poultry producers and processors, has also endorsed the Animal Fighting Prohibition Enforcement Act, expressing concern that avian influenza and other diseases can be spread by the movement of game birds and that the commercial chicken industry remains under considerable threat because it operates amidst a national network of game bird operations.

Avian influenza has not yet crossed the species barrier in this country, as it has in Asia. But we must do all we can to minimize this risk. Establishing a more meaningful deterrent to illegal interstate and foreign movement of animals for fighting purposes is an obvious step we can take to reduce this risk.

Besides those associated with the poultry industry, this legislation has been endorsed by a number of other organization including the Humane Society of the United States, the American Veterinary Medical Association, the National Coalition Against Gambling Expansion, the League of United Latin American Citizens, the National Sheriffs' Association, and more than 400 individual sheriffs and police departments covering every State in the country. Those law enforcement agencies recognize that animal fighting often involves the movement of animals across State and foreign borders, so they can't do the job on their own. They need the Federal Government to do its part to help curb this dangerous activity.

Our legislation does not expand the federal government's reach into a new area, but simply aims to make current law more effective. It is explicitly limited to interstate and foreign commerce, so it protects States' rights in the two States where cockfighting is still allowed, and it protects States' rights the other 48 States—and all 50, for dogfighting—where weak Federal law is compromising their ability to keep animal fighting outside their borders.

The bill we introduce today is identical to S. 382, which passed the Senate unanimously in the last Congress, except for one change. The new bill provides for up to three years' jail time, compared to two in S. 382, in order to bring this more in line with penalties for other federal animal cruelty-related felonies. For example, in 1999, Congress authorized imprisonment of up to 5 years for interstate commerce in videos depicting animal cruelty, including animal fighting, P.L. 106–152, and mandatory jail time of up to 10 years for willfully harming or killing a federal police dog or horse (P.L. 106–254).

With every week, there are new reports of animal fighting busts, as local and state law enforcement struggle to rein in this thriving industry. In my own State of Washington, police arrested 5 people on Christmas Day at a cockfight in Brewster, and about 50 people ran off, according to recent news accounts. Three days later, six more were arrested in Okanogan for promoting cockfighting. And nine people were arrested in Tacoma last spring, where investigators seized methamphetamines, marijuana, weapons, thousands of dollars, and fighting roosters.

It's time for Congress to strengthen the federal law so that it can provide as a meaningful deterrent against animal fighting. State and local law enforcement will have a tough law on the books necessary to help them crack down on this interstate industry. I thank my colleagues for their support, and look forward to working with them to finally enacting this common-sense measure into law.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. REID, Mrs. FEINSTEIN, Mrs. BOXER, Mr. BAUCUS, Mrs. MURRAY, and Ms. CANTWELL)

S. 267. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Native American Methamphetamine Enforcement and Treatment Act of 2007.

Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants in some of the newly-authorized grant programs. The bill I am introducing today, along with Senators SMITH, REID, BAUCUS, FEINSTEIN, BOXER, FEINGOLD, CANTWELL, and MURRAY, would simply ensure that tribes are able to apply for these funds and give Native American communities the resources they need to fight scourge of methamphetamine use.

The recently-enacted Combat Methamphetamine Epidemic Act of 2005 authorized new funding for three grant programs. The Act authorized $99 million in new funding for the COPS Hot Spots program, which helps local law enforcement agencies obtain the tools they need to reduce the production, distribution, and use of meth. Funding may also be used to clean up meth labs, support health and environmental agencies, and to purchase equipment and support systems.

The Act also authorized $20 million for a Drug-Endangered Children grant program to provide comprehensive services to assist children who live in a home in which meth has been used, manufactured, or sold. Under this program, law enforcement agencies, prosecutors, child protective services, social services, and health care services, work together to ensure that these children get the help they need.

In addition, the Combat Meth Act authorized grants to be made to address the use of meth among pregnant and parenting women offenders. The Pregnant and Parenting Offenders program is aimed at facilitating collaboration between the criminal justice, child welfare, and State substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependent children.

Although Tribes are eligible applicants under the Pregnant and Parenting Offenders program, they were not included as eligible applicants under either the Hot Spots program or the Drug-Endangered Children program. I see no reason why tribes should not be able to access all of these funds.

Meth use has had a devastating impact in communities throughout the country, and Indian Country is no exception. According to NCAI, Native Americans have the highest meth abuse rate among any ethnic group and 70 percent of law enforcement rate meth as their greatest challenge—indeed, a FBI survey found that an estimated 40 percent of violent crime in Indian Country was related to meth use. And last year there was an article in the Gallup Independent newspaper about a Navajo grandmother, her daughter, and granddaughter, who were all arrested for selling meth. There was also a one-year-old child in the home when police executed the arrest warrant. It is absolutely disheartening to hear about cases such as this, with three generations of a family destroyed by meth.

I strongly believe that we need to do everything we can to assist communities as they struggle to deal with the consequences of meth, and ensuring that Native American communities are able to access these funds is an important first step. I hope my colleagues will join me in supporting this important measure.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. ISAKSON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 269. A bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 270. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mrs. HUTCHISON, and Mr. KERRY):

S. 271. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce a series of proposals that, once enacted, will reduce not only the amount of taxes that small businesses pay, but also the administrative burdens which saddle small companies trying to comply with the tax laws. Small businesses are the engine that drives our Nation's economy and I believe these proposals strengthen their ability to lead the way. I am pleased to be joined by colleagues from both sides of the aisle as we work to move these important initiatives for small businesses from legislation to law.

A top priority I hear from small businesses across Maine is the need for tax relief. Despite the fact that small businesses are the real job-creators for Maine's and our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current tax code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and record-keeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs; an amount that is nearly 67 percent more than larger firms.

For that reason, I am introducing a package of proposals that will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the tax code. By simplifying the tax code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I am introducing legislation today in response to the repeated requests from small businesses in Maine and from across the nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount a small business can expense from $100,000 to $200,000, and make the provision permanent as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent new jobs and contributing 51 percent of private-sector output, their size is the only 'small' aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting five, seven or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small business and the economy as a whole and I am please to have Senators LOTT, ISAKSON, CHAMBLISS, and COLLINS join me as cosponsors of this legislation.

Another proposal that I am introducing with Senator LINCOLN, the Small Business Tax Flexibility Act of 2007, will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The tax code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as along as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

To provide relief and equity to our nation's 1.5 million retail establishments, most of which have less than five employees, I am introducing a bill with Senators LINCOLN, HUTCHISON, and KERRY that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which means it excludes retailers that also own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the tax codes to the realities that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 39-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every five to seven years to reflect changes in customer base and compete with newer stores. Moreover, many improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. I urge my colleagues to join me in supporting these proposals.

I ask unanimous consent that the the text of these bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE AND PERMANENT EXTENSION FOR EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2010)'' and inserting ''$200,000''.

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation) is amended by striking ''$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2010)'' and inserting ''$800,000''.

(c) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''after 2003 and before 2010'' and inserting ''after 2007'', and

(B) by striking ''the $100,000 and $400,000 amounts'' and inserting ''the $200,000 and $800,000 amounts'', and

(2) in clause (ii), by striking ''calendar year 2002'' and inserting ''calendar year 2006''.

(d) REVOCATION OF ELECTION.—Section 179(c)(2) of such Code (relating to election irrevocable) is amended to read as follows:

''(2) REVOCABILITY OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.''.

(e) OFF-THE-SHELF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code (relating to section 179 property) is amended by striking ''and before 2010''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 270

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 ''Small Business Tax Flexibility Act of 2007''.

SEC. 2. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

(a) IN GENERAL.—Part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to accounting periods) is amended by inserting after section 444 the following new section:

''SEC. 444A. QUALIFIED SMALL BUSINESSES ELECTION OF TAXABLE YEAR ENDING IN A MONTH FROM APRIL TO NOVEMBER.

''(a) GENERAL RULE.—A qualified small business may elect to have a taxable year, other than the required taxable year, which ends on the last day of any of the months of April through November (or at the end of an equivalent annual period (varying from 52 to 53 weeks)).

''(b) YEARS FOR WHICH ELECTION EFFECTIVE.—An election under subsection (a)—

''(1) shall be made not later than the due date (including extensions thereof) for filing the return of tax for the first taxable year of the qualified small business, and

''(2) shall be effective for such first taxable year or period and for all succeeding taxable years of such qualified small business until such election is terminated under subsection (c).

''(c) TERMINATION.—

''(1) IN GENERAL.—An election under subsection (a) shall be terminated on the earliest of—

''(A) the first day of the taxable year following the taxable year for which the entity fails to meet the gross receipts test,

''(B) the date on which the entity fails to qualify as an S corporation, or

''(C) the date on which the entity terminates.

''(2) GROSS RECEIPTS TEST.—For purposes of paragraph (1), an entity fails to meet the gross receipts test if the entity fails to meet the gross receipts test of section 448(c).

''(3) EFFECT OF TERMINATION.—An entity with respect to which an election is terminated under this subsection shall determine its taxable year for subsequent taxable years under any other method that would be permitted under subtitle A.

''(4) INCOME INCLUSION AND DEDUCTION RULES FOR PERIOD AFTER TERMINATION.—If the termination of an election under paragraph (1)(A) results in a short taxable year—

''(A) items relating to net profits for the period beginning on the day after its last fiscal year-end and ending on the day before the beginning of the taxable year determined under paragraph (3) shall be includible in income ratably over the 4 taxable years following the year of termination, or (if fewer) the number of taxable years equal to the fiscal years for which the election under this section was in effect, and

''(B) items relating to net losses for such period shall be deductible in the first taxable year after the taxable year with respect to which the election terminated.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SMALL BUSINESS.—The term 'qualified small business' means an entity—

''(A)(i) for which an election under section 1362(a) is in effect for the first taxable year or period of such entity and for all subsequent years, or

''(ii) which is treated as a partnership for the first taxable year or period of such entity for Federal income tax purposes,

''(B) which conducts an active trade or business or which would qualify for an election to amortize start-up expenditures under section 195, and

''(C) which is a start-up business.

''(2) START-UP BUSINESS.—For purposes of paragraph (1)(C), an entity shall be treated as a start-up business so long as not more than 75 percent of the entity is owned by any person or persons who previously conducted a similar trade or business at any time within the 1-year period ending on the date on which such entity is formed. For purposes of the preceding sentence, a person and any other person bearing a relationship to such person specified in section 267(b) or 707(b)(1) shall be treated as one person, and sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse and the individual's children under the age of 21.

''(3) REQUIRED TAXABLE YEAR.—The term 'required taxable year' has the meaning given to such term by section 444(e).

''(e) TIERED STRUCTURES.—The Secretary shall prescribe rules similar to the rules of section 444(d)(3) to eliminate abuse of this section through the use of tiered structures.''.

(b) CONFORMING AMENDMENT.—Section 444(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''section,'' and inserting ''section and section 444A''.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter E of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 444 the following new item:

''Sec. 444A. Qualified small businesses election of taxable year ending in a month from April to November.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) 15-YEAR RECOVERY PERIOD.—Subparagraph (E) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property.''.

(b) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Subsection (e) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the trade or business of selling tangible personal property or services to the general public; and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator, or

''(iii) the internal structural framework of the building.''.

(c) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(d) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified retail improvement property placed in service after the date of the enactment of this Act.

By Mr. COLEMAN:

S. 272. A bill to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes; to the Committee on Environment and Public Works.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today—to amend Public Law 87–383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to preservation of migratory waterfowl, and for other purposes—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. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FUNDS FOR CONSERVATION OF MIGRATORY WATERFOWL AND HABITAT.

The first section of Public Law 87–383 (16 U.S.C. 715k–3) is amended—

(1) by striking ''That in'' and inserting the following:

''SECTION 1. AUTHORIZATION OF FUNDS FOR CONSERVATION OF MIGRATORY WATERFOWL HABITAT.

''(a) IN GENERAL.—In'';

(2) by striking ''for the period'' and all that follows through the end of the sentence and inserting ''$400,000,000 for the period of fiscal years 2008 through 2017.''; and

(3) by adding at the end the following:

''(b) ADVANCE TO MIGRATORY BIRD CONSERVATION FUND.—Funds appropriated pursuant to this Act shall be treated as an advance, without interest, to the Migratory Bird Conservation Fund.

''(c) REPAYMENT TO TREASURY.—

''(1) IN GENERAL.—Effective beginning July 1, 2008, funds appropriated pursuant to this Act shall be repaid to the Treasury out of the Migratory Bird Conservation Fund.

''(2) AMOUNTS.—Repayment under this subsection shall be made in annual amounts that are equal to the funds accruing annually to the Migratory Bird Conservation Fund that are attributable to the portion of the price of migratory bird hunting stamps sold that year that is in excess of $15 per stamp.''.

SEC. 2. SENSE OF CONGRESS REGARDING THE USE OF CERTAIN FUNDS.

It is the sense of Congress that—

(1) the funds provided pursuant to the amendments made by this Act—

(A) should be used for preserving and increasing waterfowl populations in accordance with the goals and objectives of the North American Waterfowl Management Plan; and

(B) to that end, should be used to supplement and not replace current conservation funding, including funding for other Federal and State habitat conservation programs; and

(2) this Act and the amendments made by this Act should be implemented in a manner that helps private landowners achieve long-term land use objectives in a manner that enhances the conservation of wetland and wildlife habitat.

By Mr. SPECTER:

S. 273. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Prescription Drug and Health Improvement Act of 2007 to reduce the high prices of prescription drugs for Medicare beneficiaries. I introduced a similar version of this bill in the 108th and the 109th Congress, S. 2766 and S. 813, respectively.

Americans, specifically senior citizens, pay the highest prices in the world for brand-name prescription drugs. With 46.6 million uninsured Americans and many more senior citizens without an adequate prescription drug benefit, filling a doctor's prescription is unaffordable for many people in this country. The United States has the greatest health care system in the world; however, too many seniors are forced to make difficult choices between life-sustaining prescription drugs and daily necessities.

The Centers for Medicare and Medicaid Services report that in 2005, per capita spending on prescription drugs rose approximately 7 percent, with a similar rate of growth expected for this year. Much of the increase in drug spending is due to higher utilization and the shift from older, lower cost drugs to newer, higher cost drugs. However, rapidly increasing drug prices are a critical component.

High drug prices, combined with the surging older population, are also taking a toll on State budgets and private sector health insurance benefits. Medicaid spending on prescription drugs rose by 7.5 percent between 2004 and 2005. Until lower priced drugs are available, pressures will continue to squeeze public programs at both the State and Federal level.

To address these problems, my legislation would reduce the high prices of prescription drugs to seniors by repealing the prohibition against interference by the Secretary of Health and Human Services (HHS) with negotiations between drug manufacturers, pharmacies, and prescription drug plan sponsors and instead authorize the Secretary to negotiate contracts with manufacturers of covered prescription drugs. It will allow the Secretary to use Medicare's large beneficiary population to leverage bargaining power to obtain lower prescription drug prices for Medicare beneficiaries.

Price negotiations between the Secretary of HHS and prescription drug manufacturers would be analogous to the ability of the Secretary of Veterans Affairs to negotiate prescription drug prices with manufacturers. This bargaining power enables veterans to receive prescription drugs at a significant cost savings. According to the National Association of Chain Drug Stores, the average ''cash cost'' of a prescription in 2005 was $51.89. The average cost in the Veterans Affairs (VA) health care system in fiscal year 2006 was $28.61.

In the 108th Congress, in my capacity as chairman of the Veterans' Affairs Committee, I introduced the Veterans Prescription Drugs Assistance Act, S. 1153, which was reported out of committee, but was not considered before the full Senate. In the 109th Congress, I again introduced the Veterans Prescription Drugs Assistance Act, S. 614, which was not reported out of committee.

This legislation will broaden the ability of veterans to access the Veterans Affairs' Prescription Drug Program. Under my bill, all Medicare-eligible veterans will be able to purchase medications at a tremendous price reduction through the Veterans Affairs' Prescription Drug Program. In many cases, this will save veterans who are Medicare beneficiaries up to 50 percent on the cost of prescribed medications, a significant savings for veterans. Similar savings may be available to America's seniors from the savings achieved using the HHS bargaining power, like the Veterans Affairs bargaining power for the benefit of veterans. These savings may provide America's seniors with fiscal relief from the increasing costs of prescription drugs.

I believe this bill can provide desperately needed access to inexpensive, effective prescription drugs for America's seniors. The time has come for concerted action in this arena. I urge my colleagues to move this legislation forward promptly.

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. 273

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 ''Prescription Drug and Health Improvement Act of 2007''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) NEGOTIATING FAIR PRICES.—

(1) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(b) HHS REPORTS COMPARING NEGOTIATED PRESCRIPTION DRUG PRICES AND RETAIL PRESCRIPTION DRUG PRICES.—Beginning in 2008, the Secretary of Health and Human Services shall regularly, but in no case less often than quarterly, submit to Congress a report that compares the prices for covered part D drugs (as defined in section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)) negotiated by the Secretary pursuant to section 1860D–11(i) of such Act (42 U.S.C. 1395w–111(i)), as amended by subsection (a), with the average price a retail pharmacy would charge an individual who does not have health insurance coverage for purchasing the same strength, quantity, and dosage form of such covered part D drug.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LEAHY, Mr. VOINOVICH, Mr. CARPER, Mr. DURBIN, Mr. PRYOR, and Mr. LAUTENBERG):

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the Federal Employee Protection of Disclosures Act, which will make much needed changes to the Whistleblower Protection Act, WPA. I am pleased once again to be

joined in this effort by Senators COLLINS, GRASSLEY, LEVIN, LIEBERMAN, LEAHY, VOINOVICH, CARPER, DURBIN, PRYOR, and LAUTENBERG.

Senator LEVIN and I first introduced this legislation in 2000. In the House, Representatives HENRY WAXMAN and TOM DAVIS, the chairman and ranking member of the House Government Reform Committee, and Representative TODD PLATTS, who has sponsored companion legislation since 2003, have been working to enact strong whistleblower protections.

Over the years, we've worked to educate our colleagues on the need to strengthen the WPA and build consensus for the legislation. I'm especially pleased that last year our bill passed the Senate by unanimous consent as an amendment to the fiscal year 2007 Defense Authorization Act. While the measure was removed with other non-defense specific material in conference, I believe the Senate's action will provide the momentum to make a real difference for Federal whistleblowers in the 110th Congress.

We agree that to ensure the success of any government program there must be appropriate checks in place to weed out mismanagement and wasteful spending. A strong and vibrant WPA is a critical tool in saving taxpayer money and ensuring an open government.

The Federal Employee Protection of Disclosures Act addresses many court decisions that have eroded protections for Federal employees and have ignored congressional intent. Our legislation ensures that Federal whistleblowers are protected from retaliatory action when notifying the public and government leaders of waste, fraud, and abuse. If we fail to protect whistleblowers, then our efforts to improve government management, protect the public, and secure the nation will also fail.

The legislation: clarifies congressional intent that Federal employees are protected for any disclosure of waste, fraud, or abuse—including those made as part of an employee's job duties; provides an independent determination as to whether the loss or denial of a security clearance is retaliation against a whistleblower; and suspends the Federal Circuit Court of Appeals' sole jurisdiction over Federal employee whistleblower cases for 5 years, which would ensure a fuller review of a whistleblower's claim.

Given that the United States will be fighting the war on terror for years to come and that funding such operations requires significant resources, it is imperative that government funds are spent wisely. That is why Federal employees must be confident that they can disclose government waste, fraud, and abuse without fear of retaliation. Restoring credibility to the WPA is no less than a necessity. I look forward to working with my colleagues to pass this critical legislation.

I ask unanimous consent that the text of the legislation 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. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement

shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 275. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I'm pleased to reintroduce today with Senator DOMENICI a bill we introduced last Congress. The Prehistoric Trackways National Monument Establishment Act would protect a site of worldwide scientific significance in the Robledo Mountains in my State. The bill would create a national monument to preserve and allow for the continuing scientific investigation of this remarkable ''megatracksite'' of 280,000,000 year-old fossils. The Energy Committee held a hearing last year where the Bureau of Land Management testified in support; in addition the bill has the support of the local community. I appreciate Senator DOMENICI's support on this measure and hope that with the progress we made last Congress we can look forward to moving the bill quickly through the Senate this year.

The vast tidal mudflats that made up much of modern New Mexico 60 million years before the dinosaurs preserved the marks of some of the earliest life on our planet to make its way out of the ocean. The fossil record of this time is scattered throughout New Mexico but, until this discovery, there were few places where the range of life and their interactions with each other could be studied.

Las Cruces resident Jerry MacDonald first brought the find to light in 1988 when he revealed that there was far more to be found in the Robledos than the occasional fossil that local residents had been seeing for years. The trackways he hauled out on his back, some over 20 feet long, showed that there was a great deal of useful information buried in the rock there. These trackways help complete the puzzle of how these ancient creatures lived in a way that we cannot understand from only studying their fossilized bones.

Senator DOMENICI and Representative Skeen joined me in creating legislation, passed in 1990, to protect the area and study its scientific value. In 1994, scientists from the New Mexico Museum of Natural History and Science, the University of Colorado, and the Smithsonian Institution completed their study and documented the significant scientific value of the find. Particularly owing to the quality of the specimens and the wide range of animals that had left their imprint there the study found that the site was of immense scientific value. The study concluded, in part, ''[t]he diversity, abundance and quality of the tracks in the Robledo Mountains is far greater than at any other known tracksite or aggregation of tracksites. Because of this, the Robledo tracks allow a wide range of scientific problems regarding late Paleozoic tracks to be solved that could not be solved before.'' This bill would take the next logical step to follow up from these efforts and set in place permanent protections and allow for scientific investigation of these remarkable resources.

In addition to permanently protecting the fossils for the scientific community the bill would make it a priority that local residents get the opportunity to see these unique specimens and participate in their curation. This should provide a unique scientific and educational opportunity to Las Cruces and the surrounding community.

I look forward to working with my colleagues to protect these important resources and allow for their continuing contribution to our understanding of life on the ancient earth.

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. 275

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 ''Prehistoric Trackways National Monument Establishment Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term ''Monument'' means the Prehistoric Trackways National Monument established by section 4(a).

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing ''the most scientifically significant Early Permian tracksites'' in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,367 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled ''Prehistoric Trackways National Monument'' and dated June 1, 2006.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 4(a); and

(B) in accordance with—

(i) this Act;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(3) PROTECTION OF RESOURCES AND VALUES.—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the Monument.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this Act; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 4(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument, including the ''Chile Challenge''—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) HUNTING.—

(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of New Mexico with respect to fish and wildlife management, including regulation of hunting on public land within the Monument.

(2) REGULATIONS.—The Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones in which and establishing periods during which hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(j) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DOMENICI. Mr. President, the fossilized trackways near Las Cruces, New Mexico, in Dona Ana County came to my attention in the early 1990's. During the 101st Congress, I cosponsored Senator BINGAMAN's legislation that directed the Bureau of Land Management to study and report on the significance of the prehistoric sites near the Robledo Mountains.

I believe our Federal lands are truly national treasures, and I understand the challenges we face in managing our public lands in a responsible and environmentally sensitive manner. Local leaders, special interest groups, multiple users, New Mexico State University, and the Bureau of Land Management, BLM, have identified many land issues in the Las Cruces area that need to be addressed. The trackways are but one of these issues that can and should be addressed in the context of a broader lands bill. I continue to believe that introduction of comprehensive or omnibus legislation is a preferable approach, rather than the introduction of individual bills to deal with each separate issue.

The trackways are a remarkable resource that need and deserve protection, and I support the intent of this bill. While I am very supportive of the overall goal to protect these prehistoric trackway sites, there are several particulars in this bill that I do not fully embrace and on which I want to continue to work with Senator BINGAMAN, such as ensuring that we authorize all uses in the area that are not inconsistent with the purposes of the bill, and reworking the section regarding BLM authority with respect to hunting activities. As we work through the legislative process, I look forward to working with Senator BINGAMAN to accomplish the objective of protecting the prehistoric trackway sites, while at the same time addressing some of the broader Federal land issues in Dona Ana County.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 276. A bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senator SESSIONS and I are introducing legislation today that will enhance our national security by expanding and strengthening the current passport and visa fraud laws.

The Passport and Visa Security Act bill adds much needed law to punish trafficking in passports and visas and clarifies the current criminal law. It also punishes those who engage in schemes to defraud immigrants based on changes in the immigration law.

This bill is an improved version of a bill Senator SESSIONS and I introduced in the 109th Congress. We both have long been concerned about the need to strengthen our national security by strengthening our document fraud laws.

In fact, we introduced our passport fraud bill well before the comprehensive immigration reform bill was passed in the Senate last Spring.

For that reason, I was pleased that the comprehensive immigration reform bill contained important document fraud provisions. This bill builds on those provisions.

The evidence has shown repeatedly that false immigration documents provide a gateway for organized crime and terrorism. The need to take action against this crime is clear.

For too long, the Federal Government has moved too slowly—or not at all—to enhance our border security. According to the 9/11 National Commission Staff Report on Terrorist Travel, prior to September 11, 2001, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal.

Still today, over five years since the tragic attacks on September 11, the Federal Government has failed to devote sufficient time, technology, personnel and resources to make border security a cornerstone of our national security policy.

Last year, Congress passed a law to build a border fence. I believe this law was an important first step, but a fence alone cannot sufficiently protect our vulnerable borders.

In fact, as the 9/11 Commission report demonstrates, individuals with fraudulent documents can pose a far greater threat to our national security than those traveling with no documents at all.

Fraudulent documents give criminals free reign to create a new identity and to plan and carry out attacks in the United States.

We know, for example, that at least two of the 9/11 hijackers used passports that were altered when they entered this country and as many as 15 of the 19 hijackers could have been intercepted by border officials, based in part on their travel documents.

The 9/11 Commission Report detailed the way the terrorist operatives carefully selected the documents they used for travel—most often relying on fraudulent ones.

The terrorists altered passports by substituting photographs, adding false visas, bleaching stamps, and by substituting pages.

The terrorists devoted extensive resources to acquiring and manipulating passports—all to avoid detection of their nefarious activities and objectives.

Today, over five years later, Interpol reports that they have records of more than 12 million stolen and lost travel documents from 113 different countries. These are only the ones we know about.

Interpol estimates that 30 to 40 million travel documents have been stolen worldwide.

We know that over the past few years, passport and visa forgery has become even easier thanks to home computers, digital photography, scanners and color laser printing.

News articles document that passport and visa fraud has become so lucrative that gangs are offering franchises in the multimillion-dollar scam to forgers.

Unfortunately, it's not only foreign passports that can be forged. Forged and fraudulent United States passports can be the most dangerous when in the wrong hands.

With a U.S. passport, criminals can establish American citizenship and have unlimited access to virtually every country in the world.

It's no surprise, then, that passport and visa fraud are often linked to other, very serious crimes in the United States and abroad: narcotics trafficking, organized crimes, money laundering, human trafficking, and identity theft.

For example, this past December, the son of former Liberian President Charles Taylor, Charles McArthur Emmanuel, who headed a violent paramilitary unit in his father's government, was sentenced in Miami for passport fraud.

A day later, a Federal grand jury indicted him on charges of torture and conspiracy involving acts committed in Liberia in 2002.

Emmanuel, also known as Charles ''Chuckie'' Taylor and Roy Belfast Jr., was on Interpol's Most Wanted list and the United Nations travel watch list.

Nevertheless, he escaped detection by falsifying his passport application, ultimately gaining easy entry and exit from the United States while he perpetrated his crimes.

Despite evidence that these crimes are widespread and that millions of travel documents are on the black market, in 2004, the State Department's Diplomatic Security Service reports that it made about 500 arrests for passport fraud, with only 300 convictions.

For these reasons, Senator SESSIONS and I are introducing a bill today to strengthen current passport and visa laws in a number of key ways.

First, this bill adds two new laws with strong penalties to punish those who traffic in fraudulent travel documents. The current law makes no distinction between those caught with multiple false travel documents—the very worst offenders who are often part of organized crime rings—and those with only one false document. Our bill would change that.

The bill also updates the current travel document fraud laws—using plain language advocated for by the practitioners that passed the Senate as part of the comprehensive immigration reform bill.

Thirdly, the bill adds provisions to the current passport and visa fraud laws to ensure that conspiracies and attempts to commit these crimes are investigated and prosecuted just as vigorously as the completed crime.

Fourth—the bill makes explicit that there is extraterritorial jurisdiction over these offenses, so that individuals who counterfeit travel documents while abroad but are caught trying to enter the United States are still subject to prosecution.

The bill also directs the U.S. Sentencing Guidelines Commissions to reconsider the relatively low sentencing guidelines to reflect the potential seriousness of these crimes.

Currently, offenders who engage in passport or visa fraud generally serve less than a year imprisonment, providing little incentive for U.S. Attorney's Offices to expend scarce resources in prosecuting these crimes.

Finally, the bill creates a law to punish sham attorneys who cheat immigrants out of thousands of dollars by preying on their fears that they could be forced to leave the country. We know that when Congress discusses changing the immigration law, scam artists target and exploit these vulnerable populations. These crimes should not go unpunished.

This bill provides much needed reform. It strengthens the security of documents used to illegally gain entry to this country and empowers the agents and prosecutors who enforce our borders to take swift and strong action against these criminals.

I ask my colleagues to join Senator SESSIONS and me in supporting this legislation.

I ask unanimous consent that a bill summary and the text of this bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE PASSPORT AND VISA SECURITY ACT OF 2007

BILL SUMMARY

Adds two new crimes to penalize the trafficking in 10 or more passports or visas and creates a 20 year maximum penalty for violating these provisions. Under current law, there is no specific provision punishing the trafficking of multiple fraudulent documents and each document must be prosecuted individually.

Simplifies the language of the current passport and visa fraud laws, specifically by changing the required criminal intent from ''knowingly and wilfully'' to ''knowingly.'' The maximum penalty for committing these crimes is amended from 10 years for a first or second offense and 15 years in the case of any other offense to simply 15 years.

Creates a new crime that would penalize those who engage in schemes to defraud aliens in connection with matters authorized by or arising under Federal immigration laws.

Clarifies existing law that the maximum sentence for passport fraud, when used to facilitate a drug trafficking crime, is 20 years; and the maximum sentence for passport fraud, when used to facilitate an act of international terrorism is 25 years. (This change is technical, not substantive, as these are the maximum penalties already in the individual sections of the criminal code.)

Adds language to punish conspiracies and attempts to commit passport fraud and other false document crimes.

Makes explicit that there is extraterritorial jurisdiction over these offenses, so that the United States can prosecute individuals who may have committed a passport fraud crime while abroad (e.g., the law would reach someone who manufactures fake passports in Cameroon and is arrested in the United States).

Adds a definitional section to clarify the terms used in these laws.

Directs the U.S. Sentencing Guidelines Commissions to reconsider the current low sentencing guidelines to reflect the potential seriousness of these crimes and the changes made by this bill.

Creates a rebuttable presumption that a person who commits one of these crimes, or who is found to be unlawfully in the country after having already been ordered deported, is to be detained pending trial.

Adds language directing the Attorney General to create binding regulations to ensure that the prosecution of these crimes is in keeping with current U.S. treaty obligations relating to refugees (which states that refugees carrying false passports should not be prosecuted) without creating a private right of action to enforce this provision.

Clarifies that the Diplomatic Security Service (of the State Department) has authority to investigate these new and revised crimes (using the language found in the 109th Congress Senate passed immigration bill, S. 2611). The Diplomatic Security Service currently investigates passport fraud, this section just clarifies their authority to do so.

Clarifies that the same statute of limitations (10 years) applies to all of the offenses

added or modified by this bill—again incorporating language from the 109th Congress Senate passed immigration bill, S. 2611.

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Passport and Visa Security Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—REFORM OF PASSPORT FRAUD OFFENSES

SEC. 101. TRAFFICKING IN PASSPORTS.

Section 1541 of title 18, United States Code, is amended to read as follows:

''§ 1541. Trafficking in passports

''(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more passports;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.''.

SEC. 102. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.

Section 1542 of title 18, United States Code, is amended to read as follows:

''§ 1542. False statement in an application for a passport

''(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) VENUE.—

''(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

''(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

''(B) in which or to which the application was mailed or presented.

''(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

''(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.''.

SEC. 103. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.

Section 1543 of title 18, United States Code, is amended to read as follows:

''§ 1543. Forgery and unlawful production of a passport

''(a) FORGERY.—Any person who knowingly—

''(1) forges, counterfeits, alters, or falsely makes any passport; or

''(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

''(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 104. MISUSE OF A PASSPORT.

Section 1544 of title 18, United States Code, is amended to read as follows:

''§ 1544. Misuse of a passport

''Any person who knowingly—

''(1) uses any passport issued or designed for the use of another;

''(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 105. SCHEMES TO DEFRAUD ALIENS.

Section 1545 of title 18, United States Code, is amended to read as follows:

''§ 1545. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

''(1) defraud any person; or

''(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 106. IMMIGRATION AND VISA FRAUD.

Section 1546 of title 18, United States Code, is amended to read as follows:

''§ 1546. Immigration and visa fraud

''(a) IN GENERAL.—Any person who knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

''(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

''(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

''(2) an identification document knowing (or having reason to know) that the document is false; or

''(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 107. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''(other than an offense under section 1545)'';

(2) in paragraph (1), by striking ''15'' and inserting ''20''; and

(3) in paragraph (2), by striking ''20'' and inserting ''25''.

SEC. 108. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

''§ 1548. Attempts and conspiracies

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

''§ 1549. Additional jurisdiction

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

''(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

''(6) the offender is a stateless person whose habitual residence is in the United States.

''§ 1550. Authorized law enforcement activities

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91–452; 84 Stat. 933).

''§ 1551. Definitions

''As used in this chapter:

''(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

''(2) The term 'false statement or representation' includes a personation or an omission.

''(3) The term 'immigration document'—

''(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

''(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

''(4) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

''(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(6) The term 'passport' means—

''(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

''(B) any instrument purporting to be a document described in subparagraph (A).

''(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

''(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

''(A) any officially authorized use;

''(B) use to travel;

''(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

''(D) use to seek or maintain employment; or

''(E) use in any matter within the jurisdiction of the Federal government or of a State government.''.

SEC. 109. CLERICAL AMENDMENT.

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

''Sec
''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Alternative imprisonment maximum for certain offenses.
''1548. Attempts and conspiracies.
''1549. Additional jurisdiction.
''1550. Authorized law enforcement activities.
''1550. Definitions.''.

TITLE II—OTHER REFORMS

SEC. 201. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

SEC. 202. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

''(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under chapter 75 of this title.''.

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

SEC. 203. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

SEC. 204. DIPLOMATIC SECURITY SERVICE.

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;''.

SEC. 205. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

''§ 3291. Immigration, passport, and naturalization offenses

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

''3291. Immigration, passport, and naturalization offenses''.

Mr. SESSIONS. Mr. President, I want to thank my colleague Senator Feinstein for her hard work on document security issues. She currently serves as the Chair of the Judiciary Committee's Terrorism Subcommittee, Senator KYL is Ranking Member, and I am looking forward to working with her on the document security that issues I am sure our subcommittee will address this Congress.

This year will mark the 3rd year Senator FEINSTEIN and I have worked together on legislation aimed at making it easier to prosecute people trying to enter the U.S. with fraudulent documents.

One of the most dangerous document security issues we face is how to keep passports and visas out of the hands of the people we don't want to have them.

As a 2004 U.S. News and World Report article rightly stated, ''When it comes to terrorists' most valuable weapons, passports and visas probably rank higher than bullets and bombs.'' A 2004 study done by the Department of Homeland Security Office of Inspector General titled ''A Review of the Use of Stolen Passports From Visa Waiver Countries to Enter the United States,'' found that ''[there are] over 10 million lost or stolen passports that might be in circulation.'' As background for the report, the Forensics Documents Laboratory informed the Office of the Inspector General that ''criminals consider a passport'' from a Visa Waiver Country ''a very valuable commodity.''

To keep out terrorists and others we do not want to allow into the United States, we must be able to identify and effectively prosecute people who lie or give us fraudulent information to obtain a U.S. visa or a passport.

Additionally, we must be able to identify and effectively prosecute people trying to enter the U.S. with a passport or visa that belongs to someone else.

Perhaps most importantly, we must effectively prosecute those possessing multiple passports and visas they intend to distribute to others. We must be able to take these ''career'' document traffickers, those caught with more than 10 fraudulent passports or visas, off the streets.

Under current law, violators are not being prosecuted effectively because there is no statute that specifically makes trafficking in multiple (10 or more) documents its own crime. This bill will add that new crime—punishable by 20 years in jail—to the passport and visa fraud sections of the criminal code.

In addition to creating a new crime to penalize trafficking in 10 or more fraudulent immigration documents, 20 year maximum sentence, Title I of the bill simplifies the language of several of the current passport fraud provisions of the criminal code and changes the maximum penalties for these offenses from 10 years for the first offense and 15 years for subsequent offenses, to simply 15 years for each offense.

The bill also includes a new protection for immigrants. Anyone who engages in a scheme to defraud them in connection with matters under Federal immigration law, or who pretends to be an immigration lawyer, will be charged under a new crime that carries a maximum penalty of 15 years. Although this provision is not strictly related to passport fraud, it will protect immigrants from sham attorneys and legal ''experts'' who cheat them out of their money by pretending to offer them immigration benefits or legitimate documents.

Many of the bill's provisions simply clean up sections of the criminal code. For example—one section modifies the alternative sentencing penalties to make sure the penalties for severe passport fraud offenses (such as those used to facilitate a drug trafficking crime or an act of international terrorism) are consistent throughout the code.

Other provisions codify common law principles needed for effective prosecution of document fraud offenses. For example—one section makes needed clarifications on venue. Currently, false statements or documents are often included in the application which is mailed from one location but processed in another location. This section makes clear that the offense is perpetrated both at the location of the mailing and at the location of the adjudication. If the application containing false statements is prepared overseas, this section clarifies that the offense is still punishable in the United States.

In March of 2004, Mark Zuckerman, Assistant U.S. Attorney for New Hampshire, testified before the United States Sentencing Commission. New Hampshire's National Passport Center processed 2 million of the 7 million passports issued in 2003. The National Passport Center also receives nearly all of the applications for passport renewals filed with the State Department. New Hampshire conducted a passport fraud initiative in its U.S. Attorney's Office as part of its anti-terrorism effort. Zuckerman's testimony provides some insight into the problems that arose during the initiative.

Though the passport applications were processed in New Hampshire, cases of passport fraud resulting from those applications were not being handled in New Hampshire. Typically, they were sent back to the district from which they were mailed. Once returned, they were often declined for prosecution by their local U.S. Attorney's office.

One of the reasons frequently given by the regional U.S. Attorney's Offices for declining passport fraud cases was: ''The sentencing guidelines do not treat passport fraud as a serious offense for which a period of incarceration is likely.''

I would reiterate what Mr. Zuckerman so astutely pointed out in his testimony. Under the current Criminal Code, the most common forms of passport fraud—unless they constitute terrorism or drug trafficking—are just class C felonies. When the defendant has no criminal history, the court is simply required to incarcerate the defendant for 0–6 months. This is the lowest and least consequential sentencing range that can be assigned to any felony under the U.S.

Code. (page 5 of Zuckerman's testimony)

The 9/11 Commission also recognized the lack of routine prosecutions for passport fraud offenses. Page 386 of their report noted:

Fraudulent travel documents, for instance, are usually returned to travelers who are denied entry without further examination for terrorist trademarks, investigation into their source, or legal process.

Importantly, the bill we are introducing today directs the Sentencing Commission to reevaluate the current low sentencing guidelines for passport and visa fraud offenses to reflect the potential seriousness of these crimes and the changes made by our bill.

Additionally, we will require the Sentencing Commission to report back to the Congress on the rationale behind their decision to change (or not change) the sentencing guidelines as a result of this direction.

Majority Leader HARRY REID has repeatedly stated that one of the items at the top of the Democratic agenda early this Congress is the implementation of the recommendations of the 9/11 Commission. In addition to their comments on the lack of prosecutions, the 9/11 Commission had a lot more say about the use of fraudulent and altered passports and visas in the Commission of the 9/11 terrorist attacks.

''[W]e endeavor to dispel the myth that their [the hijackers'] entry into the United States was 'clean and legal'. It was not. . . . two [hijackers] carried passports manipulated in a fraudulent manner. It is likely that several more hijackers carried passports with similar fraudulent manipulation. Two hijackers lied on their visa applications'' Preface, 9/11 Commission staff report.

''To avoid detection of their activities and objectives while engaging in travel that necessitates using a passport, terrorists devote extensive resources to acquiring and manipulating passports, entry and exits stamps, and visas. The al Qaeda terrorist organization was no exception. High-level members of Al Qaeda were expert document forgers . . .'' Page 1. 9/11 Commission staff report.

''Travel history, however, is still recorded in passports with entry-exit stamps called cachets, which al Qaeda has trained its operatives to forge and use to conceal their terrorist activities''. Page 403, 9/11 Commission report.

''[C]ertain al Qaeda members were charged with organizing passport collection schemes to keep the pipelines of fraudulent documents flowing.'' Page 186., ibid

''For terrorists, travel documents are as important as weapons. They must travel clandestinely to meet, train, plan, case targets, and gain access to attack . . . In their travels, terrorists use evasive measures, such as altered and counterfeit passports and visas . . .'' Page 384. ibid.

I hope that Senator REID plans to include the Feinstein/Sessions Passport and Visa Fraud Bill in his 9/11 Commission Recommendations Implementation Package.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 23—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2007, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 23

Whereas the American School Counselor Association has declared the week of February 5 through February 9, 2007, as ''National School Counseling Week'';

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 478-to-1 is more than double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 5 through February 9, 2007, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 24—DESIGNATING JANUARY 2007 AS ''NATIONAL STALKING AWARENESS MONTH''

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

Mr. BIDEN. Mr. President, I rise today with my good friend from Maine, Senator COLLINS, to submit a Resolution Marking January as National Stalking Awareness Month. I introduce today's measure because I want to renew our Nation's resolve to fight stalking and to promote public awareness about the newest stalking tool, technology.

Imagine that you are a young wife—estranged from your husband. A court has ordered him to stay away from you, but he shows up everywhere you go. You see him while driving on the road, in the parking lot at work, at a nearby table in restaurants, and at your friends' homes. Although you haven't spoken to him in months, he always knows exactly where you are.

Last year, the Seattle police received such a report from Sherri Peak, whose estranged husband seemed to know her every move. Detectives believed that Robert Peak was stalking his wife, and they brought Sherri's car into the city shop to scan for tracking devices. After several hours of futile searching, one officer popped off the dashboard cover and spotted a global positioning system (GPS) and a cell phone embedded in the car. Then police checked the victim's home computer and found spyware that allowed her husband to hack into her e-mail. Sherri Peak was indeed being stalked—via technology.

The Peak case illustrates a disturbing criminal trend and the dark side of technology. The devices we use to surf the Internet, e-mail one another, download music, and find our way in unfamiliar towns have also equipped stalkers with powerful tools. While ''conventional'' stalkers follow a victim from home to work or place countless phone calls to their homes, technology-empowered stalkers use GPS to track victims and computer programs to trace every Web site victims visit and every e-mail they send or receive. Stalkers can harass or threaten their victims (or urge others to do so) via e-mail or Web sites set up to harm the victim.

The potential impact of these tactics is staggering. National statistics show that 1 in 12 women and 1 in 45 men will be stalked during their lifetime. The average duration of stalking is 2 years, and more often than not it is accompanied by physical violence. In one study, 3 of 4 women murdered by their intimate partners had been stalked by that partner before they were killed.

Although all 50 States and the Federal Government have stalking laws, many were drafted before the widespread use of e-mail, the Internet, chat rooms, Web sites, social networking sites, GPS, cell phones, and tiny hand-

held video and digital cameras. Last year Congress tightened the Federal stalking law to take into account these potential stalking tools and techniques. Although some States are following suit, I urge state legislators to continually assess the power of their stalking laws to prohibit and appropriately punish acts of stalking with current or even future technology.

January is National Stalking Awareness Month—the perfect opportunity for parents, lawmakers and community leaders to carefully review State and local laws on stalking and insist that laws keep pace with technology and protect our families. Valuable information on stalking can be found at the Stalking Resource Center (www.ncvc.org/src). We are indebted to the Center's expertise and leadership on this issue. For immediate and confidential assistance, I also urge people to contact the National Crime Victim Helpline at 1–800–FYI–CALL.

I often watch my grandchildren learn with ever more speed to deftly manipulate technology, everything from making digital movies, downloading music, to surfing the Internet. It is clearly a brave, new world. And one that each of us should embrace, learn and celebrate. But with new rights, always come new responsibilities. Through vigilance, both citizens and officials can combat stalking via technology. Just as parents and teens are starting to learn how to protect their privacy while online, we can all learn how to detect high-tech stalking and what to do if it occurs.

Before closing, I would like to thank Senator COLLINS for her commitment to this issue; it is always a pleasure to work with her.

S. RES. 24

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2007 as ''National Stalking Awareness Month'';

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, such as police, prosecutors, national and community organizations, and private sector supporters, for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses, and the media to promote, through observation of National Stalking Awareness Month, awareness of the crime of stalking.

SENATE RESOLUTION 25—CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas, on January 8, 2007, before a crowd of nearly 75,000 fans in Glendale, Arizona, the University of Florida football team (referred to in this preamble as the ''Florida Gators'') defeated the football team of The Ohio State University (referred to in this preamble as the ''Buckeyes'') by a score of 41–14, to win the 2006 National Collegiate Athletic Association Division I Football Championship;

Whereas that victory marked only the second national football championship victory for the University of Florida in the storied 100-year history of the Florida Gators;

Whereas the Florida Gators captured the Southeastern Conference Championship and compiled an impressive record of 13 wins and 1 loss;

Whereas although many fans viewed the Florida Gators as underdogs, the team—inspired by the leadership of Head Coach Urban Meyer—finished the game with a 41–7 scoring run, and prevented the opponent from scoring a single point during the second half of the game;

Whereas the 4-year starting quarterback of the Florida Gators, Chris Leak, during the final college game of his career, was chosen as the Offensive Most Valuable Player;

Whereas a defensive end of the Florida Gators, Derrick Harvey, was chosen as the Defensive Most Valuable Player;

Whereas the University of Florida is the first university to at the same time hold both the National Collegiate Athletic Association Division I Football Championship and the National Collegiate Athletic Association Division I Basketball Championship;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the football program at the University of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida football team win the 2006 National Collegiate Athletic Association Division I Football Championship, and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the head coach of the University of Florida football team, Urban Meyer.

SENATE RESOLUTION 26—COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I–AA FOOTBALL CHAMPIONSHIP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Whereas, on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the ''Mountaineers'') defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I–AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas, in 2005, Appalachian State University became the first team from North

Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I–AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. CARDIN 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.

SA 23. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 24. Mr. ENSIGN proposed an amendment 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 25. Mr. ENSIGN proposed an amendment 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 26. Mr. CORNYN proposed an amendment 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 27. Mr. CORNYN proposed an amendment 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 28. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) 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 29. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1, supra.

SA 30. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, Mr. MCCAIN, Mr. FEINGOLD, Mr. KERRY, and Mr. CARPER) proposed an amendment 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 31. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 32. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 33. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 34. Mr. FEINGOLD (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 35. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 36. 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 37. Mr. THUNE 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 38. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment 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 39. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 40. Mr. STEVENS proposed an amendment 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 41. Mr. OBAMA (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 42. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) proposed an amendment 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.

TEXT OF AMENDMENTS

SA 22. Mr. CARDIN 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:

On page 15, strike lines 10 through 18, and insert the following:

(c) PUBLIC AVAILABILITY.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 2, by striking subparagraph (e) and inserting the following new subparagraph (e):

''(e) Not later than 48 hours after the date a disclosure is required to be filed pursuant to subparagraphs (f) and (g), the Secretary of the Senate shall make such disclosures available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner.''; and

(2) in paragraph 4, by striking ''as soon as possible after they are received'' and inserting ''not later than 48 hours after the date such information is received, and shall make such information available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner''.

At the end of title I, insert the following:

SEC. 120. ELECTRONIC FILING AND SEARCHABLE ONLINE DATABASE OF ALL REPORTS FILED IN THE SENATE.

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

''5 (a). Each report required to be filed under this rule shall be filed and maintained in electronic form.

''(b) Not later than 48 hours after the date a report required under this rule is filed, the Secretary of the Senate shall make such report available to the public over the Internet, without fee or other access charge, in a searchable, sortable, and downloadable manner.''.

At the end of subtitle A of title II, insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

''(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

''(i) is required by this Act to be filed with the Commission; or

''(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting ''or 1 working day in the case of a designation, statement, or report filed electronically'' after ''2 working days''.

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 23. Mr. CORNYN 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. ___. NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Proceed or Consider''. Each section shall include the name of each Senator filing a notice under this section, the title or a description of the measure or matter to which the Senator intends to proceed or offer, and the date the notice was filed.

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

SA 24. Mr. ENSIGN proposed an amendment 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 3, strike line 9 through line 11 and insert the following:

''(a)IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section, ''matter not committed to the conferees by either House'' shall be limited to any matter which:

(A) in the case of an appropriations Act, is a provision containing subject matter outside the jurisdiction of the Senate Committee on Appropriations;

(B) would, if offered as an amendment on the Senate floor, be considered ''general legislation'' under Rule XVI of the Standing Rules of the Senate;

(C) would be considered ''not germane'' under Rule XXII of the Standing Rules of the Senate; or

(D) consists specific provision of a containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of this section, ''matter not committed to the conferees by either House'' shall not include any changes to any numbers, dollar amounts, or dates, or to any specific accounts, specific programs, specific projects, or specific activities which were originally provided for in the measure committed to the conferees by either House.

SA 25. Mr. ENSIGN proposed an amendment 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 follow:

At the appropriate place, insert the following:

SEC. ___. SENATE FIREWALL FOR DEFENSE SPENDING.

(a) For purposes of Section 301 and 302 of the Congressional Budget Act of 1974, the levels of new budget authority and outlays and the allocations for the Committees on Appropriations shall be further divided and separately enforced under Section 302(f) by—

(1) DEFENSE ALLOCATION.—The amount of discretionary spending assumed in the budget resolution for the defense function (050); and

(2) NONDEFENSE ALLOCATION.—The amount of discretionary spending assumed for all other functions of the budget.

SA 26. Mr. CORNYN proposed an amendment 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:

''(a) IN GENERAL. It shall not be in order to consider a bill, joint resolution, report, conference report, or statement of managers unless the following—

''(a) a list of each earmark, limited tax benefit or tariff benefit in the bill, joint resolution, report, conference report, or statement of managers along with:

''(1) its specific budget, contract or other spending authority or revenue impact;

''(2) an identification of the Member of Members who proposed the earmark, targeted tax benefit, or targeted tariff benefit; and

''(3) an explanation of the essential governmental purpose for the earmark, targeted tax benefit, or targeted tariff benefit, including how the earmark, targeted tax benefit, or targeted tariff benefit advances the 'General Welfare' of the United States of America;

''(b) the total number of earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers; and

''(c) a calculation of the total budget, contract or other spending authority or revenue impact of all the congressional earmarks, limited tax benefits or tariff benefits in the bill, joint resolution, report, conference report, or statement of managers;

is available along with such bill, joint resolution, report, conference report, or statement of managers to all Members and the list is made available to the general public by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to it.''.

SA 27. Mr. CORNYN proposed an amendment 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. ___. NOTICE OF CONSIDERATION.

(a) IN GENERAL.—No legislative matter or measure may be considered in the Senate unless—

(1) a Senator gives notice of his intent to proceed to that matter or measure and such notice and the full text of that matter or measure are printed in the Congressional Record and placed on each Senator's desk at least 3 calendar days in which the Senate is in session prior to proceeding to the matter or measure;

(2) the Senate proceeds to that matter or measure not later than 30 calendar days in which the Senate is in session after having given notice in accordance with paragraph (1); and

(3) the full text of that matter or measure is made available to the general public in searchable format by means of placement on any website within the senate.gov domain, the gpo.gov domain, or through the THOMAS system on the loc.gov domain at least 2 calendar days before the Senate proceeds to that matter or measure.

(b) CALENDAR.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ''Notices of Intent to Proceed or Consider''. Each section shall include the name of each Senator filing a notice under this section, the title or a description of the legislative measure or matter to which the Senator intends to proceed, and the date the notice was filed.

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

SA 28. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) 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 4, strike line 11 through line 10, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

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

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

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

(d) ANY MATTER.—In this section, the term ''any matter'' means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

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

''9. (a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

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

''(h) For purposes of this paragraph:

''(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

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

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

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

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

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of an entity (by

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SA 29. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

On page 4, strike line 11 through line 2, page 5, and insert the following:

that portion of the conference report that has not been stricken and any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report;

(B) the question shall be debatable; and

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

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

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

(d) ANY MATTER.—In this section, the term ''any matter'' means any new matter, including general legislation, unauthorized appropriations, and non-germane matter.

SEC. 102A. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

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

''9.(a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill;

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

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

''(h) For purposes of this paragraph:

''(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

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

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

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

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

(b) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

''SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

(c) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''assistance'' includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term ''congressional report'' means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term ''earmark'' means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term ''entity'' includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2007.

SA 30. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, Mr. MCCAIN, Mr. FEINGOLD, Mr. KERRY, Mr. CARPER) proposed an amendment 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 end of the amendment, add the following:

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

SEC. 301. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC INTEGRITY.

There is established, as an office within the Senate, the Senate Office of Public Integrity (referred to in this title as the ''Office'').

SEC. 302. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director who shall be appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority leader of the Senate and the minority leader of the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(2) QUALIFICATIONS.—The Director shall possess demonstrated integrity, independence, and public credibility and shall have training or experience in law enforcement, the judiciary, civil or criminal litigation, or as a member of a Federal, State, or local ethics enforcement agency.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by the President Pro Tempore of the

Senate upon the joint recommendation of the Senate majority and minority leaders for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to investigate any alleged violation by a Member, officer, or employee of the Senate, of any rule or other standard of conduct applicable to the conduct of such Member, officer, or employee under applicable Senate rules in the performance of his duties or the discharge of his responsibilities;

(2) to present a case of probable ethics violations to the Select Committee on Ethics of the Senate;

(3) to make recommendations to the Select Committee on Ethics of the Senate that it report to the appropriate Federal or State authorities any substantial evidence of a violation by a Member, officer, or employee of the Senate of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in an investigation by the Office; and

(4) subject to review by the Select Committee on Ethics to approve, or deny approval, of trips as provided for in paragraph 2(f) of rule XXXV of the Standing Rules of the Senate.

(b) POWERS.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of law may have occurred, he shall refer that matter to the Select Committee on Ethics with a recommendation as to whether the matter should be referred to the Department of Justice or other appropriate authority for investigation or other action.

SEC. 304. INVESTIGATIONS AND INTERACTION WITH THE SENATE SELECT COMMITTEE ON ETHICS.

(a) INITIATION OF ENFORCEMENT MATTERS.—

(1) IN GENERAL.—An investigation may be initiated by the filing of a complaint with the Office by a Member of Congress or an outside complainant, or by the Office on its own initiative, based on any information in its possession. The Director shall not accept a complaint concerning a Member of Congress within 60 days of an election involving such Member.

(2) FILED COMPLAINT.—

(A) TIMING.—In the case of a complaint that is filed, the Director shall within 30 days make an initial determination as to whether the complaint should be dismissed or whether there are sufficient grounds to conduct an investigation. The subject of the complaint shall be provided by the Director with an opportunity during the 30-day period to challenge the complaint.

(B) DISMISSAL.—The Director may dismiss a complaint if the Director determines—

(i) the complaint fails to state a violation;

(ii) there is a lack of credible evidence of a violation; or

(iii) the violation is inadvertent, technical, or otherwise of a de minimis nature.

(C) REFERRAL.—In any case where the Director decides to dismiss a complaint, the Director may refer the case to the Select Committee on Ethics of the Senate under paragraph (3) to determine if the complaint is frivolous.

(3) FRIVOLOUS COMPLAINTS.—If the Select Committee on Ethics of the Senate 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 such complaint. The Director may refer the matter to the Department of Justice to collect such costs.

(4) PRELIMINARY DETERMINATION.—For any investigation conducted by the Office at its own initiative, the Director shall make a preliminary determination of whether there are sufficient grounds to conduct an investigation. Before making that determination, the subject of the investigation shall be provided by the Director with an opportunity to submit information to the Director that there are not sufficient grounds to conduct an investigation.

(5) NOTICE TO COMMITTEE.—Whenever the Director determines that there are sufficient grounds to conduct an investigation—

(A) the Director shall notify the Select Committee on Ethics of the Senate of this determination; and

(B) the committee may overrule the determination of the Director if, within 10 legislative days—

(i) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(ii) the committee issues a public report on the matter; and

(iii) the vote of each member of the committee on such roll-call vote is included in the report.

(b) CONDUCTING INVESTIGATIONS.—

(1) IN GENERAL.—If the Director determines that there are sufficient grounds to conduct an investigation and his determination is not overruled under subsection (a)(5), the Director shall conduct an investigation to determine if probable cause exists that a violation occurred.

(2) AUTHORITY.—As part of an investigation, the Director may—

(A) administer oaths;

(B) issue subpoenas;

(C) compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and

(D) himself, or by delegation to Office staff, take the deposition of witnesses.

(3) REFUSAL TO OBEY.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, he may be held in contempt of Congress.

(4) ENFORCEMENT.—If the Director determines that the Director is limited in the Director's ability to obtain documents, testimony, and other information needed as part of an investigation because of potential constitutional, statutory, or rules restrictions, or due to lack of compliance, the Director may refer the matter to the Select Committee on Ethics of the Senate for consideration and appropriate action by the committee. The committee shall promptly act on a request under this paragraph.

(c) PRESENTATION OF CASE TO SENATE SELECT COMMITTEE ON ETHICS.—

(1) NOTICE TO COMMITTEES.—If the Director determines, upon conclusion of an investigation, that probable cause exists that an ethics violation has occurred, the Director shall notify the Select Committee on Ethics of the Senate of this determination.

(2) COMMITTEE DECISION.—The Select Committee on Ethics may overrule the determination of the Director if, within 30 legislative days—

(A) the committee by an affirmative, roll-call vote of two-thirds of the full committee votes to overrule the determination of the Director;

(B) the committee issues a public report on the matter; and

(C) the vote of each member of the committee on such roll-call vote is included in the report.

(3) DETERMINATION AND RULING.—

(A) REFERRAL.—If the Director determines there is probable cause that an ethics violation has occurred and the Director's determination is not overruled, the Director shall present the case and evidence to the Select Committee on Ethics of the Senate to hear and make a determination pursuant to its rules.

(B) FINAL DECISION.—The Select Committee on Ethics shall vote upon whether the individual who is the subject of the investigation has violated any rules or other standards of conduct applicable to that individual in his official capacity. Such votes shall be a roll-call vote of the full committee, a quorum being present. The committee shall issue a public report which shall include the vote of each member of the committee on such roll-call vote.

(d) SANCTIONS.—Whenever the Select Committee on Ethics of the Senate finds that an ethics violation has occurred, the Director shall recommend appropriate sanctions to the committee and whether a matter should be referred to the Department of Justice for investigation.

SEC. 305. PROCEDURAL RULES.

(a) PROHIBITION OF CERTAIN INVESTIGATIONS.—No investigation shall be undertaken by the Office of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(b) DISCLOSURE.—Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or by the staff of the Office only if authorized by the Select Committee on Ethics of the Senate.

SEC. 306. SOPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking ''or'';

(B) in subparagraph (I), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(J) the Office of Public Integrity.''; and

(2) in paragraph (9), by striking ''and the Office of Technology Assessment'' and inserting ''the Office of Technology Assessment, and the Senate Office of Public Integrity''.

SEC. 307. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on October 1, 2007.

(b) EXCEPTION.—Section 302 shall take effect upon the date of enactment of this Act.

SA 31. Mr. FEINGOLD (for himself and Mr. OBAMA) 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 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''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 32. Mr. FEINGOLD (for himself and Mr. OBAMA) 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 17, line 15, strike ''1 year'' and insert ''2 years''.

On page 50, line 25, strike ''1995.'';'' and all that follows through page 51, line 12, and insert the following: ''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 33. Mr. FEINGOLD (for himself and Mr. OBAMA) 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 10, line 9, strike ''Leader.''.'' and insert the following: ''Leader.

''3. A former Member of the Senate may not exercise privileges to use Senate or House gym or exercise facilities or member-only parking spaces if such Member is—

(1) a registered lobbyist or agent of a foreign principal; or

(2) in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.''.

SA 34. Mr. FEINGOLD (for himself and Mr. OBAMA) 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 subtitle A of title II insert the following:

SEC. 225. ELECTRONIC FILING OF ELECTION REPORTS OF SENATE CANDIDATES.

(a) IN GENERAL.—Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

''(D) As used in this paragraph, the terms 'designation', 'statement', or 'report' mean a designation, statement, or report, respectively, which—

''(i) is required by this Act to be filed with the Commission; or

''(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)) is amended by inserting ''or 1 working day in the case of a designation, statement, or report filed electronically'' after ''2 working days''.

(2) Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

SA 35. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. _____. STANDARDS FOR ECONOMIC DEVELOPMENT INITIATIVE EARMARKS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following:

''(5) CRITERIA FOR CONGRESSIONAL EARMARKS.—

''(A) IN GENERAL.—No amount of funds provided or made available in an earmark for purposes of funding grants under this subsection may be made available to the Secretary, unless such funds are used for 1 or more of the following purposes related to real property or public or private nonprofit facilities:

''(i) Acquisition.

''(ii) Planning.

''(iii) Design.

''(iv) Purchase of equipment.

''(v) Revitalization, reconstruction, or rehabilitation.

''(vi) Redevelopment.

''(vii) Construction.

''(B) EXPRESS PROHIBITIONS.—In addition to the general prohibition described in subparagraph (A), no amount of funds provided or made available in an earmark for purposes of funding grants under this section may be used by the Secretary for any of the following purposes:

''(i) Reimbursement of expense, including debt services or retirements.

''(ii) Transportation or road projects.

''(iii) Expenses for program operations.

''(iv) Homeland Security or first responder projects.

''(v) Healthcare facilities.

''(C) REPORTS.—

''(i) REQUIRED BEFORE DISBURSAL.—The Secretary may not release any grant funds provided for or made available by an earmark to an eligible public entity or public or private nonprofit organization under this subsection, unless such entity or organization submits to the Secretary a report detailing the economic impact of the earmark.

''(ii) CONTENTS OF REPORT.—

''(I) IN GENERAL.—The report required under clause (i) shall be submitted by the eligible public entity or public or private nonprofit organization to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(II) LIMITATION.—In any report required under clause (i), the Secretary—

''(aa) shall not require the disclosure of any confidential information of the eligible public entity or public or private nonprofit organization, or of any subgrantee employed by such entity or organization; and

''(bb) shall ensure that the requirements of such report are uniform for all grants funded by an earmark within each fiscal year.

''(III) RELEASE OF CHANGE IN REPORTING REQUIREMENTS.—The Secretary shall publish any changes to the reporting requirements under this subparagraph in the Federal Register not later than January 1 of the year preceding the fiscal year in which such changes are to take effect.

''(iii) AVAILABILITY.—The Secretary shall, upon request, provide any member of Congress with a copy of any report filed under this subparagraph.

''(D) SET ASIDE OF BUDGET AUTHORITY.—Not less than 20 percent of the total funds made available for purposes of this section in any appropriations Act shall be made available to the Secretary, free from earmarks, such that the Secretary may award these funds, in the discretion of the Secretary, to eligible public entities or public or private nonprofit organizations under a competitive bidding process.

''(E) DEFINITIONS.—In this subsection:

''(i) EARMARK.—the term 'earmark' means a provision of law, or a directive contained within a joint explanatory statement or report included in a conference report or bill primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(ii) NONPROFIT.—The term 'nonprofit' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

''(iii) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization (including a State or locally chartered organization) that—

''(I) is incorporated under State or local law;

''(II) is nonprofit in character; and

''(III) complies with standards of financial accountability acceptable to the Secretary.

''(iv) PUBLIC NONPROFIT ORGANIZATION.—The term 'public nonprofit organization' means any public entity that is nonprofit in character.''.

SA 36. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

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 copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read 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 37. Mr. THUNE 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. ___. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) is amended by adding at the end the following:

''SEC. 5. DISCLOSURE OF POLITICAL ADVOCACY BY THE RECIPIENT OF ANY FEDERAL AWARD.

''(a) IN GENERAL.—Not later than December 31 of each year, an entity that receives any Federal award shall provide to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the entity's chief executive officer or equivalent person of authority, and setting forth—

''(1) the entity's name;

''(2) the entity's identification number; and

''(3)(A) a statement that the entity did not engage in political advocacy; or

''(B) a statement that the entity did engage in political advocacy, and setting forth for each award—

''(i) the award identification number;

''(ii) the amount or value of the award (including all administrative and overhead costs awarded);

''(iii) a brief description of the purpose or purposes for which the award was awarded;

''(iv) the identity of each Federal, State, and local government entity awarding or administering the award and program thereunder;

''(v) the name and entity identification number of each individual, entity, or organization to whom the entity made an award; and

''(vi) a brief description of the entity's political advocacy, and a good faith estimate of the entity's expenditures on political advocacy, including a list of any lobbyist registered under the Lobbying Disclosure Act of 1995, foreign agent, or employee of a lobbying firm or foreign agent employed by the entity to conduct such advocacy and amounts paid to each lobbyist or foreign agent.

''(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation 1 standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each entity is assigned 1 permanent and unique entity identification number.

''(c) WEBSITE.—Any information received under this section shall be available on the website established under section 2(b).

''(d) DEFINITIONS.—In this section:

''(1) POLITICAL ADVOCACY.—The term 'political advocacy' includes—

''(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

''(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

''(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the entity or award applicant—

''(i) is a defendant appearing in its own behalf;

''(ii) is defending its tax-exempt status; or

''(iii) is challenging a government decision or action directed specifically at the powers, rights, or duties of that entity or award applicant; and

''(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

''(2) ENTITY AND FEDERAL AWARD.—The terms 'entity' and 'Federal award' shall have the same meaning as in section 2(a).''.

SA 38. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment 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. ___. FREE ATTENDANCE AT A BONA FIDE CONSTITUENT EVENT.

(a) IN GENERAL.—Paragraph 1(c) of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(24) Subject to the restrictions in subparagraph (a)(2), free attendance at a bona fide constituent event permitted pursuant to subparagraph (h).''.

(b) IN GENERAL.—Paragraph 1 of rule XXXV of the Senate Rules is amended by adding at the end the following:

''(h)(1) A Member, officer or, employee may accept an offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner event, site visit, viewing, reception, or similar event, provided by a sponsor of the event, if—

''(A) the cost of any meal provided does not exceed $50;

''(B)(i) the event is sponsored by bona fide constituents of, or a group that consists primarily of bona fide constituents of, the Member (or the Member by whom the officer or employee is employed); and

''(ii) the event will be attended by a group of at least 5 bona fide constituents or individuals employed by bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

''(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) For purposes of this paragraph, the term 'free attendance' has the same meaning as in subparagraph (d).

''(4) The Select Committee on Ethics shall issue guidelines within 60 days after the enactment of this subparagraph on determining the definition of the term 'bona fide constituent'.''.

SA 39. Mr. COLEMAN sumbitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; as follows:

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.

SA 40. Mr. STEVENS proposed an amendment 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 8, line 14, after ''entity'' insert ''or by a Member of Congress, or Member's spouse or an immediate family member of either''.

On page 10, after line 5, insert the following:

(4) LIMITED FLIGHT EXCEPTION.—Paragraph 1 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h) For purposes of subparagraph (c)(1) and rule XXXVIII, if there is not more than 1 regularly scheduled flight daily from a point in a Member's State to another point within that Member's State, the Select Committee on Ethics may provide a waiver to the requirements in subparagraph (c)(1) (except in those cases where regular air service is not available between 2 cities) if—

''(1) there is no appearance of or actual conflict of interest; and

''(2) the Member has the trip approved by the committee at a rate determined by the committee.

In determining rates under clause (2), the committee may consider Ethics Committee Interpretive Ruling 412.''.

(5) DISCLOSURE.—

(A) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate 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.

This subparagraph shall apply to flights approved under paragraph 1(h).''.

(B) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(i) by striking ''and'' at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(iii) 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 41. Mr. OBAMA (for himself and Mr. FEINGOLD) 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:

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.''.

SA 42. Mrs. FEINSTEIN (for herself and Mr. ROCKEFELLER) proposed an amendment 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; 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, in unclassified language, to the greatest extent possible, a general program description, funding level, and the name of the sponsor of that earmark.''.

NOTICES OF HEARINGS/MEETINGS

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 a hearing has been scheduled before the full committee of the Committee on Energy and Natural Resources.

The hearing will take place on January 18, 2007, at 9:30 in SD–106 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on issues relating to oil and gas royalty management at the Department of the Interior.

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 Patty Beneke at 202–224–5451 or David Marks at (202) 224–8046.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE BUDGET

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Budget be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10:30 a.m. to hold hearings to examine the long term budget outlook in SD–608.

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Prescription Drug Pricing and Negotiation: An Overview and Economic Perspectives for the Medicare Prescription Drug Benefit.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 10 a.m. to hold a hearing on Iraq.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 11, 2007, at 2 p.m. to hold a hearing on Iraq.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 11, 2007 at 2:30 p.m. to hold an open hearing.

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

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Terry Blankenship, a legislative fellow in my office, be granted privileges of the floor during consideration of S. 1, the ethics reform bill.

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

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

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

CONGRATULATING THE UNIVERSITY OF FLORIDA 2006 NCAA FOOTBALL CHAMPIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 25, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 25) congratulating the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place.

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

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 25

Whereas, on January 8, 2007, before a crowd of nearly 75,000 fans in Glendale, Arizona, the University of Florida football team (referred to in this preamble as the ''Florida Gators'') defeated the football team of The Ohio State University (referred to in this preamble as the ''Buckeyes'') by a score of 41–14, to win the 2006 National Collegiate Athletic Association Division I Football Championship;

Whereas that victory marked only the second national football championship victory for the University of Florida in the storied 100-year history of the Florida Gators;

Whereas the Florida Gators captured the Southeastern Conference Championship and compiled an impressive record of 13 wins and 1 loss;

Whereas although many fans viewed the Florida Gators as underdogs, the team—inspired by the leadership of Head Coach Urban Meyer—finished the game with a 41–7 scoring run, and prevented the opponent from scoring a single point during the second half of the game;

Whereas the 4-year starting quarterback of the Florida Gators, Chris Leak, during the final college game of his career, was chosen as the Offensive Most Valuable Player;

Whereas a defensive end of the Florida Gators, Derrick Harvey, was chosen as the Defensive Most Valuable Player;

Whereas the University of Florida is the first university to at the same time hold both the National Collegiate Athletic Association Division I Football Championship and the National Collegiate Athletic Association Division I Basketball Championship;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort

to ensuring that the Florida Gators reached the pinnacle; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the football program at the University of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida football team for winning the 2006 National Collegiate Athletic Association Division I Football Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida football team win the 2006 National Collegiate Athletic Association Division I Football Championship, and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the head coach of the University of Florida football team, Urban Meyer.

COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL 2006 NCAA CHAMPIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 26, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 26) commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division 1–AA Football Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas, on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the ''Mountaineers'') defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I-AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I-AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

MEASURE READ THE FIRST TIME—H.R. 3

Mr. BROWN. Mr. President, I understand that H.R. 3 has been received from the House and is at the desk.

I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. BROWN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent that on Friday, January 12, after the reporting of S. 1, the Senate proceed to the consideration en bloc of amendments Nos. 1 and 10; and that the time until 9:50 a.m. run concurrently on both amendments, with the time equally divided and controlled between the two leaders or their designees; that at 9:50 a.m., without further intervening action or debate, the Senate proceed to a vote on or in relation to amendment No. 1, to be followed by a vote on or in relation to amendment No. 10; that no amendments be in order to either amendment, and that there be 2 minutes of debate equally divided between the votes.

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

Mr. BROWN. Mr. President, I now ask unanimous consent that when the Kerry amendment No. 1 is reported tomorrow, it then be modified with the changes at the desk.

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

ORDERS FOR FRIDAY, JANUARY 12, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, January 12; that on Friday, 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 that the Senate then resume consideration of S. 1.

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

PROGRAM

Mr. BROWN. Tomorrow, Mr. President, we will have two rollcall votes beginning at 9:50 a.m. The first vote will be on a Kerry amendment relating to congressional pensions, and the second will be on a Vitter amendment regarding an increase in penalties.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:03 p.m., adjourned until Friday, January 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 2007:

DEPARTMENT OF TRANSPORTATION

DAVID JAMES GRIBBIN IV, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE JEFFREY A. ROSEN.

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS CLARK.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

EDWARD J. MOSELY, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TERESA K. PEACE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE G. PAYNE, JR., 0000
BRIG. GEN. DOUGLAS M. STONE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

LAURA S. BARCHICK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL T. CORY, 0000
ROD L. VALENTINE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BEATRICE Y. BREWINGTON, 0000
DEIRDRE M. MCCULLOUGH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTHONY M. DURSO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM L. TOMSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN H. HELM, 0000
STEVEN A. JOHNSON, 0000
KURT P. LAMBERT, 0000
MARY ELLEN MCLEAN, 0000
HAL H. RHEA II, 0000
DONALD C. TIGCHELAAR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT E. DUNN, 0000
RICHARD M. ERIKSON, 0000
GWENDOLYN S. KING, 0000
WALTER L. SMITH, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

RICARDO E. ALIVILLAR, 0000
HONG V. BAKER, 0000

To be major

DEBRA L. MCCARTHY, 0000
STEVEN A. REESE, 0000
JACK D. VICK, 0000
MEHDY ZARANDY, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT R. BAPTIST, 0000
HAL R. MOORE, 0000

To be major

JEAN F. CYRIAQUE, 0000
FRANCYS E. DAY, 0000
DARYL S. DICKSON, 0000
FLOYD R. MERRILL III, 0000
CHRISTOPHER H. WILKIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBIN MARK ADAM, 0000
JOHN H. ADAMS, JR., 0000
MARY E. ALDRIAN, 0000
DAVID C. ANDERSON, 0000
JOHN A. ANDERSON, 0000
NORMAN L. ANDERSON, 0000
DALE ANDREWS, 0000
FREDERIC MARC ARRENDALE, 0000
JOHN M. BABCOCK, 0000
ANTHONY RAY BAITY, 0000
THEODORE A. BALE, 0000
ARIEL B. BARREDO, 0000
DENNIS T. BEATTY, 0000
LEE A. T. BENNETT, 0000
HENRY G. BIRKDALE, 0000
BRYAN J. BLY, 0000
JOHN J. BORRIS, 0000
TIMOTHY B. BOUGAN, 0000
BRUCE ANDERSON BOWERS, JR., 0000
JOHN J. BREEDEN, 0000
DAVID J. BREITENBACH, 0000
JAMES P. BROCK, JR., 0000
BARRETT P. BROUSSARD, 0000
JOHN PAUL BRYK, 0000
GERALD A. BUCKMAN, 0000
ROBERT DIXON BURTON, 0000
ROBERT J. CAHALAN, 0000
MELINDA L. CARIGNAN, 0000
DOUGLAS I. CARPENTER, 0000
KEVIN G. CAVANAGH, 0000
BURTON R. CHAPMAN, JR., 0000
DONALD P. CHRISTY, 0000
THOMAS GEOFFREY CLARK, 0000
COURTNEY L. COLLIER, 0000
STACY JEANNE COLLINS, 0000
MARTIN PHILIP CONSIDINE, 0000
KENT R. COOPER, 0000
MATTHEW BRADSHAW COPP, 0000
DAVID E. COWAN, JR., 0000
BRUCE R. COX, 0000
TIMOTHY A. COX, 0000
TIMOTHY L. COX, 0000
DANIEL C. CRAWFORD, 0000
RAYMOND E. CROWNHART, 0000
ROGER L. DAUGHERTY, JR., 0000
HELEN CHRISTINE DAVIS, 0000
TRAVIS E. DAWSON, JR., 0000
THOMAS D. DEAN II, 0000
WILLIAM C. DEAN, 0000
TONY R. DEANGELO, 0000
TROY E. DEVINE, 0000
LEONARD S. DICK, 0000
LOUIS J. DIMODUGNO, 0000
BRIAN D. DOBBERT, 0000
WILLIAM L. DOKEY, 0000
MICHAEL J. DOONAN, 0000
DARYL C. DOWNING, 0000
ROBERT J. DUTTERER, 0000
JAMES G. EANES, 0000
RUFUS L. EDGE, 0000
WILLIAM H. EDWARDS, JR., 0000
JEFFREY WAYNE EGGERS, 0000
MICHEL P. ELLERTBECK, 0000
ANTHONY ESPOSITO, 0000
JUDY C. FEARN, 0000
JOSIE FERNANDEZ, 0000
CHRIS ALAN FINTER, 0000
MICHAEL T. FITZHENRY, 0000
JOHN Y. FIZETTE, 0000
MICHAEL J. FORTANAS, 0000
WILLIAM P. FOSDICK, 0000
ANNETTE N. FOSTER, 0000
THOMAS R. FOSTER, 0000
EDSEL A. FRYE, JR., 0000
CHRISTIAN G. FUNK, 0000
JOHN B. GALLETTE, 0000
JOHN F. GAMACHE, 0000
SCOTT J. GARDNER, 0000
STEPHANIE A. GASS, 0000
STEVEN A. GENN, 0000
ROBERT J. GEORGES, 0000
GREGORY S. GILMOUR, 0000
FRANK GINES, 0000
MICHAEL G. GOETT, 0000
RONALD E. GRAVES, 0000
JAMES A. GRAY, 0000
TOBY D. HAMMER, 0000
CHRISTOPHER P. HANNON, 0000
JOHN F. HART, 0000
KEITH WILLIAM HEIEN, 0000
DANIEL J. HEIRES, 0000
MARY Z. HILL, 0000
STEVEN E. HOFMANN, 0000
JOHN F. HOLLY, 0000
STEWART E. HOLMES, JR., 0000
MICHAEL EUGENE HOWARD, 0000
MARK D. HUSTEDT, 0000
ROBERT A. HUSTON, 0000
JOHN IAFALLO, 0000
SCOTT D. IRONS, 0000
EDWARD L. JENNINGS, 0000
SUZANNE JOHNSON, 0000
KURT D. JONES, 0000
GLEN K. KASHIWABARA, 0000
SEAN E. KAVANAGH, 0000
DAVID W. KAYLOR, 0000
PETER M. KAZAROVICH, 0000
LUKE J. KEALY, 0000
GREGORY Y. KEETCH, 0000
CHRISTOPHER L. KENNY, 0000
FRANK P. KING, 0000
CLAUDE W. KIRKLAND, 0000
JAMES F. KLINE, 0000
DAVID P. KONNEKER, 0000
KEITH D. KRAUSE, 0000
KEVIN L. KREBS, 0000
TIMOTHY J. KREIN, 0000
JEFFREY H. KROESE, 0000
JEFFREY J. LAMERS, 0000
ANDREW R. LARSON, 0000
JOHN D. LARSON, 0000
LINCOLN E. LARSON, 0000
RUTH I. LARSON, 0000
STEVEN G. LAYNE, 0000
MARIA V. LEOS, 0000
NATHAN A. LEPPER, 0000
ALAN H. LERNER, 0000
DANIEL J. LEVEILLE, 0000
CHARLES E. LEWIS, 0000
DONALD R. LINDBERG, 0000
JAMES MICHAEL LINDER, 0000
GUY B. LINDHOLM, 0000
TAYLOR R. LOCKER, 0000
MICHAEL J. LOIDA, 0000
LAURA A. LOPEZ, 0000
JON C. LOVE, 0000
DONALD J. LYONS II, 0000
JAMES D. MACAULAY, 0000
PAUL A. MADSEN, 0000
SAMUEL C. MAHANEY, 0000
VINCENT M. MANCUSO, 0000
BETH A. MANN, 0000
LINDA M. MARSH, 0000
HARRY L. MAY, 0000
MICHAEL J. MCCULLY, 0000
LAWRENCE MCHALE, 0000
TAMMY A. MCKONE, 0000
BRETT JAMES MCMULLEN, 0000
KEVIN MELLETT, 0000
JOHN E. METZ, 0000
JAY CARTER MILKEY, 0000
RONALD B. MILLER, 0000
WALTER T. MILLER III, 0000
DANA C. MOREL, 0000
JOEL M. MORIN, 0000
JOHN L. MORING III, 0000
JOHN M. MORRIS, 0000
KARLA J. MOYER, 0000
LAURENCE B. MUNZ, 0000
ERIC C. NEWHOUSE, 0000
MARK A. NICHOLS, 0000
EDDIE L. NORRIS, 0000
MICHAEL P. ODOM, 0000
TERESA HOHOL ODONNELL, 0000
RANDALL A. OGDEN, 0000
LUCIANO ORTIZ, JR., 0000
JOHN D. PARTAIN, 0000
JOHN M. PAUL, 0000
JEFFERY N. PAULUS, 0000
DENNY A. PEEPLES, 0000
CRAIG S. PETERSEN, 0000
ROBERT E. PETERSON, JR., 0000
FRANK C. PETTEBONE, 0000
DARREN L. PIEDMONTE, 0000
JOHN M. PIRIBEK, 0000
ELISE K. PITTERLE, 0000
MICHAEL J. PLACZEK, 0000
JANET M. POLANECZKY, 0000
GRANT V. POOL, 0000
GREGORY J. POWER, 0000
STEPHEN T. PRIORE, 0000
CLYDE L. PRITCHARD, JR., 0000
NORBERT J. RATTAY, 0000
BRIAN S. RAY, 0000
CAROL A. REECE, 0000
ROBERT D. REIGHARD, 0000
ROBERT J. RICHARD, JR., 0000
SHERRY L. RIDDLE, 0000
TERESA M. RILEY, 0000
MICHAEL J. ROCCHETTI, 0000
JOHN J. ROCCHIO, 0000
SEAN P. ROCHE, 0000
AMY K. ROGERSON, 0000
EDWARD J. ROSADO, JR., 0000
STEVEN R. ROSENMEIER, 0000
ERIC P. ROSS, 0000
CYRIL FRANCIS ROURKE, 0000
LAWRENCE G. RUGGIERO, 0000
CARMIA L. SALCEDO, 0000
DARRYL J. SANCHEZ, 0000
JOAN E. SANDENE, 0000
PATRICIA A. SCANLAN, 0000
PAUL R. SCHUBERT, 0000
KEITH D. SCHULTZ, 0000
DOUGLAS J. SCHWARTZ, 0000
LOUIS MICHAEL SHOGRY III, 0000
CLIFTON D. SHUMAN, 0000
GISELE F. SINGLETON, 0000
JAMES H. SMETZER, 0000
JONATHAN WILLIAM SPARE, 0000
JOSEPH STEPHEN SPECKHART, 0000
PATRICK J. SPIVEY, 0000
MALIA K. SPRANGER, 0000
DOUGLAS H. STANDIFER, 0000
GREGORY C. STEUER, 0000
EUGENE D. STEWMAN, 0000
WILLIAM B. STILSON, 0000
DOUGLAS P. STRAND, 0000
DARREN L. STUDER, 0000
REYNOLD V. TAGORDA, 0000
ALAN C. TEAUSEAU, 0000
JERRY A. THAYER, 0000
BRIAN E. THOMAS, 0000
GARY L. THOMAS, 0000
KELLY A. THOMPSON, 0000
ROBERT C. TROISI, 0000
ROBERT G. VALIN, 0000
MATTHEW A. VANWINKLE III, 0000
JAMES R. VASATKA, 0000
GREGG K. VERSER, 0000
PAUL H. VEZZETTI, 0000
RALPH M. VIETS II, 0000

PAUL J. VINING, 0000
MARK R. WAGNER, 0000
JOLYON R. WALKER, 0000
JIMMY D. WALLACE II, 0000
JAMES P. WALLER, 0000
STEPHEN D. WALTERS, 0000
JON A. WEEKS, 0000
CHRISTOPHER WEIMAR, 0000
PAUL A. WEIMER, 0000
BEN W. WILLIAMS, 0000
LISA J. WITT, 0000
DENIS YAROSH, 0000
LORI A. YOUNG, 0000
RANDALL J. ZAK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SHARON A. ANDREWS, 0000
VERONICA R. DIERINGER, 0000
DARLENE M. DIERKES, 0000
MARY B. F. FLEURQUIN, 0000
BRENDA B. GARDNER, 0000
MARGARET L. GIVENS, 0000
MAUREEN P. GLENDON, 0000
JOAN L. GONZALEZ, 0000
SUSAN L. HANSHAW, 0000
DONNA M. HUDSON, 0000
AURORA B. KING, 0000
REBECCA LEIGH LORRAINE, 0000
DEBORAH J. LYTALBRITTON, 0000
LOIS E. MACDONALD, 0000
BETH A. MAHAR, 0000
JUDITH ARLENE MAKEM, 0000
FERN E. MALLOY, 0000
JUDITH W. MARCHETTI, 0000
MARGARET M. MCKELVEY, 0000
ELLEN M. MINDEN, 0000
ALAN E. QUITTENTON, 0000
DELIA G. RAMOS, 0000
WALTON F. REDDISH, 0000
DALE WORONOFF RICE, 0000
RONNIE J. ROBERTS, 0000
MARGARET LEWIS SCHOENEMANN, 0000
SHERRILL J. SMITH, 0000
DARLA K. TOPLEY, 0000
CHARLES R. TUPPER, 0000
MARIE F. WALKER, 0000
NANCY P. WILSON, 0000
DONNA M. F. WOIKE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL P. ADLER, 0000
DIEGO X. ALVAREZ, 0000
JOANN LOUISE BASARAN, 0000
LEAH W. BROCKWAY, 0000
RAJIV H. DESAI, 0000
CHRISTOPHER JOSEPH DUNN, 0000
GARY A. FAIRCHILD, 0000
NINA J. GILBERG, 0000
JOHN S. GOLDEN, 0000
SCOTT C. HOWELL, 0000
DARRYL C. HUNTER, 0000
RONALD A. JOHANSON, 0000
CAESAR A. JUNKER, 0000
CHRISTIAN P. LEDET, 0000
CHRISTOPHER W. LENTZ, 0000
PATRICK J. MCGINNIS, 0000
RONALD W. PAULDINE, 0000
AKRAM SADAKA, 0000
BERT A. SILICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK HUGH ALEXANDER, 0000
SUSAN MARY BIRD, 0000
JOHN ARTHUR CASE, 0000
DONNA M. CLARK, 0000
RONALD M. FEDER, 0000
KIMBERLY A. FERGAN, 0000
RICHARD K. JOHNSON, 0000
WILLIAM R. KRAUS, 0000
NICHOLAS R. LOEHR, 0000
JOSEPH A. ROSA, 0000
RICHARD T. TROWBRIDGE, 0000
MARGARET D. WEATHERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LUISA YVETTE CHARBONNEAU, 0000
JONATHAN M. CLYBURN, 0000
MICHAEL J. DANKOSKY, 0000
FERN FITZHENRY, 0000
SUE D. HORNER, 0000
JUDI D. HURLEY, 0000
SHEILA MARCUSEN, 0000
ARTHUR R. NICHOLSON, 0000
JOHN G. RENDZIO, 0000
SEFERINO S. SILVA, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KATHERINE J. ALGUIRE, 0000
ARTEMUS ARMAS, 0000
LILIAN B. AVIGNONE, 0000
ANDREW W. AYCOCK, 0000
ANNA E. BALSER, 0000
GEORGE A. BARAJAZ, 0000
KERRY A. BARSHINGER, 0000
COLBY J. BENEDICT, 0000
KATHY W. BERGER, 0000
RODNEY A. BERNS, 0000
JACQUELINE E. BERRY, 0000
ROBERT E. BLAND, 0000
STACEY A. BLOTTIAUX, 0000
KATHLEEN M. BRINKER, 0000
MICHELE K. BROWN, 0000
STEVEN C. BROWN, 0000
JEFFREY C. BURGESS, 0000
JOEY M. BURKS, 0000
EDWARD CABALLERO, 0000
CHRISTOPHER L. CAPOZZOLO, 0000
BRENDA S. CASEY, 0000
ENMARIA CHACON, 0000
JAMIE M. CHEN, 0000
DEBORAH J. COCHRAN, 0000
JEFFREY T. COMBALECER, 0000
WILLIAM E. COTTER, 0000
KEVIN J. CREEDON, 0000
KAREN L. CROTEAU, 0000
LORENA C. CROWLEY, 0000
SYLVIA G. CRUZ, 0000
JOHN CURRY, JR., 0000
KAROL J. DAMERON, 0000
ROSHELL L. DEAN, 0000
DAWN M. DEPRIEST, 0000
BRANDON R. DIAMOND, 0000
DOUGLAS E. DILLON, 0000
AARON P. DIMITRAS, 0000
BEATRICE T. DOLIHITE, 0000
TORRE A. DONALDSON, 0000
KAREY M. DUFOUR, 0000
CHRISTOPHER A. EASTBURN, 0000
SHELBY L. FISHER, 0000
TERRI A. FISHER, 0000
RAUL G. FLORES, 0000
DENISE A. FOGH, 0000
INGRID D. FORD, 0000
LORI L. FORTIER, 0000
NICHOLE A. FRITEL, 0000
JOHN H. FUNKE, 0000
JENNIFER J. GALGANO, 0000
SANDRA GALLARDO, 0000
DALIA GARCIA, 0000
WILLIAM D. GILMER, 0000
JENNIFER M. GROFF, 0000
DEBORAH A. HARTMAN, 0000
RACHELLE J. HARTZE, 0000
JENNIFER J. HATZFELD, 0000
NICOLA A. HILL, 0000
KAREN T. HINES, 0000
JUDITH P. HOUK, 0000
BRYAN P. HUTCHESON, 0000
SHELLEY L. JAY, 0000
CHARLIE G. JOHNSON, 0000
NORMA J. KAHOVEC, 0000
NIKI S. KAMBORIS, 0000
STEPHANIE K. KENNEDY, 0000
ROBERT W. KING, 0000
AMY S. KINNON, 0000
BRIAN C. KRAFT, 0000
MARGARET A. LEAVITT, 0000
STEVEN W. LEHR, 0000
LAURA C. LIEN, 0000
JENNIFER A. LOVATO, 0000
PAMELA D. LUDASHER, 0000
TONEKA B. MACHADO, 0000
REBECCA J. MARSHALL, 0000
RODNEY P. MARTENS, 0000
ANGELA J. MASAK, 0000
DEBORAH K. MCCALL, 0000
WILLIAM A. MCCLUNG, 0000
KAREN S. MCCOMB, 0000
REBECCA A. MCCULLERS, 0000
LANCE J. P. MCGINNIS, 0000
MAXINE A. MCINTOSH, 0000
RICHARD M. MERRILL, 0000
KARI A. MILLER, 0000
SHERI L. MOMMERENCY, 0000
MICHELLE L. MONTGOMERY, 0000
REBECCA A. MOORE, 0000
SEAN R. MOORE, 0000
JOANNE E. MURPHY, 0000
CYNTHIA M. MYERS, 0000
MICHELE A. NAGEL, 0000
MARYELLEN OVELLETTE, 0000
KENT M. PALMER, 0000
MARY A. PARKER, 0000
JOHNNA A. PERDUE, 0000
PATTI J. PETERSONBALLIET, 0000
ROBERT R. PHILLIPS, 0000
CAROLINE D. PLAHUTA, 0000
MARVIN E. REDD, 0000
AMY L. ROBERSON, 0000
DENISE J. ROBERTS, 0000
JULIO E. ROBLES, 0000
REBECCA L. ROSA, 0000
RAUL E. RUBIO, 0000
GARY D. RUESCH, 0000
ELIS M. SALAMONE, 0000
STEPHEN E. SAPIERA, 0000
DENISE R. SAVARD, 0000
PAUL D. SCHROTH, 0000
MARY E. SEVERSON, 0000
PAUL B. SIMPSON, 0000
JON A. SINCLAIR, 0000
KRISANDRA K. SMITH, 0000
MARY B. SMITH, 0000
ROBERT D. SMITH, 0000
MICHAEL P. SPARKS, 0000
ERICA L. SPILLANE, 0000
BONNIE E. STEVENSON, 0000
DONNA T. STRAIT, 0000
BETH N. SUMNER, 0000
PAUL V. TALLEY, JR., 0000
OFELIA D. TENNYSON, 0000
MARK E. TERWILLIGER, 0000
MARILYN E. THOMAS, 0000
CHRISTINE M. THRASHER, 0000
RAQUEL TREVINO, 0000
ANDREA S. TROUT, 0000
BEATRICE TURLINGTONWYNN, 0000
KIRSTEN M. VERKAMP, 0000
THERESA A. VERNOSKI, 0000
KIM CHI T. VO, 0000
JEANETTE M. WARD, 0000
JOYCE A. WARRINGTON, 0000
CATHERINE A. WECKWERTH, 0000
GARY A. WELLS II, 0000
CLARISSA H. WILSON, 0000
CONNIE L. WINIK, 0000
CINDEE B. WOLF, 0000
KIMBERLY A. WOOLLEY, 0000
LAURIE A. WORTHY, 0000
REUVEN M. YATROFSKY, 0000
KRISTEN M. ZEBROWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD G. ANDERSON, 0000
JAMES R. ARMSTRONG, 0000
KLEET A. BARCLAY, 0000
EARNEST E. BEEMAN, 0000
ZENON A. BOCHNAK, 0000
PAUL CASTILLO, 0000
TRENT C. DAVIS, 0000
PETER N. FISCHER, 0000
GLENN H. GRESHAM, 0000
RANDALL D. GROVES, 0000
WILLIAM L. HOGGATT, 0000
LINZY R. LAUGHHUNN, 0000
TIMOTHY S. MOERMOND, 0000
BRENDON M. ODOWD, 0000
ANDREW C. PAK, 0000
MARK J. ROBERTS, 0000
KENT W. SCHMIDT, 0000
ROBIN J. STEPHENSONBRATCHER, 0000
SAMMY C. TUCKER, JR., 0000
JOEL K. WARREN, 0000
MITCHELL ZYGADLO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MAIYA D. ANDERSON, 0000
TERRI L. ANDERSON, 0000
MONTY T. BAKER, 0000
MARK BALLESTEROS, 0000
CHRISTIE L. BARTON, 0000
MICHAEL A. BLOWERS, 0000
STEPHEN L. BOGLARSKI, 0000
DAVID L. BRAZEAU, 0000
BOBBIE A. BROOKER, 0000
DAVID A. BROWDER, 0000
BELINDA F. BROWN, 0000
ALICIA N. BURKE, 0000
MICHAEL R. BURPEE, 0000
DIANNA O. CALVIN, 0000
JULIAN G. T. CANO, 0000
ANTHONY D. CARUSO, 0000
DANIEL J. CASTIGLIA, 0000
JOSEPH L. CATYB, 0000
CHAD D. CLAAR, 0000
RAMIL C. CODINA, 0000
KATHLEEN A. CRIMMINS, 0000
DEBBIE L. DAMICO, 0000
CATHERINE R. DICKINSON, 0000
MELINDA EATON, 0000
BRIAN J. EDDY, 0000
CLAUDIA M. EID, 0000
MICHAEL J. EISENMAN, 0000
BENITO G. ENRIQUEZ, 0000
BRIAN C. EVERITT, 0000
VALLA C. FAIRLEY, 0000
KEVIN J. FAVERO, 0000
MICHAEL J. FEA, 0000
JERRY M. FLETCHER, 0000
JAMES D. FOLTZ, 0000
ERNEST J. FOX, 0000
THOMAS F. GIBBONS, 0000
DANA L. GILLIGAN, 0000
RYAN T. GIRRBACH, 0000
ANGELA M. GOODWIN, 0000
DAVID W. HAGERTY, 0000
PAUL E. HAIAR, 0000
ACHILLES J. HAMILOTHORIS, 0000
HARVEY D. HUDSON II, 0000
BRIAN S. HUGHES, 0000
DAVID A. INGRAHAM, 0000
ROBIN E. JACKSON, 0000
SCOTT A. JONES, 0000
EVAN E. KELLEY, 0000
DAVID M. KEMPISTY, 0000
PATRICK W. KENNEDY, 0000
JOHN J. KIM, 0000
MARIA R. KOHLER, 0000
GODOFREDO C. LANDEZA, 0000
STEVEN H. LANGE, 0000
AGNES H. LEE, 0000
JASON J. LENNEN, 0000
RACHEL S. LENTZ, 0000
MICHELLE H. LINK, 0000

RAYMOND C. LIST, 0000
ANDRE MACH, 0000
TERESA L. MADDOX, 0000
ROBERT G. MARTIN, 0000
THOMAS V. MASSA, 0000
KEVIN S. MCCAUGHIN, 0000
HOLLY D. MCFARLAND, 0000
AARON P. MIDDLEKAUFF, 0000
MICHAEL P. MORAN, 0000
CHRISTINE L. MURPHY, 0000
MICHAEL L. NEACE, 0000
TONY J. NELSON, 0000
TODD W. NEU, 0000
LAWRENCE B. NOEL, JR., 0000
DENIS J. NOLAN, 0000
DEANNA L. NUTTBROCKALLEN, 0000
MARK A. OLIVER, 0000
MELISSA J. PAMMER, 0000
CONNIE D. M. PARTAIN, 0000
JEFFERY J. PETERSON, 0000
DWAYNE I. PORTER, 0000
CYNTHIA L. POUNCEY, 0000
LEEANN RACZ, 0000
ROBERT W. RAINEY, 0000
JUAN M. RAMIREZ, 0000
TIMOTHY A. RITTER, 0000
RUTH A. ROANAVARRETE, 0000
DANIEL A. ROBERTS, 0000
DARRELL A. ROUSSE, 0000
NESTOR A. RUIZGONZALEZ, 0000
IAN C. RYBCZYNSKI, 0000
ERIC E. SASSI, 0000
JEREMY SKABELUND, 0000
ANGELA C. SPANGLER, 0000
STEVEN M. STRAUB, 0000
MADELAINE SUMERA, 0000
FRANCIS T. TARNER, 0000
LISA A. TAUAI, 0000
JENNIFER A. TAY, 0000
RICHARD D. UVA, 0000
STACEY S. VAN ORDEN, 0000
MICHELE T. VITA, 0000
GARRET A. WADSACK, 0000
MICHELLE L. WAITERS, 0000
JEANNETTE M. WATTERSON, 0000
JAMES L. WEINSTEIN, 0000
JON E. WILSON, 0000
JOVANNA O. WILSON, 0000
ELLEN M. WIRTZ, 0000
JEFFREY L. WISNESKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT J. AALSETH, 0000
JAMES H. ABBOTT, 0000
JASON K. ABBOTT, 0000
ALEXANDER L. ACKERMAN, 0000
MARK T. ADAMS, 0000
JOSEPH R. ADAMSKI, 0000
SEAN W. ADCOCK, 0000
JOSEPH J. AGUIAR, 0000
EDUARDO D. AGUILAR, 0000
FRANCISCO H. AGUILAR, 0000
RICHARD M. AGUIRRE, 0000
OSCAR J. AHUMADA, 0000
RENE V. ALANIZ, 0000
ALAN P. ALBERT, 0000
DAVID M. ALBERTO, 0000
WILLIAM P. ALCORN, JR., 0000
YAKOV ALEKSEYEV, 0000
MATTHEW W. ALEXANDER, 0000
TRENTON R. ALEXANDER, 0000
WILLIAM F. ALEXANDER, 0000
CARLOS L. ALFORD, 0000
SCOTT M. ALFORD, 0000
BERNIE L. ALLEMEIER, 0000
MARK S. ALLEN, 0000
SKI R. ALLENDER, 0000
STUART L. ALLEY, 0000
KIMANI H. ALSTON, 0000
RICHARD C. ALTOBELLO, 0000
CARLOS X. ALVARADO, 0000
TODD R. ANDEL, 0000
ERIC L. ANDERSON, 0000
ERIN J. ANDERSON, 0000
GAGE A. ANDERSON, 0000
JASON A. ANDERSON, 0000
JOSHUA C. ANDERSON, 0000
KARSTEN J. ANDERSON, 0000
PATRICK J. ANDERSON, 0000
QUINTIN D. ANDERSON, 0000
SCOTT M. ANDERSON, 0000
MARK E. ANDREWS, 0000
JOEY D. ANGELES, 0000
JAVIER I. ANTUNA, 0000
DAVID K. ARAGON, 0000
JOVAN P. ARCHULETA, 0000
JOHN M. ARELLANES, 0000
DOUGLAS A. ARIOLI, 0000
CLINTON J. ARMANI, 0000
MARTY A. ARMENTROUT, 0000
JOSHUA P. ARMEY, 0000
DAVID J. ARMITAGE, 0000
FRANK S. ARNOLD, 0000
JAMES J. ARPASI III, 0000
MICHELLE ARTOLACHIPE, 0000
MATTHEW M. ASHTON, 0000
ROBERT M. ATKINS, 0000
CHRIS D. AUGUSTIN, 0000
BRYAN C. AULNER, 0000
NEIL O. AURELIO, 0000
THOMAS D. AUSHERMAN, 0000
BRANDON J. AVELLA, 0000
RUSSELL J. AYCOCK, 0000
CHRISTOPHER L. AYRE, 0000
SOLOMON R. BAASE, 0000
BRIAN T. BACKMAN, 0000
ANTHONY R. BACZKIEWICZ, 0000
JENNIFER L. BAGOZZI, 0000
KELLY L. BAILEY, 0000
RYAN L. BAILEY, 0000
WENDY L. BAILEY, 0000
RYAN N. BAKAZAN, 0000
DORI M. BAKER, 0000
JESSE M. BAKER, 0000
WILLIAM E. BAKER, JR., 0000
DAVID A. BALDA, 0000
BRENT N. BALDWIN, 0000
ROBIN E. BALDWIN, 0000
JASON T. BALLAH, 0000
LEE E. BALLARD, JR., 0000
MICHAEL P. BALLARD, 0000
BRIAN P. BALLEW, 0000
DAVID M. BANKER, 0000
CHARITY A. BANKS, 0000
JOSEPH A. BANKS, 0000
MATTHEW R. BARFUSS, 0000
CRAIG T. BARHAM, 0000
GARY L. BARKER, 0000
ZACHARY N. BARKER, 0000
CHARLES D. BARKHURST, 0000
RICHARD A. BARKSDALE, JR., 0000
JASON R. BARNES, 0000
JEFFREY A. BARNES, 0000
MICHAEL S. BARNES, 0000
JOHN F. BARRETT III, 0000
WILLIAM A. BARRON, 0000
DANIEL W. BARROWS, 0000
ANTHONY J. BARRY, 0000
MATTHEW J. BARRY, 0000
LANCE D. BARTLETT, 0000
WILLIAM M. BARTLETT, 0000
KARL A. BASHAM, 0000
CLAYTON M. BASKIN, 0000
SHELBY E. BASLER, 0000
ROGER W. BASS, 0000
TONYA M. BATIEWASHINGTON, 0000
JAMIE M. BAUGH, 0000
PATRICK H. BAUM, 0000
STEVEN D. BAUMAN, 0000
DAVID B. BAUMGARTNER, 0000
IAN S. BAUTISTA, 0000
STEVEN M. BEATTIE II, 0000
JOHN R. BEATTY, 0000
SHAWN S. BEAUCHAMP, 0000
BRANDON M. BEAUCHAN, 0000
BRENT E. BEAULIEU, 0000
AVERY B. BEAVER, 0000
GRACE M. BECK, 0000
JEFFREY A. BECKFORD, 0000
CHANDRA M. BECKMAN, 0000
BECKY M. BEERS, 0000
STEVEN G. BEHMER, 0000
MATTHEW W. BEHNKEN, 0000
JENNIFER S. BEHYMER, 0000
BRYAN E. BEIGH, 0000
JASON S. BELCHER, 0000
AARON J. BELL, 0000
CHRISTOPHER P. BELL, 0000
JASON B. BELL, 0000
JEFFREY E. BELL, 0000
JOSHUA S. BELL, 0000
SHELBY L. BELL, 0000
TYSON S. BELL, 0000
RONALD B. BELLAMY, 0000
CASIMIRO BENAVIDEZ III, 0000
CHARLES A. BENBOW, 0000
ERIN Z. BENDER, 0000
DAMIAN O. BENIGNO, 0000
RODERICK L. BENNETT, 0000
JOSHUA A. BENSON, 0000
CASSIUS T. BENTLEY III, 0000
ROY A. BENTLEY, 0000
KENNETH A. BENTON, 0000
ROBERT C. BEPKO, 0000
SAMMUEL C. BERENGUER, 0000
BRYAN K. BERG, 0000
DANIEL P. BERG, 0000
ERIC N. BERG, 0000
DAVID J. BERKLAND, 0000
JEFFREY B. BERLAKOVICH, 0000
LENIN A. BERMUDEZROBLES, 0000
CHRISTOPHER D. BERNARD, 0000
MATTHEW J. BERRIDGE, 0000
NATHAN M. BERTMAN, 0000
MATTHEW J. BERTSCH, 0000
BRYAN R. BERUBE, 0000
MICHAEL S. BESS, 0000
STEVEN M. BETSCHART, 0000
JOHN R. BEURER, 0000
DAVID A. BICKERSTAFF, 0000
RYAN D. BICKET, 0000
JOEL K. BIEBERLE, 0000
JOSEPH M. BIEDENBACH, 0000
LISA M. BIEWER, 0000
TRAVIS A. BIGGAR, 0000
PETER J. BIGLEY, 0000
ERIK V. BILSTROM, 0000
DAVIS R. BIRCH, 0000
DENNIS R. BIRCHENOUGH, 0000
PETER J. BIRCHENOUGH, 0000
ANDREW J. BIRO, 0000
MATTHEW J. BISSELL, 0000
ALLISON K. BLACK, 0000
BRETT T. BLACK, 0000
HEIDI E. BLACK, 0000
RICHARD E. BLAGG, JR., 0000
JOSEPH D. BLAHOVEC, JR., 0000
ROBERT B. BLAKE, 0000
RYAN D. BLAKE, 0000
JACK A. BLALOCK, 0000
JAMES S. BLANCHARD, 0000
CHRISTOPHER J. BLANCHETTE, 0000
MATTHEW G. BLAND, 0000
DAVID B. BLAU, 0000
ANTHONY J. BLEVINS, 0000
EMIL L. BLISS, 0000
TERRY M. BLOOM, 0000
AARON R. BLUM, 0000
ELIZIO A. BODDEN, 0000
DANIEL J. BOEH, 0000
WILLIAM P. BOETTCHER, 0000
HEATHER B. BOGSTIE, 0000
RYAN M. BOHNER, 0000
SCOTT A. BOLE, 0000
KEVIN P. BOLLINO, 0000
BRIAN T. BONE, 0000
MELVIN L. BONIFACIO, 0000
STEVEN J. BONNEAU, 0000
JOHN P. BORAH, 0000
DAVID J. BORCHARDT, 0000
DIANA L. BORCHARDT, 0000
MICHAEL J. BORDERS, JR., 0000
MATTHEW R. BORGOS, 0000
CHRIS E. BORING, 0000
JOHN F. BOROWSKI, 0000
JOY E. BOSTON, 0000
ROBERT K. BOSWORTH, 0000
TERRY J. BOUSKA, 0000
DOUGLAS J. BOUTON, 0000
TERRY J. BOWLES, 0000
JOHN C. BOWMAN III, 0000
AARON J. BOYD, 0000
JEREMY R. BOYD, 0000
EDWIN A. BOYETTE, 0000
RYAN C. BOYLE, 0000
TRAVIS J. BRABEC, 0000
DOUGLAS R. BRADER, 0000
DANIEL A. BRADFORD, 0000
MATTHEW S. BRADFORD, 0000
ERIN K. BRADLEY, 0000
HEATHER D. BRAGG, 0000
SEAN S. BRAMMERHOGAN, 0000
MARVIN T. BRANAN, 0000
ANDREW J. BRANCO, 0000
BENJAMIN M. BRANDT, 0000
CHRISTOPHER W. BRANN, 0000
BRIAN S. BRASHER, 0000
JAMISON D. BRAUN, 0000
ARIS Y. BRAXTON, 0000
ROBERT A. BRAXTON, 0000
KEVIN R. BRAY, 0000
SCOTT M. BREECE, 0000
EDWARD J. BRENNAN, 0000
MATTHEW S. BRENNAN, 0000
BRIAN C. BRENNEMAN, 0000
BRADLEY M. BREWINGTON, 0000
WADE M. BRIDGES, 0000
MATTHEW H. BRIGGS, 0000
DEREK T. BRIGHT, 0000
JASON H. BRIGHTMAN, 0000
ANTHONY T. BRIM, 0000
ERIK G. BRINE, 0000
PAUL D. BRISTER, 0000
BRANDY E. BROADBENT, 0000
MARC A. BROCK, 0000
KEITH A. BROECKER, 0000
TONYA J. BRONSON, 0000
COREY M. BROUSSARD, 0000
ANGELIQUE P. BROWN, 0000
CORY L. BROWN, 0000
DOUGLAS A. BROWN, 0000
JAMES E. BROWN, 0000
JAMES H. BROWN, 0000
JERRY R. BROWN, 0000
JOSHUA A. BROWN, 0000
MATTHEW C. BROWN, 0000
MICHAEL L. BROWN, 0000
MICHAEL L. BROWN, 0000
PATRICK L. BROWN, 0000
PHILLIP M. BROWN, 0000
RUSSELL A. BROWN, 0000
SHEROYD L. BROWN, 0000
MICHELE A. BRUEMMER, 0000
JASON K. BRUGMAN, 0000
DAWSON A. BRUMBELOW, 0000
SHANE R. BRUMFIELD, 0000
MICHAEL C. BRUTON, 0000
PAUL W. BRYANT, 0000
REGINAL L. BRYANT, 0000
THOMAS E. BRYANT, 0000
JEFFREY H. BUCKLAND, 0000
GRANT C. BUCKS, 0000
JASON J. BUDNICK, 0000
RODOLFO G. BUENTELLOHERNANDEZ, 0000
CHRISTINA T. BUERGER, 0000
LAWRENCE D. BUERGER, 0000
CORY F. BULRIS, 0000
CHRISTIAN B. BURBACH, 0000
MARK L. BURCH, 0000
JEFFREY A. BURDETTE, 0000
CHAD N. BURDICK, 0000
JONATHAN E. BURDICK, 0000
CORNELL A. BURGESS, 0000
VICTOR L. BURGOS, JR., 0000
BRIAN J. BURKE, 0000
EDWARD A. BURKE, 0000
DAVID M. BURNETT, 0000
JAMES M. BURNUP, 0000
KENNETH R. BURTON, JR., 0000
DEANO A. BUSCH, 0000
DONALD L. BUSH, JR., 0000
SCOTT D. BUSIJA, 0000
KATHLEEN D. BUSS, 0000
SCOTT D. BUSSANMAS, 0000
MATTHEW J. BUTLER, 0000
TRACEY M. BYBEE, 0000
AQUILINO CABAN, 0000

KELLY M. CAHALAN, 0000
ANTHONY P. CALABRESE, 0000
AL J. CALDWELL II, 0000
BYRON J. CALHOUN, 0000
KATHERINE A. CALLAGHAN, 0000
BRYAN T. CALLAHAN, 0000
RUSSELL C. CALLAWAY, 0000
BENJAMIN R. CAMERON, 0000
ELIZABETH A. CAMPBELL, 0000
JENNIFER M. CAMPBELL, 0000
ANDREW M. CAMPION, 0000
KHALID J. CANNON, 0000
KRISTIE Y. CANNON, 0000
MATTHEW S. CANTORE, 0000
SARAH L. CANTRELL, 0000
DANIEL A. CANTU, 0000
JAMES F. CAPLINGER, 0000
SOFIA E. CARABALLOGARCIA, 0000
JEFFREY A. CARBONETTI, 0000
JEFFREY W. CARDER, 0000
BERYL O. CARPENTER, 0000
NICHOLAS A. CARPINO, 0000
TROY D. CARR, 0000
YVONNE C. CARRICO, 0000
DION M. CARRIERI, 0000
BRIAN C. CARROLL, 0000
CLARK W. CARROLL, 0000
ERIC J. CARTAGENA, 0000
CHRISTIAN H. CARTER, 0000
JEREMY S. CARTER, 0000
JONATHAN T. CARTER, 0000
FREDERICK V. CARTWRIGHT, 0000
ANTHONY S. CARVER, 0000
TRACY R. CARVER, 0000
GARY R. CASE, 0000
BRENDAN K. CASEY, 0000
JEFFREY F. CASHION, 0000
VINCENT E. CASQUEJO, 0000
CHRISTOPHER R. CASSEM, 0000
DAVID P. CASSON, 0000
HARTMUT V. CASSON, 0000
TONY CASTILLO, 0000
ROBBY A. CASTLE, 0000
DAVID A. CASTOR, 0000
ALEXANDER CASTRO, 0000
ERICK J. CASTRO, 0000
JUAN M. CASTRO, 0000
RAYMOND E. CASTRO, 0000
CHARLES C. CATES, 0000
JERRY O. CATES, 0000
DAVID C. CAVAZOS, 0000
PAUL J. CENTINARO, 0000
TIMOTHY M. CHABAIL, 0000
RICK A. CHADWICK, 0000
CARRIE E. CHAPPELL, 0000
DAVID R. CHAUVIN, 0000
BRIAN C. CHELLGREN, 0000
CHRISTOPHER R. CHESSER, 0000
CHRISTOPHER L. CHESTNUT, 0000
DOMINIC V. CHIAPUSIO, 0000
MARC A. CHIASSON, 0000
DAMON R. CHIDESTER, 0000
ALLISON R. CHISHOLM, 0000
MATTHEW G. CHO, 0000
BRIAN S. CHOATE, 0000
SHARON A. CHRIST, 0000
SHAWN D. CHRISTIE, 0000
CORY R. CHRISTOFFER, 0000
BRIAN W. CHUNG, 0000
ALLAN D. CHUNN, 0000
CHRISTOPHER S. CHURCH, 0000
CHARLES G. CHURCHVILLE, 0000
MARK M. CIESEL, 0000
RAYMOND J. CILURSO, 0000
JOHN J. CLAGNAZ, 0000
JOSEPH T. CLANCY, 0000
BENJAMIN C. CLARK, 0000
ROBERT P. CLARK, 0000
STEVEN A. CLARK, 0000
LUIS CLAUDIO, 0000
CYNTHIA R. CLEFISCH, 0000
MARC P. CLEMENTE, 0000
WILLIAM C. CLEMENTS, 0000
GEORGE W. CLIFFORD III, 0000
GRETCHEN R. CLOHESSY, 0000
TRAVIS J. CLOVIS, 0000
REBECCA A. COBB, 0000
JOHN J. COCHRANE, 0000
DANIEL J. CODDINGTON, 0000
RYAN M. COLBURN, 0000
MATTHEW W. COLDSNOW, 0000
ANTHONY R. COLE, 0000
KEVIN B. COLEMAN, 0000
MATTHEW F. COLEMAN, 0000
MICHAEL A. COLEMAN, 0000
SHANNON L. COLEMAN, 0000
ROLAND M. COLINA, 0000
PATRICK M. COLLETTE, 0000
BRIAN P. COLLINS, 0000
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DANIEL S. COLLISTER, 0000
MICHAEL L. COLSON, 0000
LISA M. COMBS, 0000
BRETT M. COMER, 0000
ERIC T. COMPTON, 0000
JARED A. CONABOY, 0000
KYLE M. CONE, 0000
SHAWN R. CONES, 0000
BRETT P. CONNER, 0000
CARL R. CONWAY, 0000
BENJAMIN C. COOK IV, 0000
JASON J. COOK, 0000
LARRY N. COOK, JR., 0000
WILLIAM C. COOK, 0000
HEATHER D. COOLEY, 0000
JOHN D. COOLEY, JR., 0000
JEREMY C. COONRAD, 0000
CHAD W. COOPER, 0000
FRANCIS S. COOPER, 0000
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JASON L. COOPER, 0000
THOMAS L. COOPER, 0000
PHILLIP M. CORBELL, 0000
MARCUS J. CORBETT, 0000
WILLIAM H. CORBETT, 0000
DANIEL J. CORDES, 0000
CHRISTOPHER L. CORN, 0000
PAUL T. CORY, 0000
TODD S. COTSMAN, 0000
KARL K. COWART, 0000
LELAND K. COWIE, 0000
JOSEPH D. COX, 0000
KEVEN P. COYLE, 0000
ROBERT J. CRABLE, JR., 0000
RONALD S. CRABTREE, 0000
DESIREE L. CRAIG, 0000
KEITH B. CRAIG, 0000
MATTHEW S. CRAIG, 0000
JASON S. CRAWFORD, 0000
MARTIN H. CRAWFORD, 0000
RHONDA R. CRAWFORD, 0000
ROLANDIS J. CRAWL, 0000
THOMAS W. CRENSHAW III, 0000
NATHANAEL D. CRIMMINS, 0000
SHANE M. CRIPPEN, 0000
CASHENNA A. CROSS, 0000
LUTHER T. CROSS, 0000
THOMAS A. CROSS, 0000
ERIC W. CROWELL, 0000
JUNE A. CRUSE, 0000
KEVIN D. CRUSON, 0000
BRUCE J. CRUZ, 0000
JEREMIAH J. CRUZ, 0000
JOSEPH H. CRUZ, 0000
VELEZ E. CRUZ, 0000
JOHN T. CUDAR, 0000
JEREMY D. CUKIERMAN, 0000
RICHARD E. CULLIVAN, 0000
TIMOTHY J. CUMMINGS, 0000
GEORGE M. CUNDIFF, JR., 0000
DANIELLE N. CURLEY, 0000
KEVIN S. CURRIE, 0000
FRANCIS E. CURRIER, 0000
MICHAEL D. CURRY, 0000
APRYL L. CYMBAL, 0000
GREGG J. CZUBIK, 0000
VINCENT J. DABROWSKI, 0000
ANTONY C. DACOSTA, 0000
DANIEL L. DAHL, 0000
JENNIFER B. DAINES, 0000
PAUL G. DAMBRAUSKAS, 0000
CHRISTINA X. DANIELS, 0000
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BRIAN S. DANNAKER, 0000
GREGORY N. DASH, 0000
JONATHON M. DAUR, 0000
MICHAEL E. DAVES, 0000
GREGORY A. DAVIS, 0000
LEIGH A. DAVIS, 0000
GEOFFREY D. DAWSON, 0000
RICHARD E. DAWSON, 0000
STEPHEN J. DAWSON, 0000
SELIMON D. DEAN, 0000
DAVID A. DEANGELIS, 0000
DENO W. DEBACCO, 0000
FLORIAN C. DECASTRO, 0000
KENNETH L. DECKER, JR., 0000
JOHN J. DEENEY IV, 0000
DANNY L. DEKINDER, 0000
JOHN F. DELAHANTY, 0000
TRACY N. DELANEY, 0000
DOUGLAS E. DELCAMPO, 0000
CHERYL M. DELOUGHERY, 0000
CHAD A. DELROSSA, 0000
JOSHUA D. DEMOTTS, 0000
JOHNNIE DENNIS, JR., 0000
MARC F. DESHAIES, 0000
MICHAEL J. DEVELLE, 0000
BRENDAN F. DEVINE, 0000
BRIAN J. DEWEY, 0000
CHARLES J. DEWEY, 0000
DANIEL S. DEYOUNG, 0000
JOSE DIAZ DE LEON, 0000
JONATHAN R. DIAZ, 0000
NICOLAS M. DIAZ, 0000
AARON A. DIBBLE, 0000
BRIAN M. DICKENSON, 0000
DRU D. DICKERSON, 0000
JARED W. DICKERSON, 0000
CARL J. DIECKMANN, 0000
JONATHAN M. DIETRICH, 0000
MICHAEL R. DIETRICH, 0000
WADE E. DILLARD, 0000
KENDRA L. DIMICHELE, 0000
MICHAEL E. DINWIDDIE, 0000
ERNESTO M. DIVITTORIO, 0000
DANIEL A. DOBBELS, 0000
BYRON W. DOBBS, 0000
ALAN F. DOCAUER, 0000
BRYAN C. DOCKTER, 0000
JAMES P. DOHERTY, 0000
MEGHAN B. DOHERTY, 0000
MICHAEL S. DOHERTY, 0000
SHAWNA B. DOHERTY, 0000
BENITO M. DOMINGUEZ IV, 0000
JEFFREY J. DONATO, 0000
JAMES L. DONELSON, JR., 0000
JEFFREY A. DONHAUSER, 0000
CAMERON S. DONOUGH, 0000
BRYAN J. DOPPENBERG, 0000
BRENT D. DORSEY, 0000
JASON C. DOSTER, 0000
DREW E. DOUGHERTY, 0000
STEVEN DOUGHERTY, 0000
BRANDON M. DOUGLASS, 0000
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HENRY J. DRAKE, 0000
KILE R. DREHER, 0000
BRIAN S. DRENNON, 0000
ANDREW D. DRIES, 0000
DAWN M. DRINKWINE, 0000
STEVEN J. DRINNON, 0000
BRENT A. DROWN, 0000
JOSHUA P. DROZ, 0000
LINDSAY C. DROZ, 0000
KRISTIN N. DUBY, 0000
JERROD W. DUGGAN, 0000
MASON R. DULA, 0000
DENNIS V. DUMALE, 0000
ERIK N. DUNN, 0000
MICHAEL P. DUNYAK, 0000
TREVYR C. DUPONT, 0000
TROY A. DUPONT, 0000
GABRIELLE M. DUPREE, 0000
MICHAEL J. DURBAND, 0000
VINCENT A. DUTTER, 0000
CHAD M. DUTTON, 0000
APRIL D. DWYER, 0000
MICHAEL T. DYE, 0000
TODD R. DYER, 0000
WESLEY B. EAGLE, 0000
TRAVIS EASTBOURNE, 0000
HEATHER E. EASTLACK, 0000
JON A. EBERLAN, 0000
DANIEL A. EBERT, 0000
JON J. ECKERT, 0000
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DIMEATRIUS A. EDWARDS, 0000
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ERIK L. EICHIN, 0000
DAVID C. EIDSMOE, 0000
DAVID J. EIKENBURG, 0000
JENNIFER V. EILERT, 0000
DAVID B. EISENBREY, 0000
KIRK E. EKNES, 0000
BRYAN A. ELDER, 0000
JONATHAN E. ELDRIDGE, 0000
JOSEPH S. ELKINS, 0000
STEVEN J. ELLIOTT, 0000
RYAN A. ELOFSON, 0000
CHRISTOPHER J. EMCH, 0000
DAVID G. EMERY, 0000
SARAH L. EMORY, 0000
PAUL D. EMSLIE, 0000
ROBERT C. ENCK, 0000
ROXANE E. ENGELBRECHT, 0000
JOHN M. ENGESSER, 0000
TONY D. ENGLAND, 0000
ALEX M. ENGLE, 0000
MICHAEL J. ENGLEHARDT, 0000
JASON D. ENGLER, 0000
KEITH E. ENGLIN, 0000
CRAIG G. ENRIQUES, 0000
KIRBY M. ENSSER, 0000
JOEL E. EPPLEY, 0000
CHAD M. ERICKSON, 0000
RAYMOND R. ERICKSON, 0000
RICHARD D. ERKKILA, 0000
MATTHEW A. ERPELDING, 0000
BRADLEY J. ERTMER, 0000
MACK A. ERWIN, 0000
PABLO ESCOBEDO, JR., 0000
ROBERT P. ESKRIDGE, 0000
JASON T. ESQUELL, 0000
QUENTEN M. ESSER, 0000
MARK A. ESSLINGER, 0000
MICHAEL A. EVANCIC, 0000
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JOSEPH R. EWING, 0000
ELIZABETH J. EYCHNER, 0000
STEVEN W. FALL, 0000
MARK D. FALSANI, 0000
EMILY E. FARKAS, 0000
ERICKA S. FARMERHILL, 0000
SCOTT W. FARNHAM, 0000
FRANCIS J. FARRELLY, 0000
ANDREW C. FAULKNER, 0000
MARK J. FAULSTICH, 0000
ELIZABETH R. FEASTER, 0000
JAMES R. FEE, JR., 0000
GARY A. FELAX, 0000
JACK M. FELICI, 0000
JOEL W. FENLASON, 0000
JOSEPH P. FERFOLIA, 0000
JAMES S. FERGUSON, 0000
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JAMES S. FERNANDEZ, 0000
ANDREW P. FETH, 0000
PAUL P. FIDLER, 0000
ERIK J. FIEDERER, 0000
ADAM R. FIEDLER, 0000
PATRICK N. FIEG, 0000
DAMON D. FIGUEROA, 0000
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JONATHAN S. FINDLEY, 0000
DANIEL E. FINKELSTEIN, 0000

SEAN M. FINNAN, 0000
BRADY S. FISCHER, 0000
JEREMY C. FISCHMAN, 0000
GRANT A. FISH, 0000
JEFFREY P. FISHER, 0000
KEVIN D. FISHER, 0000
BARY D. FLACK, 0000
RYAN W. FLEISHAUER, 0000
JASEM R. FLEMING, 0000
LARRY B. FLETCHER, JR., 0000
NATHAN D. FLINT, 0000
DANIEL F. FLORES, 0000
GARRY S. FLOYD, 0000
JACK W. FLYNT, 0000
MICHELLE L. FODREY, 0000
ANDREW M. FOGARTY, 0000
PHILIP M. FORBES, 0000
CHRISTOPHER L. FORD, 0000
JASON M. FORD, 0000
JENNIFER S. FORD, 0000
WILLIAM C. FORD, 0000
CHRISTOPHER D. FORREST, 0000
LESLIE Y. FORRESTER, 0000
ERNEST L. FOSTER II, 0000
JASON P. FOSTER, 0000
RICHARD B. FOSTER, 0000
WILLIAM W. FOSTER, 0000
DEANNA L. FOTY, 0000
DOUGLAS J. FOWLER, 0000
DANIELLE C. FOX, 0000
LANCE E. FRALEY, 0000
JOSEPH B. FRAMPTOM, 0000
JASON E. FRANCE, 0000
KEITH G. FRANCIS, 0000
NICHOLE K. A. FRANCISCO, 0000
JOHN C. FRANCOLINI, 0000
TYLER P. FRANDER, 0000
JOSHUA N. FRANK, 0000
NIKKI R. FRANKINO, 0000
JAMES R. FRANKS, JR., 0000
RYAN P. FRAZIER, 0000
JEFFREY H. FREEDMAN, 0000
CHARLES M. FREEL, 0000
JACOB A. FREEMAN, 0000
MERLISSA N. FREEMAN, 0000
MICHAEL A. FREEMAN, 0000
PAUL B. FREEMAN, 0000
WILLIAM K. FREEMAN, 0000
HUGH J. FREESTROM, 0000
MICHAEL R. FREIMARCK, 0000
MICHAEL H. FREYHOLTZ, 0000
GARY L. FRISARD, 0000
BRIAN S. FRISBEY, 0000
SHAWN J. FRITZ, 0000
CRAIG A. FRONCZEK, 0000
JOHN G. FRUEH, 0000
KEVIN J. FRUHWIRTH, 0000
JENNIFER R. FUGIEL, 0000
JENNIFER D. FUJIMOTO, 0000
BRANDON S. FULLER, 0000
JASON S. FULLER, 0000
NICOLE E. FULLER, 0000
BRAD T. FUNK, 0000
ERIC M. FURMAN, 0000
JEAN J. FUTEY, 0000
JOSEPH D. GADDIS, 0000
LEO L. GAGE, JR., 0000
BRENT J. GAGNARD, 0000
DARIA J. GAILLARD, 0000
ALLISON M. GALFORD, 0000
CHAD A. GALLAGHER, 0000
JEFFREY M. GALLOWAY, 0000
DANIEL A. GALLTON, 0000
BRIAN J. GAMBLE, 0000
KIMBERLY L. L. GARBETT, 0000
CONNIE R. GARCIA, 0000
FRED E. GARCIA, 0000
MARILYN A. GARCIA, 0000
RICARDO R. GARCIA, 0000
MICHAEL L. GARGASZ, 0000
TIMOTHY R. GARLAND, 0000
MICHAEL H. GARNER, 0000
JASON M. GARRISON, 0000
DARIUS V. GARVIDA, 0000
MARC R. GASBARRO, 0000
ERIC R. GAULIN, 0000
JULIE M. GAULIN, 0000
JEREMY D. GEASLIN, 0000
JASON W. GEITGEY, 0000
ROBERT C. GELLNER, 0000
MARA E. GEORGIANA, 0000
MICHELE J. GERACI, 0000
ALGERD A. GERALT, 0000
TREVOR F. GERSTEN, 0000
JOHN F. GETGOOD, 0000
MATTHEW C. GETTY, 0000
JAMES B. GHERDOVICH, 0000
MARK D. GIBSON, 0000
SEAN M. GIBSON, 0000
RONALD E. GILBERT, 0000
JEREMY R. GILBERTSON, 0000
MICHELLE E. GILLASPIE, 0000
JOHN B. GILLIAM, 0000
SHAWN K. GILLILAND, 0000
MIKI K. GILLOON, 0000
SCOTT R. GILLOON, 0000
JASON N. GINGRICH, 0000
ADAM E. GIZELBACH, 0000
ROSS K. GLEASON, 0000
JASON R. GLOVER, 0000
MATTHEW R. GLYNN, 0000
CHRISTOPHER R. GOAD, 0000
PATRICK M. GODFREY, 0000
EDWARD G. GOEBEL, JR., 0000
BRIAN D. GOLDEN, 0000
KYLE H. GOLDSTEIN, 0000
JEFFREY J. GOMES, 0000
LORELEI GOMEZ, 0000
TIMOTHY M. GONYEA, 0000
BIRMANIA M. GONZALEZ, 0000
GERARDO O. GONZALEZ, 0000
JUANITA M. GONZALEZ, 0000
MICHAEL P. GOOD, 0000
DAVID P. GOODE, 0000
VANCE GOODFELLOW, 0000
JOHN T. GOODSON III, 0000
JEREMY S. GORDON, 0000
RANDEL J. GORDON, 0000
MICHAEL S. GORE, 0000
RYAN E. GORECKI, 0000
MARK D. GOULD, 0000
JAMES P. GOVIN, 0000
MARGARET D. GRAFE, 0000
ARTHUR P. GRAFTON IV, 0000
BRENT W. GRAHAM, 0000
DAVID R. GRAHAM, 0000
LAWRENCE C. GRAHAM IV, 0000
SETH W. GRAHAM, 0000
GEORGE R. GRANHOLM, 0000
HOLLY E. GRANT, 0000
JORDAN G. GRANT, 0000
TODD D. GRANT, 0000
NICOLAUS P. GRAUER, 0000
NATHANAEL L. GRAUVOGEL, 0000
CHRISTOPHER P. GRAVES, 0000
BRYAN T. GRAY, 0000
MYERS S. GRAY, 0000
STACEY A. GRAY, 0000
SCOTT A. GREATHOUSE, 0000
JAMIE L. GREEN, 0000
MAYA D. GREEN, 0000
MERRICK J. GREEN, 0000
DONALD R. GREENE, 0000
KARA M. GREENE, 0000
BRIAN J. GRETE, 0000
ROD D. GRICE, 0000
ANDREW J. GRIFFIN, 0000
GILBERT S. GRIFFIN, 0000
MICHELLE L. GRIFFITH, 0000
MICHAEL A. GRIMAUD, 0000
JOSEPH J. GRINDROD, 0000
TODD J. GROCKI, 0000
KIMBERLY L. GROVER, 0000
JOHN A. GRUBER, 0000
EDWARD B. GRUNDEL, 0000
LIZABETH M. GRUPE, 0000
AARON GUILL, 0000
MARK T. GUILLORY, 0000
ERIN R. GULDEN, 0000
EDWARD J. GUSSMAN, 0000
JOHN M. GUSTAFSON, 0000
JUNG H. HA, 0000
CHARLES R. HAAG, 0000
TROY L. HACKER, 0000
GREGORY R. HAFNER, 0000
MICHAEL J. HAGAN, 0000
CHRISTOPHER M. HAGUE, 0000
MARY C. HAGUE, 0000
TYLER N. HAGUE, 0000
CHRISTOPHER M. HAINES, 0000
DAVID L. HALASIKUN, 0000
JASON P. HALE, 0000
FRANCIS G. HALL, 0000
JONATHAN B. HALL, 0000
PRINCE J. HALL, 0000
RUSSELL J. HALL, 0000
SCOTT J. HALL, 0000
NILS E. HALLBERG, JR., 0000
DAN C. HAMAN, 0000
COURTNEY A. HAMILTON, 0000
JAMES R. HAMILTON, 0000
SCOTT D. HAMILTON, 0000
CHRISTOPHER B. HAMMOND, 0000
JEFFREY A. HAMMOND, 0000
YOUNG I. HAN, 0000
CARL E. HANEY, 0000
JAMES R. HANFORD, 0000
JONATHAN G. HANLEY, 0000
MARK L. HANSEN, 0000
ELIZABETH A. HANSON, 0000
BRIAN L. HARD, 0000
DARION L. HARDEN, 0000
ROBERT W. HARDER, 0000
TAMMY A. HARDER, 0000
BENJAMIN A. HARDING, 0000
JAMES M. HARMON, 0000
ARCHIBALD A. HARNER, 0000
GABRIEL T. HARRIS, 0000
JASON C. HARRIS, 0000
JOHN N. HARRIS, 0000
STANLEY B. HARRIS, 0000
BENJAMIN R. HARRISON, 0000
JIM N. HARRISON, 0000
JOSHUA J. HARTIG, 0000
MATTHEW D. HARTMAN, 0000
CRAIG L. HARVEY, 0000
LESLIE F. HAUCK III, 0000
JASON W. HAVEL, 0000
CHARLES H. HAWKINS, 0000
JEFFERSON G. HAWKINS, 0000
CHRISTOPHER G. HAWN, 0000
CHRISTOPHER J. HAWS, 0000
MATTHEW A. HAYDEN, 0000
DAX A. HAYES, 0000
NEAL W. HAYES, 0000
MICHAEL P. HEALY, 0000
DAVID L. HEARN III, 0000
CLINTON M. HEATON, 0000
CHRISTOPHER M. HEBER, 0000
JESSE A. HEDGE, 0000
CHRISTOPHER C. HEIM, 0000
DOUGLAS J. HELLINGER, 0000
CHRISTEL R. HELQUIST, 0000
JASON A. HELTON, 0000
RICHARD C. HEMMINGS, 0000
CLINT A. HENDERSON, 0000
NATHAN C. HENDRICKS, 0000
JOHN E. HENLEY, 0000
JAY C. HENNETTE, 0000
WADE A. HENNING, 0000
PETER R. HENRIKSON, 0000
DAVID M. HENSLEE, 0000
ANDREW M. HENSON, 0000
WILLIAM C. HEPLER, 0000
JARED D. HERBERT, 0000
JAIME I. HERNANDEZ, 0000
WILLIAM R. HERSCH, 0000
CHE S. HESTER, 0000
MARK R. HEUSINKVELD, 0000
JAMES V. HEWITT, 0000
JASON L. HICKS, 0000
STERLING C. HICKSON, 0000
ALAN J. HIETPAS, 0000
SCOTT R. HIGGINBOTHAM, 0000
TIMOTHY J. HIGGINS, 0000
DENNIS F. HIGUERA, 0000
JAMES R. HILBURN, 0000
DAVID J. HILL, 0000
JONATHAN A. HILL, 0000
JUSTIN M. HILL, 0000
VANESSA M. HILLMAN, 0000
GEOFFREY R. HINDMARSH, 0000
HUYNH A. HINSHAW, 0000
JEFFREY A. HIRATA, 0000
GARNER F. HIXSON, JR., 0000
JARRETT M. HLAVATY, 0000
RYAN A. HODGES, 0000
VINCENT E. HODGES, 0000
CALVIN C. HODGSON, 0000
JOANNA E. HOFLE, 0000
ZABRINA Y. HOGGARD, 0000
SEAN P. HOLAHAN, 0000
GREGG J. HOLASUT, 0000
JAMES M. HOLDER, 0000
RICHARD N. HOLIFIELD, JR., 0000
CHRISTOPHER C. HOLLAND, 0000
CORY S. HOLLON, 0000
DAVID M. HOLM, 0000
KEITH W. HOLMES, 0000
PATRICE O. HOLMES, 0000
TAJ L. HOLMES, 0000
CHAD A. HOLT, 0000
JENNIFER A. HOLTHAUS, 0000
BRYAN K. HOLZEMER, 0000
EVAN L. HOOVER, 0000
CHRISTINA L. HOPPER, 0000
RICHARD T. HORNBUCKLE, 0000
KEVIN D. HORNBURG, 0000
RICHMOND A. HORNBY, 0000
THOMAS J. HORNIK, 0000
JASON D. HORTON, 0000
SEAN A. HOSEY, 0000
ANDREW K. HOSLER, 0000
MATTHEW R. HOUSAND, 0000
ROBERT R. HOWARD, 0000
TRAVIS G. HOWELL, 0000
JOHN N. HSU, 0000
KEVIN S. HUBER, 0000
CHARLES P. HUDSON, 0000
EDWARD T. HUDSON, 0000
JEREMY F. HUFFAKER, 0000
JAROD C. HUGHES, 0000
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ROGER D. HUGHES, JR., 0000
BRIAN L. HUMPHREY, 0000
STEPHANI D. HUNSINGER, 0000
AMBER N. HUNT, 0000
RUSSELL T. HUNT, 0000
JEFFEREY V. HUNTER, 0000
JAMES G. HUNTLEY, 0000
KURT F. HUNTZINGER, 0000
SHANE M. HUPP, 0000
JASON A. HURST, 0000
MATTHEW J. IMPERIAL, 0000
SCOTT J. INMON, 0000
JEHANGIR N. IRANI, 0000
WILLIAM E. IRVIN, 0000
JEFFREY C. ISGETT, 0000
JASON J. IVES, 0000
DONALD A. JACK, 0000
ABRAHAM L. JACKSON, 0000
CHARLOTTE A. JACKSON, 0000
JACOB T. JACKSON, 0000
JEFFREY W. JACKSON, 0000
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GLENN C. JACOBSON, 0000
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JESSE S. JAHN, 0000
JASON W. JAMES, 0000
KEITH D. JAMES, 0000
MATTHEW B. JAMES, 0000
ROMEL L. JARAMILLO, 0000
GREGORY C. JARMUSZ, JR., 0000
JASON D. JAROS, 0000
CHRISTOPHER C. JARVIS, 0000
MAURICE J. JEFFERSON, 0000
JENNIFER L. JEFFORDS, 0000
HENRY R. JEFFRESS, 0000
WILLIAM H. JELKS, 0000
RON R. JENKINS, 0000
YOLANDA L. JENKINS, 0000
ANDREW B. JENNINGS, 0000
GINA JENNINGS, 0000
JEFFREY T. JENNINGS, 0000
MARTIN T. JENNINGS, 0000
CAROLINE A. JENSEN, 0000
GEOFFREY M. JENSEN, 0000
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SHANE C. JENSEN, 0000
TIMOTHY L. JENSEN, 0000
TODD M. JENSEN, 0000
JAYME J. JIMENEZ, 0000
JORGE I. JIMENEZ, 0000
JOSE E. JIMENEZ, JR., 0000
ANTHONY L. JIOVANI, 0000
SAMUEL L. JOBE, 0000
NIDAL M. JODEH, 0000
JUSTIN L. JOFFRION, 0000
SHERMAN E. JOHNS, 0000
DANIEL C. JOHNSEN, 0000
HILARY R. JOHNSONLUTZ, 0000
BRANDON R. JOHNSON, 0000
BRYAN C. JOHNSON, 0000
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MONIQUE D. JOHNSON, 0000
NATHANIEL M. K. JOHNSON, 0000
PHILLIP J. JOHNSON, JR., 0000
ROBERT W. JOHNSON, 0000
RUSSELL K. JOHNSON, 0000
SAMUEL R. JOHNSON, 0000
SILINDA A. JOHNSON, 0000
TAMMY JOHNSON, 0000
TREAVOR G. JOHNSON, 0000
BRIAN D. JOHNSTON, JR., 0000
ROSS T. JOHNSTON, 0000
DANIEL P. JOHNSTONE, 0000
RICHARD W. JOKINEN, 0000
GREGORY M. JONES, 0000
JEREMY T. JONES, 0000
MARK S. JONES, 0000
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PAUL R. JONES, 0000
SABRINA A. JONES, 0000
KATHY L. JORDAN, 0000
MELISSA L. JORDAN, 0000
ROBERT P. JORDAN, 0000
GUSTAV J. JORDT, 0000
ERIK D. JORGENSEN, 0000
JONATHAN M. JOSHUA, 0000
THOMAS R. JOST, 0000
JEFFREY A. JOYCE, 0000
AARON A. JUHL, 0000
WILLIAM F. JULIAN, 0000
PAUL J. KAAN, 0000
KELLY F. KAFEYAN, 0000
OLIVER M. KAHLER III, 0000
KENNETH M. KALFAS, 0000
MICHAEL C. KALLAI, 0000
ALISON L. KAMATARIS, 0000
ROBERT J. KAMMERER, 0000
PAUL R. KASTER, JR., 0000
ZOLTAN V. KASZAS, 0000
JEFFREY A. KATZMAN, 0000
CHRIS A. KAUFMAN, 0000
EDWARD M. KAUFMAN, 0000
ROBERT B. KEAS, 0000
ROSS A. KEENER, 0000
JOHN B. KELLEY, 0000
BYRON P. KELLY, 0000
THOMAS F. KELLY, 0000
CHERYL L. KENDALL, 0000
SHAWN R. KENG, 0000
JEFFREY M. KENNEDY, 0000
KEVIN T. KENNEDY, 0000
JARED P. KENNISH, JR., 0000
ADAM W. KERKMAN, 0000
ERICH J. KESSLER, 0000
SHARON K. E. KIBILOSKI, 0000
MAURICE H. KIDNEY, 0000
RICHARD C. KIEFFER, 0000
THOMAS E. KIESLING, 0000
JASON D. KIKER, 0000
JOHN W. KILARESKI, 0000
SHAWNA R. KIMBRELL, 0000
ANTHONY K. KIMBROUGH, 0000
BARRY A. KING II, 0000
JASON M. KING, 0000
MARY L. KINNEY, 0000
JOHN P. KINNISON, 0000
JASON E. KINZER, 0000
CASSANDRA C. KIRK, 0000
STEPHEN H. KIRKLAND, 0000
MICHAEL T. KIRKPATRICK, 0000
SCOTT J. KISSLER, 0000
REBECCA L. KITTS, 0000
JOSEPH R. KLEEMAN, 0000
MICHAEL D. KLEFFMAN, 0000
BRADLEY K. KLEMESRUD, 0000
SCOTT L. KLEMPNER, 0000
TONYA M. KLEMPP, 0000
DARYL S. KLENDA, 0000
JOHN S. KLEVEN, 0000
JEREMIAH O. KLOMP, 0000
RYAN T. KNAPP, 0000
MICHELLE R. KNEUPPER, 0000
KENNETH R. KNIGHT, 0000
PATRICK A. KNOTT, 0000
JASON D. KNOWLES, 0000
AMANDA K. KNUDSON, 0000
DANIEL E. KOBS, 0000
NANCY M. KOCHCASTILLO, 0000
CHEREE S. KOCHEN, 0000
SCOTT D. KOECKRITZ, 0000
DARYL B. KOMULAINEN, 0000
THOMAS R. KOOTSIKAS, 0000
MELVIN R. KORSMO, 0000
CLAY M. KOSCHNICK, 0000
TIMOTHY A. KOSS, 0000
ANDREW J. KOWALCHUK, 0000
BRIAN D. KOZOLA, 0000
DAVID D. KRAMBECK, 0000
KAREN N. KRAYBILL, 0000
ZACHARY J. KRBEC, 0000
BRIAN C. KREITLOW, 0000
JAMES H. KRISCHKE, 0000
ANTHONY J. KUCZYNSKI, 0000
PAUL D. KUDER, 0000
DIANE I. K. KUDERIK, 0000
DEVIN M. KUDLAS, 0000
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CHRISTOPHER E. KUREK, 0000
JOHN KURIAN, 0000
SHAD J. LACKTORIN, 0000
ERIC J. LACOUTURE, 0000
KEVIN W. LACROIX, 0000
TODD P. LADD, 0000
KRISTIN A. LAFARR, 0000
MICHELLE M. LAI, 0000
CAMERON K. LAMBERT, 0000
ROSENDO C. LAMIS, JR., 0000
KENNETH R. LANCASTER, JR., 0000
DONALD L. LAND, JR., 0000
RYAN J. LANDMANN, 0000
JOEL L. C. LANE, 0000
NATHAN P. LANG, 0000
KENNETH H. LANGERT, 0000
ROBERT V. LANKFORD, 0000
ARMON E. LANSING, JR., 0000
IAN H. LARIVE, 0000
JAMES H. LARKIN, 0000
JOSHUA A. LARSEN, 0000
AARON R. LATTIG, 0000
IAN B. LAUGHREY, 0000
PATRICK R. LAUNEY, 0000
GARY C. LAVERS, 0000
WILLIAM J. LAYTON, 0000
FRANK W. LAZZARA, 0000
DAVID A. LEACH, 0000
KIM T. LEBA, 0000
ANDRE G. LECOURS, 0000
RONALD A. LECZA, 0000
MATTHEW G. LEDDY, 0000
DAVID M. LEDERER, 0000
DANIEL P. LEE, 0000
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JORDAN D. LEE, 0000
MARION J. F. LEE, 0000
MAURICE L. LEE, 0000
ROBERT H. LEE, JR., 0000
SEAN E. LEE, 0000
JOSEPH D. LEGRADI, 0000
THOMAS A. LEITH, 0000
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ADAM G. LENFESTEY, 0000
JOHN A. LESHO, 0000
ALEC S. LEUNG, 0000
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JARRETT R. LEWIS, 0000
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KYLE S. LEWIS, 0000
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WILLIAM H. LEWIS, 0000
PETER J. LEX, 0000
STEVEN X. LI, 0000
JAMES R. LIDDLE, JR., 0000
BRIAN D. LIEBENOW, 0000
JEFFREY H. LIN, 0000
SCOTT C. LINCK, 0000
WILLIAM E. LINDE, 0000
JOHN P. LINDELL, 0000
DAVID B. LINDLER, 0000
LASHAUNA R. LINDSEY, 0000
ERIC J. LINGLE, 0000
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BARRY E. LITTLE, 0000
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MARC S. LLACUNA, 0000
RONALD M. LLANTADA, 0000
JOHN A. LOCKETT, 0000
JASON K. LOE, 0000
JERRY J. LOEFFELBEIN, 0000
ANDREW J. LOFTHOUSE, 0000
ALEXANDER J. LOGAN, 0000
ROY A. LOHSE, 0000
DAWN A. M. LOISEL, 0000
CHRISTOPHER S. LONG, 0000
DAVID C. LONGHORN, 0000
NOLAN D. LONGMORE, 0000
ERIC S. LOPEZ, 0000
OSVALDO S. LOPEZTORRES, 0000
JOHN J. LOSINSKI, 0000
PERRY L. LOTT, 0000
EDMUND X. LOUGHRAN II, 0000
CHARLES M. LOYER, 0000
BRANDON M. LUCAS, 0000
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ANNE R. LUECK, 0000
PETER J. LUECK, 0000
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JONATHAN E. LUMINATI, 0000
CHRIS D. LUNDY, 0000
GEORGE B. LUSH, 0000
LOUIS L. LUSSIER III, 0000
TIMOTHY A. LUTON, 0000
RODNEY D. LYKINS, 0000
NICHOLAS A. LYNCH, 0000
SUSAN A. LYNCH, 0000
COREY W. LYONS, 0000
ROBERT P. LYONS III, 0000
CHRISTOPHER A. MACAULAY, 0000
JANNELL C. MACAULAY, 0000
BRIAN S. MACFARLANE, 0000
DOUGLAS C. MACIVOR, 0000
SCOTT C. MACNEIL, 0000
PATRICK O. MADDOX, 0000
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MICHAEL R. MAEDER, 0000
JEFFREY B. MAGEE, 0000
TRENT M. MAGYAR, 0000
JOHN K. MAH, 0000
JAYANT MAHAJAN, 0000
DANNY P. MAHEUX, 0000
RYAN J. MAHONEY, 0000
THOMAS J. MAHONEY, 0000
SARAH A. MAILE, 0000
BRYAN G. MAJOR, 0000
RICHARD MAJOR, 0000
DANNY K. MAKALENA, 0000
ERIC F. MAKOVSKY, 0000
BETH L. MAKROS, 0000
ROBERT H. MAKROS, 0000
ROBERT M. MAMMENGA, 0000
MICHAEL L. MAMULA III, 0000
EDZEL D. MANGAHAS, 0000
GEOFFREY C. MANN, 0000
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KEVIN R. MANTOVANI, 0000
FREDERICK W. MANUEL, 0000
KRISTA G. MARCHAND, 0000
CHAD E. MARCHESSEAULT, 0000
DARA O. MARCY, 0000
EDWIN J. MARKIE, JR., 0000
SCOTT L. MARKLE, 0000
JOSEPH M. MARKUSFELD, 0000
TODD C. MARKWART, 0000
JAMES F. MARLOW, 0000
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PAUL L. MARTIN III, 0000
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ELI J. MARTINEZ, 0000
CALEB M. MARTINY, 0000
KEVIN T. MASKELL, 0000
STEPHANIE C. MASONI, 0000
MARK A. MASSARO, 0000
RICHARD P. MASTALERZ II, 0000
ERNEST J. MATA, 0000
PATRICK J. MATAK, 0000
ROBERT A. MATLOCK, 0000
TIMOTHY R. MATLOCK, 0000
MATTHEW W. MATOCHA, 0000
JEFFREY S. MATRE, 0000
SCOTT M. MATSON, 0000
KEVIN B. MATTERN, 0000
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JOHN C. MATUSZAK, 0000
ANDREA R. MAUGERI, 0000
RYAN A. MAXON, 0000
BRANDIE M. MAXWELL, 0000
JAMES A. MAXWELL, 0000
CHERYL L. MAY, 0000
BRIAN P. MAYER, 0000
JAMAAL E. MAYS, 0000
DANIEL C. MCCANN, 0000
ROBERT F. MCCARTHY, 0000
BRYAN P. MCCARTY, 0000
CRAIG A. G. MCCASKILL, 0000
ROBERT C. MCCASLIN, 0000
DYAN E. MCCLAMMA, 0000
JOHN C. MCCLUNG, 0000
KEITH E. MCCORMACK, 0000
PATRICK J. MCCOY, 0000
CAROL L. MCCRADY, 0000
DANIEL C. MCCRARY, 0000
CATHERINE MCDANIEL, 0000
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MICHAEL W. MCDERMOTT, 0000
BOBBY R. MCDONALD, 0000
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TAMMY L. MCELHANEY, 0000
ANDREA S. P. MCELVAINE, 0000
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JOEL R. MCGEE, 0000
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TROY E. MCGILL, 0000
SAMUEL J. MCGLYNN, 0000
JONATHAN W. MCGOWEN, 0000
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JAMES A. MCGREGOR, 0000
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GARTH P. MCMURRAY, 0000
DENNIS J. MCNABB, 0000
TODD E. MCNEAL, 0000
JOHN M. MCQUADE, 0000
WILLIAM E. MCTERNAN, 0000
NATHAN A. MEAD, 0000
ROBERT G. MEADOWS II, 0000
TASHA R. MEADOWS, 0000
GREGORY J. MECCA, 0000
THEODORE R. MEEK, 0000
JAMES K. MEIER, 0000
PERRY R. MEIXSEL, 0000

JESS A. MELIN, 0000
JASON B. MELLO, 0000
RUTH M. MELOENY, 0000
RYAN J. MELVILLE, 0000
CHAD M. MEMMEL, 0000
BENJAMIN D. MENGES, 0000
DEREK S. MENTZER, 0000
KENNETH M. MERCIER, 0000
BRIAN J. W. MEREDITH, 0000
JASON G. MERGENOV, 0000
GLENN A. MERKLE, 0000
ANGELA C. MERRY, 0000
CYNTHIA M. MESENBRINK, 0000
LEWIS I. MESSICK, 0000
MICHAEL W. MEYER, 0000
RICHARD A. MEZIERE, 0000
ROMAN T. MIAZGA, 0000
SHAYNA H. MICHAEL, 0000
MATTHEW J. MICHAUD, 0000
BRYAN E. MIDDLEKAUFF, 0000
CHARLES J. MIDDLETON, 0000
JACOB MIDDLETON, JR., 0000
JASON P. MIER, 0000
ALYSON M. MILLER, 0000
BRIAN E. MILLER, 0000
BRIGHTEN R. MILLER, 0000
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SETH A. MILLER, 0000
JEREMY S. MILLIMAN, 0000
RICHARD E. MILLS, JR., 0000
TED J. MILLS, 0000
RICHARD K. MILTON, 0000
CHAD M. MINER, 0000
JOHN M. MIRTICH, 0000
MONA E. MIRTICH, 0000
JERRY D. MISH, 0000
COLLEEN P. MITCHELL, 0000
JASON M. MITCHELL, 0000
JOY M. MITCHELL, 0000
NATHAN B. MITCHELL, 0000
ROLAND L. MITCHELL, 0000
WILLIAM M. MITCHELL, 0000
DEMETRIUS S. MIZELL, 0000
JASON P. MOBLEY, 0000
CRAIG A. MOCKLER, 0000
CHRISTOPHER A. MOELLER, 0000
FELICIA M. MOHR, 0000
JEFFREY W. MOHR, 0000
JOSEPH M. MONASTRA, 0000
JOSEPH F. MONDELLO, JR., 0000
MICHAEL F. MONFALCONE, 0000
ANTHONY M. MONNAT, 0000
ANTHONY T. MONTELEPRE, 0000
CECILIA I. MONTES DE OCA, 0000
ANN M. K. MONTGOMERY, 0000
JONATHON A. MONTGOMERY, 0000
STEPHEN L. MONTOYA, 0000
BRADLEY R. MOORE, 0000
CHRISTOPHER I. MOORE, 0000
GARY W. MOORE, 0000
TYTONIA S. MOORE, 0000
KARNA P. MORE, 0000
MARC E. MORELAND, 0000
FELIX J. MORET III, 0000
DARRIN D. MORGAN, 0000
LOUIS E. MORGAN, 0000
MICHAEL H. MORGAN, 0000
THOMAS A. MORGAN, 0000
JAMES P. M. P. MORIMOTO, 0000
ANTHONY K. MORRIS, 0000
BRENT J. MORRIS, 0000
SIRENA I. MORRIS, 0000
JASON M. MORRISON, 0000
MATTHEW K. MORRISON, 0000
PHILIP G. MORRISON, 0000
RICHARD S. MORRISON, 0000
TOBY A. MORROW, 0000
TYLER W. MORTON, 0000
ROBERT J. MOSCHELLA, 0000
GREGORY M. MOSELEY, 0000
WAYNE MOSELY, JR., 0000
AARON W. MOSES, 0000
MICHAEL A. MOSLEY, 0000
TARRANCE B. MOSLEY, 0000
MARIA V. MOSS, 0000
TIMOTHY T. MOTLEY, 0000
WENDIE L. MOUNT, 0000
MATTHEW R. MOYE, 0000
BRIAN M. MOYER, 0000
MATTHEW G. MOYNIHAN, 0000
RYAN D. MUELLER, 0000
REBECCA L. MUGGLI, 0000
HALIMA A. MUHAMMADWHITEHEAD, 0000
GEORGE K. MULLANI, 0000
KURT E. MULLER, 0000
DAVID M. MURPHY, 0000
JENNIFER L. MURPHY, 0000
JILL M. MURPHY, 0000
JAMES J. MURRAY, 0000
JAMES J. MUSTIN, 0000
ETHAN A. MYERS, 0000
THOMAS S. MYERS, 0000
MELISSA S. NADEAU, 0000
DAVID C. NANCE, 0000
STEVEN L. NAPIER, 0000
DEBORAH F. NASH, 0000
MARK A. NAVO, 0000
EVALINE M. NAZARIO, 0000
LISA S. NEENER, 0000
ALESANDRA L. NEIMAN, 0000
CHRISTOPHER M. NEIMAN, 0000
JARED C. NELSON, 0000
KATHRYN M. NELSON, 0000
LEE A. NELSON, 0000
NELS C. NELSON, 0000
STEVEN A. NELSON, 0000
WILLIAM W. NELSON, 0000
KRISTEN A. NEMISH, 0000
JONATHAN D. NESS, 0000
BRENT M. NESTOR, 0000
GEOFFREY O. NETTLES, 0000
DAVID T. NEUMAN, 0000
MATTHEW C. NEWMAN, 0000
JOHN M. NEWTON, 0000
VIET T. NGUYEN, 0000
CHAD R. NICHOLS, 0000
SHARON A. NICKELBERRY, 0000
ELIZABETH J. NIEBOER, 0000
RICARDO M. NIEVES, 0000
NICHOLAS A. NOBRIGA, 0000
DOUGLAS A. NOCERA, 0000
GEORGE E. NOEL, 0000
DUANE E. NORDEEN, JR., 0000
RYAN J. NORMAN, 0000
DARIL L. NORRIS, 0000
TRAVIS L. NORTON, 0000
KNEILAN K. NOVAK, 0000
RYAN J. NOVOTNY, 0000
SHANE C. NOYES, 0000
RYAN D. NUDI, 0000
JOHN T. NUGENT, JR., 0000
ERIC A. NYMAN, 0000
BENJAMIN C. OAKES, 0000
JEFFREY L. OBLON, 0000
WILLIAM H. OBRIEN IV, 0000
DANIEL J. OCONNELL, 0000
KIRK N. OCONNOR, 0000
CRAIG R. ODELL, 0000
RYAN G. OESTMANN, 0000
GALEN K. OJALA, 0000
JOHN F. OKANE, 0000
SHAN P. OKEEFFE, 0000
BRIAN J. OLDENBURG, 0000
LAURA M. OLMSTED, 0000
CARL J. OLSEN, 0000
CHRISTOPHER M. OLSEN, 0000
DEE J. OLSEN, 0000
SUSAN R. OLSEN, 0000
TAMMY S. OLSEN, 0000
ANDREW P. OLSON, 0000
JEREMY E. OLSON, 0000
STEPHEN E. OLSON, 0000
MICHAEL C. OLVERA, 0000
CAROL L. ONEIL, 0000
KATHLEEN C. ONEILL, 0000
SHAWN K. ORBAN, 0000
MARK A. OREK, 0000
GIOVANNI E. ORTIZ II, 0000
KEVIN J. OSBORNE, 0000
BRIAN E. OSHEA, 0000
DAVID J. OSTERMAN, 0000
CHRISTOPHER M. OSTRANDER, 0000
VICTOR P. OSWEILER, 0000
CHRISTOPHER S. OTIS, 0000
COREY J. OTIS, 0000
JOSHUA L. OWENS, 0000
KEVIN L. OWENS, 0000
MARY A. OWENS, 0000
KYLE F. OYAMA, 0000
STEVEN E. PACKARD, 0000
KRISTOFER F. PADILLA, 0000
DANIEL P. PAGANO, 0000
SHADICA L. PAGE, 0000
SCOTT D. PALEN, 0000
ADAM A. PALMER, 0000
ALICIA M. PALMER, 0000
MATTHEW B. PALMER, 0000
SAMUEL S. PALMER, 0000
GUSTUF S. PALMQUIST, 0000
MARTIN J. PANTAZE, 0000
THEODORIC D. PANTON, 0000
SEAN W. PAPWORTH, 0000
CHARLES S. PARENT, 0000
ANDREW D. PARKE, 0000
ANDREW B. PARKER, 0000
CARIE A. PARKER, 0000
LINDA K. PARKER, 0000
CHARLES M. PARKS, 0000
JEFFREY C. PARR, 0000
KEVIN V. PARRISH, 0000
SCOTT M. PARTIN, 0000
DAVID J. PASTIKA, 0000
JOHN D. PATRICK, 0000
JASON P. PAX, 0000
BRIAN J. PEARSON, 0000
MAX E. PEARSON, 0000
PAUL M. PECONGA, 0000
MICHAEL J. PEELER, 0000
AMY M. PEKALA, 0000
JOSEPH A. PELOQUIN, 0000
JIAN S. PENA, 0000
KEVIN A. PENDLETON, 0000
SCOTTY A. PENDLEY, 0000
JANELLE A. PERCY, 0000
MARIO PEREZ, 0000
RICARDO J. PEREZCANTU, 0000
ANDREW C. PERRY, 0000
JEFFREY A. PESKE, 0000
BETH A. PETERS, 0000
CHRISTOPHER W. PETERS, 0000
GAYLE E. PETERS, 0000
ERIN D. PETERSON, 0000
JESSE L. PETERSON, 0000
JOSHUA D. PETERSON, 0000
MARGARET R. PETERSON, 0000
SCOTT C. PETTS, 0000
JENNIFER L. PETYKOWSKI, 0000
MALCOLM N. PHARR, 0000
JENNIFER A. PHELPS, 0000
MATTHEW E. PHELPS, 0000
AARON S. PHILLIPS, 0000
AMY B. PHILLIPS, 0000
JAMES D. PHILLIPS, 0000
JULIA A. PHILLIPS, 0000
KENNAN E. PICHIRILO, 0000
VICTOR R. PICKETT, 0000
AARON M. PIERCE, 0000
NATHAN R. PIERPOINT, 0000
DEVIN K. PIETRZAK, 0000
CORY J. PIKE, 0000
WILLIAM C. PIKE, 0000
JOHN C. PINNIX, 0000
CANDICE L. PIPES, 0000
STEPHEN C. PIPES, 0000
THERESA A. PISANO, 0000
JAMES C. PITTMAN, 0000
JEFFREY W. PIXLEY, 0000
SCOTT W. PLAKYDA, 0000
GREGORY S. PLEINIS, 0000
THOMAS J. PODWIKA, 0000
DAVID A. POKRIFCHAK, 0000
RICHARD K. POLHEMUS, 0000
DANIEL E. POLSGROVE, 0000
KELLY L. POLSGROVE, 0000
DOYLE A. POMPA, 0000
MICHAEL E. PONTIFF, 0000
APRIL A. E. PONTZ, 0000
TODD A. POPE, 0000
JAMES H. POPPHAN, 0000
CHRISTOPHER M. PORTELE, 0000
JACOB D. PORTER, 0000
MAYNARD J. PORTER III, 0000
ROBERT J. POULIN, 0000
CALVIN B. POWELL, 0000
ERVIN T. POWERS, 0000
GARRIN W. POWERS, 0000
CONRAD A. PREEDOM, 0000
BRADLEY B. PRESTON, 0000
JOHN M. PRESTON, 0000
THOMAS J. PRESTON, 0000
RODNEY E. PRETLOW, 0000
DEREK D. PRICE, 0000
JOHN G. PRICE, 0000
JOSEPH C. PRICE, 0000
JASON M. PRIDDLE, 0000
WILLIAM D. PRINGLE, 0000
ROBB J. PRITCHARD, 0000
MICHAEL D. PRITCHETT, 0000
MICHAEL C. A. PULLIN, 0000
KYLE J. PUMROY, 0000
ANDREW M. PURATH, 0000
KIMBERLY L. PURDON, 0000
LICHEN L. PURSLEY, 0000
RYAN J. QUAALE, 0000
JAMES W. QUASHNOCK, 0000
KEVIN R. QUATTLEBAUM, 0000
ERIN A. QUIJANO, 0000
KALLECE A. QUINN, 0000
ERICA K. RABE, 0000
NATHAN R. RABE, 0000
RYAN C. RABER, 0000
STEVEN R. RADTKE, 0000
NEIL J. RADULSKI, 0000
CHRISTOPHER R. RAINES, 0000
DAPHNE P. RAKESTRAW, 0000
ALFREDO E. RAMIREZ, 0000
AMY M. RAMMEL, 0000
DEAN D. RAMSETT, 0000
TY A. RANDALL, 0000
MICHAEL L. RANERE, 0000
RYAN L. RANSOM, 0000
DONALD E. RATCLIFF, 0000
KURT J. RATHGEB, 0000
CASEY K. RATLIFF, 0000
LISA D. RAUK, 0000
ALFRED D. RAY, 0000
BRANDEN L. RAY, 0000
CHRISTOPHER T. RAYMOND, 0000
ROBERT T. RAYMOND, 0000
DAVID C. REA, 0000
JOHNNY L. REA, 0000
JAMES D. REAVES, 0000
ROY P. RECKER, 0000
COLIN S. REECE, 0000
AARON J. REED, 0000
DALLAN I. REESE, 0000
JARMICA D. REESE, 0000
JOHN V. REEVES, 0000
JERIME L. REID, 0000
ROBERT L. REINHARD, 0000
RYAN B. REINHARDT, 0000
JASON S. REISS, 0000
JASON P. RENTER, 0000
AVIS M. RESCH, 0000
BENJAMIN D. RETZINGER, 0000
KEVIN A. REYNOLDS, 0000
MATTHEW H. REYNOLDS, 0000
RAY A. REYNOSA, 0000
BRIAN S. RHODES, 0000
JAMIE M. RHONE, 0000
FRANKLIN E. RICH, 0000
ANDREW X. RICHARDSON, 0000
TIMOTHY L. RICHARDSON, 0000
TRACEY M. RICHARDSON, 0000
OLIVER I. RICK, 0000
TODD D. RIDDLE, 0000
CHRISTOPHER A. RIDLON, 0000
JOSH C. RIEDER, 0000
GREGORY A. RIFFEL, 0000
DOUGLAS A. RIGGS, 0000
JASON S. RING, 0000
THOMAS J. RINGLEIN, 0000

NYREE D. RINKEVICH, 0000
MEGHAN M. RIPPLE, 0000
JOEL S. RIVARD, 0000
LESLIE W. ROACH, 0000
BRIAN M. ROBERTS, 0000
JEREMY S. ROBERTS, 0000
KEITH D. ROBERTS, 0000
LEEANN N. ROBERTS, 0000
MARIA C. ROBERTS, 0000
PAUL I. ROBERTS, 0000
RAIMONE A. ROBERTS, 0000
RONALD W. ROBERTS, JR., 0000
WILLIAM F. H. ROBERTS, 0000
JAMES B. ROBERTSON, 0000
KELLY A. ROBERTSON, 0000
JOHN S. ROBIN, 0000
BRETT B. ROBINSON, 0000
GREGORY A. ROBY, 0000
MATTHEW J. ROCHON, 0000
JEFFREY W. ROCK, 0000
REGINA D. ROCKEL, 0000
ANDREW L. RODDAN, 0000
WILLIAM K. RODMAN, 0000
RODOLFO I. RODRIGUEZ, 0000
AUGUST G. ROESENER, 0000
ANDREW M. ROGERS, 0000
DAVID A. ROGERS, 0000
JOSHUA D. ROGERS, 0000
LEA P. ROGERS, 0000
RICHARD W. ROGERS, 0000
H. WARREN ROHLFS, 0000
CHARLES B. ROHRIG, 0000
ERIC E. ROLLMAN, 0000
ANDREW C. ROLPH, 0000
JEFF P. ROPER, 0000
LANCE ROSAMIRANDA, 0000
CHRISTOPHER M. ROSATI, 0000
BRIAN D. ROSCISZEWSKI, 0000
ANDREW W. ROSE, 0000
MICHAEL A. ROSE, 0000
STEVEN M. ROSE, 0000
DAVID J. ROSS, 0000
DORENE B. J. ROSS, 0000
STACIE H. ROSS, 0000
BRANDON T. ROTH, 0000
GARY P. ROUSSEAU, JR., 0000
MICHAEL S. ROWE, 0000
TRAVIS M. ROWLEY, 0000
KEVIN R. ROY, 0000
JOHN P. ROZSNYAI, 0000
CHRISTOPHER T. RUBIANO, 0000
STUART M. RUBIO, 0000
CHRISTOPHER V. RUDD, 0000
WILLIE M. RUDD, JR., 0000
VICTOR F. RUIZ, JR., 0000
EMILIO RUIZSORIANO, 0000
LOUIS J. RUSCETTA, 0000
JASON R. RUSCO, 0000
RAFAL RUSEK, 0000
NATHAN L. RUSIN, 0000
BARRY T. RUSSELL, 0000
JENNIFER M. RUSSELL, 0000
JIMMY D. RUSSELL, 0000
BENJAMIN D. RUSSO, 0000
NILES K. RUTHVEN, 0000
DEREK M. RUTLEDGE, 0000
ERIN T. RYAN, 0000
MITCHELL D. RYAN, 0000
MARK H. SADLER, 0000
ROBERT J. SADLER, 0000
CLINTON R. SAFFO, 0000
GABRIEL G. SALAZAR, 0000
MILTON T. SALDIVAR, 0000
DEREK M. SALMI, 0000
ANTHONY J. SALVATORE, 0000
TOSHIO B. SAMESHIMA, 0000
MICHAEL A. SAMUEL, 0000
DANIEL A. SANABRIA, 0000
DONALD J. SANDBERG, 0000
WYNN S. SANDERS, 0000
JOHN B. SANDIFER, 0000
JAY T. SANDUSKY, 0000
ANGEL A. SANTIAGO, 0000
MATTHEW R. SANTORSOLA, 0000
DAVID E. SARABIA, 0000
DAVID P. SASSER, 0000
ELIOT A. SASSON, 0000
RYAN W. SATTERTHWAITE, 0000
JEREMY C. SAUNDERS, 0000
JOHN E. SAUNDERS, 0000
RYAN T. SAVAGEAU, 0000
TRENA M. SAVAGEAU, 0000
TANYA M. SCALIONE, 0000
MARK E. SCEPANSKY, 0000
ROBIN E. SCHAEFFER, 0000
JARED W. SCHAFER, 0000
TYLER R. SCHAFF, 0000
AARON M. SCHEER, 0000
MARK A. SCHEER, 0000
MATTHEW T. SCHELLING, 0000
RYAN J. SCHENK, 0000
ROBERT A. SCHLESIGER, 0000
DAMIAN SCHLUSSEL, 0000
KARL F. SCHLUTER, 0000
RANDALL L. SCHMEDTHORST, 0000
JASON A. SCHMIDT, 0000
JASON D. SCHMIDT, 0000
R. ERIC SCHMIDT, 0000
WILLIAM T. SCHMIDT, 0000
SCOTT A. SCHMUNK, 0000
CHRISTOPHER T. SCHNEIDER, 0000
GREGORY P. SCHNURRENBERGER, 0000
RONALD D. SCHOCHENMAIER, 0000
JOSEPH F. SCHOLES III, 0000
JOSEPH R. SCHOLTZ, 0000
ERIC P. SCHOMBURG, 0000
TODD E. SCHOPMEYER, 0000
JASON N. SCHRAMM, 0000
ROBERT J. SCHREINER, 0000
BRADFORD D. SCHRUMPF, 0000
STEVEN A. SCHULA, 0000
ERIC N. SCHULZE, 0000
BRETT C. SCHUMER, 0000
CHRISTOPHER J. SCHUMPP, 0000
MICHAEL J. SCHWAN, 0000
CHRISTINE M. SCOLARO, 0000
FRANCIS J. SCOLARO, 0000
BRIAN D. SCOTT, 0000
MICHAEL C. SCOTT, 0000
RICHARD J. SCOTT, 0000
SHAWN H. SCOTT, 0000
THOMAS A. SCOTT, 0000
JEREMY C. SEALS, 0000
TIA A. SEALS, 0000
THOMAS E. SEGARS, JR., 0000
EDWARD W. SEIBERT, 0000
ROBERT A. SEITZ, 0000
BENA E. SELLERS, 0000
HEATHER M. SELLS, 0000
STEPHEN C. SERNIAK, 0000
GREGORY A. SEVENING, 0000
A. RODELL SEVERSON IV, 0000
DAVID M. SHACHTER, 0000
ANTHONY T. SHAFER, JR., 0000
THOMAS A. SHANE, 0000
BRIAN P. SHAWARYN, 0000
DANIEL P. SHEA, 0000
PHILLIP A. SHEA, 0000
STEVEN K. SHEARIN, 0000
ANDREW J. SHEEHAN, 0000
ROBERT W. SHEEHAN, 0000
MELANIE L. SHEPPERD, 0000
NATHAN P. SHERMAN, 0000
RYAN J. SHERMAN, 0000
WALTER D. SHERROD, 0000
STEVEN SHEUMAKER, 0000
FRANKLIN C. SHIFFLETT, 0000
RONALD S. SHIVERS, 0000
DESTIN J. SHOEMAKER, 0000
TRAVIS W. SHOEMAKER, 0000
RALPH R. SHOUKRY, 0000
JOSHUA A. SHOWN, 0000
MICHAEL J. SHREVES, 0000
TODD H. SHUGART, 0000
KATHERINE M. SIEFKIN, 0000
DONALD C. SIEGMUND, 0000
SCOTT M. SIETING, 0000
JOHN E. SILL, 0000
COREY A. SIMMONS, 0000
GHIA P. SIMMONS, 0000
TRAVOLIS A. SIMMONS, 0000
BRIAN M. SIMONIS, 0000
BRENDA S. SIMPSON, 0000
JEROME M. SIMS, 0000
JOHN W. SIMS, JR., 0000
PATRICK A. SIMS, 0000
RODNEY S. SISTARE, 0000
RICHARD SJOGREN, 0000
BRYAN E. SKARDA, 0000
ROBERT E. SKUYA, 0000
REGINALD L. SLADE, 0000
ELTON S. SLEDGE, 0000
BENJAMIN L. SLINKARD, 0000
JOEL A. SLOAN, 0000
RONALD J. SLOMA, 0000
PATRICK R. SMALL, 0000
BEN P. SMALLWOOD, 0000
MARK A. SMEDRA, 0000
DOMENIC SMERAGLIA, 0000
THOMAS A. SMICKLAS, 0000
ADAM R. SMITH, 0000
ALESANDRO V. SMITH, 0000
BERNARD C. SMITH, 0000
BRIAN J. SMITH, 0000
CRAIG A. SMITH, 0000
DANNY C. SMITH, 0000
DARYL E. SMITH, 0000
JASON B. SMITH, 0000
JEFFREY D. SMITH, 0000
JIMMY W. SMITH, 0000
JOSHUA A. SMITH, 0000
KEVIN J. SMITH, 0000
MARIE E. SMITH, 0000
MARK A. SMITH, 0000
NAOMI D. SMITH, 0000
NATHANIEL J. SMITH, 0000
PHILIP D. SMITH, 0000
RODRIC S. SMITH, 0000
SCOTT G. SMITH, 0000
SHANE R. SMITH, 0000
STEVE A. SMITH, 0000
TODD G. SMITH, 0000
VAN S. SMITH, 0000
WILLIAM H. SMITH, 0000
ZACHARY L. SMITH, 0000
ROBERT J. SMOLICH, 0000
TROY A. SNETSINGER, 0000
JOSHUA E. SNOW, 0000
JASON E. SNYDER, 0000
D. MICHAEL SOBERS, JR., 0000
JENNIFER L. SOLES, 0000
MICHAEL G. SOMMERS, 0000
BRITT E. SONNICHSEN, 0000
JAIME SONORA, 0000
AUSTIN L. SORENSEN, 0000
MICHAEL A. SPADA, 0000
BRETT R. SPANGLER, 0000
CLINT H. SPARKMAN, 0000
BRIAN A. SPARKS, 0000
JOSHUA J. SPEAR, 0000
JUSTIN B. SPEARS, 0000
CHRISTOPHER J. SPECHT, 0000
GUY T. SPENCER, 0000
CARLY R. SPERANZA, 0000
SHAUN S. SPERANZA, 0000
WENDY L. SPILLAR, 0000
JOSEPH T. SPOSITO, 0000
TODD C. SPRISTER, 0000
RICHARD T. SQUIRE, 0000
CHRISTOPHER T. STACK, 0000
SCOTT A. STADELMAN, 0000
KRISTA N. STAFF, 0000
ERIN M. STAINEPYNE, 0000
JOHN C. STALLWORTH, 0000
TAIT W. STAMP, 0000
BYRON D. STANCLIFF, 0000
KIPLING D. STANTON, 0000
BETH A. STARGARDT, 0000
ERIC H. STAUB, 0000
THOMAS A. STAYER, 0000
BRADLEY J. STEBBINS, 0000
KRISTIN M. STEINKE, 0000
JENNIE M. STELDT, 0000
EDWARD J. STENGEL II, 0000
NIKOLAS W. STENGLE, 0000
JON A. STERLING, 0000
CHADWICK J. STERR, 0000
BRADLEY R. STEVENS, 0000
PHILIP R. STEVENS, 0000
DANIEL S. STEVENSON, 0000
JAMES W. STEWART, 0000
JEREMY S. STEWART, 0000
JUDSON M. STIGLICH, 0000
DAVID W. STINE, 0000
ANDREW P. STOHLMANN, 0000
MELISSA A. STONE, 0000
BRIAN E. STORCK, 0000
STEVEN K. STORMS, 0000
CHARLES N. STPIERRE III, 0000
STANLEY D. STRAIGHT, 0000
DANY M. STRAKOS, 0000
TODD L. STRAWSER, 0000
CANDICE L. STREFF, 0000
JEREMY P. STRINGER, 0000
DANIEL L. STROMBERG, 0000
CHRISTOPHER W. STRONG, 0000
AARON C. STUCK, 0000
RYAN P. STUGART, 0000
CLIFFORD V. SULHAM, 0000
VINCENT T. SULLIVAN III, 0000
CHAD L. SUMMITT, 0000
BRIAN A. SURDYK, 0000
WENDY A. SWART, 0000
ANDREW J. SWARTZER, 0000
THEODORE I. SWEENEY, 0000
WESLEY W. SWEITZER, 0000
JAMIL D. SYED, 0000
STEVEN D. SYLVESTER, 0000
CHRISTINA G. SZASZ, 0000
ANDRAS J. SZUCS, 0000
ERYNN M. TAIT, 0000
DAVID A. TALAFUSE, 0000
AARON K. TALLMAN, 0000
PAUL T. TAMASHIRO, 0000
RICHARD C. TANNER, 0000
NATHAN W. TARKOWSKI, 0000
CARMILLA E. TATEL, 0000
MERWIN A. TATEL, 0000
BRIAN R. TAVERNIER, 0000
CHAD D. TAYLOR, 0000
DAVID G. TAYLOR, 0000
DAVID M. TAYLOR, 0000
DEREK P. TAYLOR, 0000
JASON G. TAYLOR, 0000
MATTHEW G. TAYLOR, 0000
MATTHEW P. TAYLOR, 0000
MELANIE C. TAYLOR, 0000
MICHELLE M. TETZLAFF, 0000
VAN T. THAI, 0000
DEREK D. THARALDSON, 0000
JARIN R. THAYN, 0000
PAUL A. THERIOT, 0000
JOHN G. THIEN, 0000
DANIEL S. THOMAS, 0000
JOSEPH K. THOMAS IV, 0000
KEVIN S. D. THOMAS, 0000
DOMENIC F. THOMPSON, 0000
JONATHAN E. THOMPSON, 0000
ROBERT T. THOMPSON, 0000
JASON D. THORNBURG, 0000
ERIN R. THORNTON, 0000
DARREN P. THURM, 0000
GRADY A. TIBBOEL, 0000
BRIAN E. TIDBALL, 0000
JERADE W. TIPTON, 0000
JENNIFER A. TITTEL, 0000
NATHAN R. TITUS, 0000
CATHERINE M. TODD, 0000
STEVEN E. TOFTE, 0000
DEVIN G. TOMASESKI, 0000
JUSTIN S. TOMLINSON, 0000
MICHAEL A. TOMM, 0000
EVERARDO TORRES, JR., 0000
JUAN A. TORRES, 0000
JOHN G. TOTTY, 0000
TRAVIS B. TOUGAW, 0000
TIMOTHY M. TOUZEAU, 0000
BRIAN B. TOWELL, 0000
PHUC Q. TRAN, 0000
AARON S. TREHERNE, 0000
MICHAEL W. TRENT, 0000
ERIC D. TRIAS, 0000
WILLIAM L. TRIPLETT, 0000
ERIC T. TROCINSKI, 0000
LAYNE D. TROSPER, 0000
ROBERT Q. TROY, 0000
SASKIA TRUJILLO, 0000
GARRETT A. TRUSKETT, 0000
JONATHAN E. TUCKER, 0000
SAMUEL A. TUCKER, 0000
ADAM C. TUFTS, 0000

RAYMUNDO O. TULIER, 0000
JUSTIN W. TULL, 0000
SEAN F. TUNALEY, 0000
BRADLEY E. TURNER, 0000
MICHELLE L. TURQUETTE, 0000
CHAD P. TUTTLE, 0000
MAJKEN B. TUTTY, 0000
JUSTIN H. TYREE, 0000
CHRISTOPHER J. ULISH, 0000
OLIVER S. ULMER, 0000
GREGORY S. ULRICH, 0000
WILLIAM L. URBAN II, 0000
ATILIO M. USSEGLIO, 0000
PROSPERO A. UYBARRETA, 0000
BRADY J. VAIRA, 0000
ROD L. VALENTINE, 0000
ELISA VALENZUELA, 0000
SHANNON L. VAN VLECK, 0000
MARK D. VANBRUNT, 0000
DOUGLAS W. VANCE, 0000
JAMES C. VANCE, 0000
DAVID D. VANDERBURG, 0000
RYAN E. VANDERVEEN, 0000
CONNIE M. VANHOESEN, 0000
JOSEPH M. VANONI, 0000
VIANESA R. K. VARGAS, 0000
JOHN D. VARILEK, 0000
RICHARD G. VASQUEZ, 0000
JASON F. VATTIONI, 0000
WILLIAM B. VAUGHN, 0000
JUAN VAZQUEZ, 0000
JUANLUIS VELEZ, 0000
MICHAEL L. VENUS, 0000
DAMIAN J. VERELLEN, 0000
SHANE S. VESELY, 0000
STEVEN F. VICSOTKA, 0000
REGINALD C. VICTORIA, 0000
CASEY J. VILE, 0000
WARREN E. VINES, 0000
JOHN R. VIPPERMAN, 0000
JOHN F. VITO, 0000
WILLIAM J. VIVONI, 0000
ALEX M. VLAKANCIC, 0000
BRIAN D. VLAUN, 0000
SARAH A. VOIGT, 0000
BRIAN A. VOLANTE, 0000
WENDY J. VOLKLAND, 0000
TIMOTHY D. VORUZ, 0000
LANCE M. WADDY, 0000
WILLIAM O. WADE, 0000
KURT E. WAGNER, 0000
JOHN C. WAHRMUND, 0000
ERWIN T. WAIBEL, 0000
CASEY W. WAITE, 0000
STEVEN J. WALDEN, 0000
CHRISTOPHER V. WALKER, 0000
DANIEL M. WALKER, 0000
MARC A. WALKER, 0000
MICHAEL J. WALKER, 0000
S. DAVID WALKER, 0000
SHANE F. WALLACE, 0000
JEREMY L. WALLER, 0000
GEORGE T. WALLING, 0000
JOHN D. WALSH, 0000
MIA L. WALSH, 0000
MARK J. WALSKE, 0000
DANIEL T. WALTER, 0000
ZACHARY S. WARAKOMSKI, 0000
CASEY J. WARD, 0000
THOMAS W. WARD, 0000
MATTHEW R. WARNER, 0000
BRITT A. WARREN, 0000
CAMERON L. WARREN, 0000
JOSHUA L. WARREN, 0000
JUSTIN C. WASHINGTON, 0000
KEITHEN A. WASHINGTON, 0000
FRANK W. WATERS, 0000
JASON M. WATSON, 0000
LARRY S. WATSON, 0000
STEVEN L. WATTS II, 0000
RAYMOND S. WAY, 0000
DANIEL B. WEBB, 0000
LONNY W. WEBB, 0000
ERIC S. WEBER, 0000
JAMES M. WECHT, 0000
DAVID L. WEIDE, 0000
RYAN P. WEISIGER, 0000
JEREMY B. WELLMON, 0000
BRETT J. WELLS, 0000
PAUL J. WELLS, 0000
JOSEPH H. WENCKUS, 0000
BENJAMIN J. WENDIKE, 0000
REGINALD D. WESLEY, 0000
SHEILA N. WESLEY, 0000
ANDREW R. WEST, 0000
JAMES L. WEST, 0000
ERIC L. WESTBY, 0000
JASON C. WETZEL, 0000
SUSAN A. WHALEN, 0000
JACK G. WHEELDON III, 0000
RYAN S. WHEELER, 0000
DAVID J. WHEELOCK, 0000
BRADLEY D. WHITE, 0000
BRENDA A. WHITE, 0000
DONNY L. WHITE, 0000
JUSTIN O. WHITE, 0000
MEGAN A. WHITE, 0000
NATHANAEL T. WHITE, 0000
PETER J. WHITE, 0000
BERNABE F. WHITFIELD, 0000
LARRY W. WHITMORE, 0000
JASON A. WHITTLE, 0000
BRYAN C. WIELAND, 0000
JULIE A. WIEMER, 0000
RYAN M. WIERZBANOWSKI, 0000
BENJAMIN D. WILD, 0000
DENNIS C. WILDE, 0000
DAVID D. WILEY, 0000
MONTE A. WILEY, 0000
SAMUEL R. WILHELM, 0000
ALEXANDER L. WILKERSON, 0000
BEAU S. WILKINS, 0000
CHRISTOPHER A. WILKINS, 0000
JOHN P. WILKINS, 0000
DALTON F. WILLIAMS III, 0000
JASON L. WILLIAMS, 0000
KEVIN S. WILLIAMS, 0000
PATRICK C. WILLIAMS, 0000
PHELEMON T. WILLIAMS, 0000
RICHARD A. WILLIAMS, 0000
TREVEN L. WILLIAMS, 0000
STUART A. WILLIAMSON, 0000
CHRISTOPHER H. WILLIS, 0000
MICHAEL A. WILLIS, 0000
TYSON M. WILLIS, 0000
JERIMY L. WILLS, 0000
CLINTON M. WILSON, 0000
CORY R. WILSON, 0000
DAVID L. WILSON II, 0000
JAMES A. WILSON, 0000
KYLE J. WILSON, 0000
MELISSA A. WILSON, 0000
RICHARD J. WILSON, 0000
RYAN J. WILSON, 0000
SAMUEL S. WILSON, 0000
HAROLD L. WILSTEAD, 0000
KENNETH P. WINNINGS, JR., 0000
ERIC A. WINTERBOTTOM, 0000
PHILLIP C. WINTERTON, 0000
GREGORY S. WINTILL, 0000
BERNADETTE D. WISHOM, 0000
OLGIERD P. WOJNAR, 0000
JULIE A. WOKATYKOZMA, 0000
CHESTER E. WOLFE, 0000
THOMAS B. WOLFE, 0000
CHARLES A. WOLFSANDLE, 0000
CRAIG R. S. WONG, 0000
CARL F. WOOD, 0000
DOUGLAS W. WOODARD, 0000
DAVID B. WOODLEY, 0000
WILLIAM E. WOODWARD, 0000
TRAVIS L. WOODWORTH, 0000
JAMES R. WOOSLEY, 0000
EDSEL B. WOOTEN III, 0000
JASON M. WORK, 0000
MATTHEW W. WORLING, 0000
JASON T. WRIGHT, 0000
JENNIFER L. WRIGHT, 0000
JOSEPH C. WRIGHT, 0000
CHIAFEI V. WU, 0000
DANIEL P. WUNDER, 0000
LEE A. WYNNE, 0000
STEPHEN P. WYNNE, 0000
TODD D. YACKLEY, 0000
TONYA D. YARBER, 0000
JENNIFER J. YATES, 0000
SCOTT T. YEATMAN, 0000
MATTHEW R. YEATTER, 0000
SEAN M. YODER, 0000
MICHAEL D. YORK, 0000
MELISSA L. YOUDERIAN, 0000
JAMES E. YOUNG II, 0000
JAMES G. YOUNG, 0000
MATTHEW T. YOUNG, 0000
RYAN J. YOUNGBLOOD, 0000
LONI B. YU, 0000
DANIEL P. YURASEK, 0000
VINCENT C. ZABALA, 0000
DARIA J. ZALEWSKA, 0000
ROBERT C. ZEESE, 0000
MICHAEL D. ZIEMANN, 0000
JOSEPH F. ZINGARO, 0000
JOHN F. ZOHN, JR., 0000
CLINTON R. ZUMBRUNNEN, 0000
MARIO F. ZUNIGA, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS F. KING, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARY P. WHITNEY, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES W. HALIDAY, 0000
BRADLEY D. LOGIE, 0000
STEVEN D. MCCLINTOCK, 0000
DANE ST JOHN, 0000
DIMITRY Y. TSVETOV, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTINE LYNN BARBER, 0000
NANCY LOUISE BORIACK, 0000
ROBIN POND BURNE, 0000
LAUREL A. M. DINERSTEIN, 0000
J. T. FLOYD, 0000
MARY E. HANSEN, 0000
PETER S. JUMPER, 0000
MICHELE C. PINO, 0000
TIMOTHY J. SHEEHAN, 0000
JAMES W. SMITH, 0000
BRIAN M. SPEARS, 0000
ALLAN D. STOWERS, 0000
MICHELE A. WILLIAMS, 0000
CHUNG H. YEN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DONALD S. HUDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY N. SAVILLE, 0000

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEVEN M. DEMATTEO, 0000